

By Senator Smith

31-00235-16

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1 A bill to be entitled  
2 An act relating to financial transactions; amending s.  
3 670.108, F.S.; revising applicability; providing that  
4 ch. 670, F.S., governs certain funds transfers that  
5 are remittance transfers; providing that the federal  
6 Electronic Fund Transfer Act governs any inconsistency  
7 between a funds transfer made under the federal act  
8 and a funds transfer made under ch. 670, F.S.;

9 amending s. 701.03, F.S.; requiring that an open-end  
10 mortgage be cancelled within a specified timeframe if  
11 the borrower provides written notice of his or her  
12 intent to close the open-end mortgage; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 670.108, Florida Statutes, is amended to  
18 read:

19 670.108 Relationship to Electronic Fund Transfer Act  
20 ~~Exclusion of consumer transactions governed by federal law.-~~

21 (1) Except as provided in subsection (2), this chapter does  
22 not apply to a funds transfer any part of which is governed by  
23 the Electronic Fund Transfer Act of 1978 (Title XX, Pub. L. No.  
24 95-630, 92 Stat. 3728, 15 U.S.C. ss. 1693 et seq.), as amended  
25 from time to time.

26 (2) This chapter applies to a funds transfer that is a  
27 remittance transfer as defined in the Electronic Fund Transfer  
28 Act, 15 U.S.C. s. 1693o-1, as amended from time to time, unless  
29 the remittance transfer is an electronic funds transfer as

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30 defined in the Electronic Fund Transfer Act, 15 U.S.C s. 1693a,  
31 as amended from time to time.

32 (3) If there is an inconsistency between a funds transfer  
33 under this chapter and the Electronic Fund Transfer Act, the  
34 Electronic Fund Transfer Act governs the inconsistency.

35 Section 2. Section 701.03, Florida Statutes, is amended to  
36 read:

37 701.03 Cancellation.—~~When~~ ~~Whenever~~ the amount of money due  
38 on any mortgage is ~~shall be~~ fully paid, the mortgagee or  
39 assignee shall, within 60 days of full payment, thereafter  
40 cancel the mortgage same in the manner provided by law. This  
41 section does not apply to an open-end mortgage unless, after  
42 fully paying the mortgage, the borrower provides written notice  
43 of his or her intent to close the open-end mortgage. If such  
44 notice is given, the mortgagee or assignee shall cancel the  
45 open-ended mortgage within 60 days after receiving the notice.

46 Section 3. This act shall take effect July 1, 2016.