

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Passidomo offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
 6 Section 1. Subsection (18) of section 559.72, Florida
 7 Statutes, is amended to read:

8 559.72 Prohibited practices generally.—In collecting
 9 consumer debts, no person shall:

10 (18) Communicate with a debtor if the person knows that
 11 the debtor is represented by an attorney with respect to such
 12 debt and has knowledge of, or can readily ascertain, such
 13 attorney's name and address.

14 (a) This subsection does not apply if: ~~unless~~

15 1. The debtor's attorney fails to respond within 30 days
 16 to a communication from the person; ~~unless~~

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17 2. The debtor's attorney consents to a direct
18 communication with the debtor;; or

19 3. ~~unless~~ The debtor initiates the communication.

20 (b) With respect to notice of representation by a debtor,
21 an original creditor has knowledge that a debtor is represented
22 by an attorney if the debtor, individually, has provided notice
23 of representation by any reasonable means, including oral notice
24 to a creditor if such oral notice is provided in response to a
25 communication initiated by the creditor.

26 (c) With respect to notice of representation by a debtor's
27 attorney, an original creditor has knowledge that a debtor is
28 represented by an attorney if the attorney representing the
29 debtor has provided notice of such representation by:

30 1. Service of pleadings in a filed action;

31 2. Providing written notice of representation that the
32 debtor is represented by an attorney with respect to such debt
33 to a location or person mutually agreed to by the original
34 creditor and the debtor's attorney;

35 3. Providing written notice of representation by certified
36 mail to the registered agent of the original creditor which
37 states that the debtor is represented by an attorney with
38 respect to such debt and which discloses the attorney's name and
39 address; or

40 4. Providing written notice of representation by mail,
41 facsimile, email, or other electronic format designated by the
42 original creditor on a billing statement or other written

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43 communication pertaining to the debt which states that the
44 debtor is represented by an attorney with respect to such debt,
45 and which discloses the attorney's name and mailing address. To
46 avoid liability under this subsection, the original creditor
47 shall designate at least one of the following communication
48 methods for notice of representation on a billing statement or
49 other written communication pertaining to the debt: a mailing
50 address, facsimile, email, or other electronic format.

51 (d) For the purposes of this subsection, an original
52 creditor must cease direct communication with the debtor subject
53 to the limitations and exceptions of this subsection within 5
54 business days upon receiving notice of representation from the
55 attorney representing the debtor.

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

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60 **T I T L E A M E N D M E N T**

61 Remove everything before the enacting clause and insert:
62 An act relating to consumer debt collection; amending s. 559.72,
63 F.S.; specifying methods by which a debtor, represented by an
64 attorney, may notify a creditor of such representation;
65 specifying methods by which an attorney representing a debtor
66 may notify a creditor of such representation; providing that a
67 creditor may identify the manner by which a debtor may
68 communicate notice of representation; providing that an original

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69 creditor must cease direct communication with the debtor under
70 certain circumstances; providing an effective date.