

By the Committees on Rules; Judiciary; and Banking and Insurance; and Senators Smith and Richter

595-02698-16

2016260c3

1 A bill to be entitled

2 An act relating to financial transactions; amending s.
3 501.0117, F.S.; providing that a convenience fee
4 imposed upon a student or family paying certain fees
5 by credit card to a private school is not considered a
6 surcharge; amending s. 516.07, F.S.; revising the
7 grounds for denial of an application for a license to
8 make consumer finance loans; amending s. 560.310,
9 F.S.; revising the documents that must be maintained
10 or submitted by a licensee engaged in check cashing
11 under certain circumstances; amending s. 670.108,
12 F.S.; revising applicability; providing that ch. 670,
13 F.S., governs certain funds transfers that are
14 remittance transfers; providing that the federal
15 Electronic Fund Transfer Act governs any inconsistency
16 between a funds transfer made under the federal act
17 and a funds transfer made under ch. 670, F.S.;
18 amending s. 701.03, F.S.; reducing the time limit for
19 a mortgagee or an assignee to cancel a mortgage,
20 except in cases where the loan is an open-end
21 mortgage; authorizing an open-end mortgage to be
22 canceled within a specified timeframe if the borrower
23 provides written notice of his or her intent to close
24 the open-end mortgage; providing applicability;
25 amending s. 516.07, F.S.; revising the grounds for
26 denial of an application for a license to make
27 consumer finance loans; providing applicability;
28 providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

595-02698-16

2016260c3

32 Section 1. Subsection (1) of section 501.0117, Florida
33 Statutes, is amended to read:

34 501.0117 Credit cards; transactions in which seller or
35 lessor prohibited from imposing surcharge; penalty.—

36 (1) A seller or lessor in a sales or lease transaction may
37 not impose a surcharge on the buyer or lessee for electing to
38 use a credit card in lieu of payment by cash, check, or similar
39 means, if the seller or lessor accepts payment by credit card. A
40 surcharge is any additional amount imposed at the time of a sale
41 or lease transaction by the seller or lessor that increases the
42 charge to the buyer or lessee for the privilege of using a
43 credit card to make payment. Charges imposed pursuant to
44 approved state or federal tariffs are not considered to be a
45 surcharge, and charges made under such tariffs are exempt from
46 this section. A convenience fee imposed upon a student or family
47 paying tuition, fees, or other student account charges by credit
48 card to a William L. Boyd, IV, Florida resident access grant
49 eligible institution, as defined in s. 1009.89, or to a private
50 school, as defined in s. 1002.01, is not considered to be a
51 surcharge and is exempt from this section if the amount of the
52 convenience fee does not exceed the total cost charged by the
53 credit card company to the institution. The term "credit card"
54 includes those cards for which unpaid balances are payable on
55 demand. This section does not apply to the offering of a
56 discount for the purpose of inducing payment by cash, check, or
57 other means not involving the use of a credit card, if the
58 discount is offered to all prospective customers.

59 Section 2. Paragraph (k) of subsection (1) of section
60 516.07, Florida Statutes, is amended to read:

595-02698-16

2016260c3

61 516.07 Grounds for denial of license or for disciplinary
62 action.—

63 (1) The following acts are violations of this chapter and
64 constitute grounds for denial of an application for a license to
65 make consumer finance loans and grounds for any of the
66 disciplinary actions specified in subsection (2):

67 (k) Paying money or anything else of value, directly or
68 indirectly, to any person as compensation, inducement, or reward
69 for referring loan applicants to a licensee, if such amount is
70 charged directly or indirectly to the borrower.

71 Section 3. Paragraph (c) of subsection (2) of section
72 560.310, Florida Statutes, is amended to read:

73 560.310 Records of check cashers and foreign currency
74 exchangers.—

75 (2) If the payment instrument exceeds \$1,000, the following
76 additional information must be maintained or submitted:

77 (c) A thumbprint of the customer taken by the licensee when
78 the payment instrument is presented for negotiation or payment
79 or two additional forms of secondary identification, including
80 an employee identification card, credit or bank cards, a social
81 security card, insurance cards, an identification card issued by
82 an educational institution, a non-U.S. Government identification
83 card, a U.S. birth certificate, a permanent resident card, or
84 another other form of identification as authorized by the
85 commission.

86 Section 4. Section 670.108, Florida Statutes, is amended to
87 read:

88 670.108 Relationship to Electronic Fund Transfer Act
89 ~~Exclusion of consumer transactions governed by federal law.—~~

595-02698-16

2016260c3

90 (1) Except as provided in subsection (2), this chapter does
91 not apply to a funds transfer any part of which is governed by
92 the Electronic Fund Transfer Act of 1978 (Title XX, Pub. L. No.
93 95-630, 92 Stat. 3728, 15 U.S.C. ss. 1693 et seq.), as amended
94 from time to time.

95 (2) This chapter applies to a funds transfer that is a
96 remittance transfer as defined in the Electronic Fund Transfer
97 Act, 15 U.S.C. s. 1693o-1, as amended from time to time, unless
98 the remittance transfer is an electronic fund transfer as
99 defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693a,
100 as amended from time to time.

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

104 Section 5. Section 701.03, Florida Statutes is amended to
105 read:

106 701.03 Cancellation.—

107 (1) Whenever the amount of money due under a promissory
108 note secured by a ~~on any~~ mortgage is ~~shall be~~ fully paid, the
109 mortgagee or assignee shall within 45 ~~60~~ days after satisfaction
110 of the mortgage thereafter cancel the mortgage ~~same~~ in the
111 manner provided by law, unless the mortgage is an open-end
112 mortgage.

113 (2) A mortgage that is an open-end mortgage as provided in
114 the loan agreement may be canceled upon written notice from the
115 borrower of the intent to close the mortgage. The mortgagee or
116 assignee shall cancel the open-end mortgage within 45 days after
117 receiving the notice. This subsection does not apply to an open-
118 end mortgage existing before July 1, 2016, if the loan agreement

595-02698-16

2016260c3

119 contained procedures for canceling the mortgage.

120 Section 6. This act applies to remittance transfers
121 initiated on or after July 1, 2016.

122 Section 7. This act shall take effect July 1, 2016.