

By Senator Garcia

36-00098B-18

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1 A bill to be entitled
2 An act relating to consumer finance; amending s.
3 516.031, F.S.; revising a provision relating to the
4 maximum delinquency charge that may be charged for
5 consumer finance loans; amending s. 516.36, F.S.;
6 revising a requirement relating to installment
7 repayments for consumer finance loans; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (a) of subsection (3) of section
13 516.031, Florida Statutes, is amended to read:

14 516.031 Finance charge; maximum rates.—

15 (3) OTHER CHARGES.—

16 (a) In addition to the interest, delinquency, and insurance
17 charges provided in this section, further or other charges or
18 amount for any examination, service, commission, or other thing
19 or otherwise may not be directly or indirectly charged,
20 contracted for, or received as a condition to the grant of a
21 loan, except:

22 1. An amount of up to \$25 to reimburse a portion of the
23 costs for investigating the character and credit of the person
24 applying for the loan;

25 2. An annual fee of \$25 on the anniversary date of each
26 line-of-credit account;

27 3. Charges paid for the brokerage fee on a loan or line of
28 credit of more than \$10,000, title insurance, and the appraisal
29 of real property offered as security if paid to a third party

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30 and supported by an actual expenditure;

31 4. Intangible personal property tax on the loan note or
32 obligation if secured by a lien on real property;

33 5. The documentary excise tax and lawful fees, if any,
34 actually and necessarily paid out by the licensee to any public
35 officer for filing, recording, or releasing in any public office
36 any instrument securing the loan, which may be collected when
37 the loan is made or at any time thereafter;

38 6. The premium payable for any insurance in lieu of
39 perfecting any security interest otherwise required by the
40 licensee in connection with the loan if the premium does not
41 exceed the fees which would otherwise be payable, which may be
42 collected when the loan is made or at any time thereafter;

43 7. Actual and reasonable attorney fees and court costs as
44 determined by the court in which suit is filed;

45 8. Actual and commercially reasonable expenses for
46 repossession, storing, repairing and placing in condition for
47 sale, and selling of any property pledged as security; or

48 9. A delinquency charge of up to \$15 for each calendar
49 month for each payment in default for at least 10 days if the
50 charge is agreed upon, in writing, between the parties before it
51 is imposed ~~imposing the charge~~.

52
53 Any charges, including interest, in excess of the combined total
54 of all charges authorized and permitted by this chapter
55 constitute a violation of chapter 687 governing interest and
56 usury, and the penalties of that chapter apply. In the event of
57 a bona fide error, the licensee shall refund or credit the
58 borrower with the amount of the overcharge immediately but

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59 within 20 days after the discovery of such error.

60 Section 2. Section 516.36, Florida Statutes, is amended to
61 read:

62 516.36 ~~Monthly~~ Installment requirement.—Every loan made
63 pursuant to this chapter shall be repaid in approximately equal,
64 periodic ~~monthly~~ installments, except that the final payment may
65 be less than the amount of the prior installments. Installments
66 may be due every 2 weeks, semimonthly, or monthly ~~as nearly~~
67 equal ~~as mathematically practicable~~. This section does shall not
68 apply to lines of credit.

69 Section 3. This act shall take effect July 1, 2018.