

By Senator Bullard

39-01583-16

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1 A bill to be entitled
2 An act relating to deferred presentment transactions;
3 amending s. 560.404, F.S.; revising the maximum
4 interest, fees, or other charges that may be charged,
5 collected, or received directly or indirectly by a
6 deferred presentment provider; prohibiting a person
7 from engaging in any device or subterfuge, including
8 specified acts, to evade certain requirements;
9 specifying that deferred presentment transactions that
10 do not comply with certain requirements are void;
11 specifying that a person who charges, collects, or
12 receives any interest, fees, or other charges relating
13 to such a transaction or in excess of the amount
14 allowed commits certain violations; providing a
15 penalty; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (6) of section 560.404, Florida
20 Statutes, is amended, and subsections (25), (26), and (27) are
21 added to that section, to read:

22 560.404 Requirements for deferred presentment
23 transactions.—

24 (6) A deferred presentment provider or its affiliate may
25 not directly or indirectly charge, collect, or receive interest,
26 fees, or other charges exceeding 30 percent per annum of the
27 currency or payment instrument provided, inclusive of ancillary
28 products or services incident to or included in the deferred
29 presentment transaction ~~that exceed 10 percent of the currency~~
30 ~~or payment instrument provided. However, a verification fee may~~
31 ~~be charged as provided in s. 560.309(8). The 10-percent fee may~~
32 ~~not be applied to the verification fee.~~ A deferred presentment

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33 provider may charge, collect, or receive only the interest,
34 ~~those fees, and other charges~~ specifically authorized in this
35 section.

36 (25) A person may not engage in any device or subterfuge to
37 evade the requirements of this part, including:

38 (a) Offering or arranging a loan or assisting a drawer in
39 obtaining a loan on terms that would be prohibited under this
40 part;

41 (b) Making loans disguised as personal property sales and
42 leaseback transactions or long-term loans; or

43 (c) Disguising loan proceeds as cash rebates under the
44 pretext of an installment sale of goods or services.

45 (26) A deferred presentment transaction that does not
46 comply with the requirements of this chapter is void. A person
47 who directly or indirectly charges, collects, or receives any
48 interest, fees, or other charges relating to such a transaction
49 is in violation of this chapter.

50 (27) A person who directly or indirectly charges, collects,
51 or receives as part of a deferred presentment transaction any
52 interest, fees, or other charges in excess of the amount allowed
53 by this section is in violation of chapter 687 and is subject to
54 the penalties of that chapter.

55 Section 2. This act shall take effect July 1, 2016.