

Bill No. CS for SB 190, 1st Eng.

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator McKay moved the following amendment to amendment (490680):

**Senate Amendment (with title amendment)**

On page 2, between lines 2 and 3,

insert:

Section 2. Section 832.10, Florida Statutes, is created to read:

832.10 Alternative to bad check diversion program; fees for collection.--

(1) Prior to presenting a complaint about a dishonored check to a state attorney, a payee on such bad check may place or assign the debt evidenced by the bad check for collection pursuant to this section by a private debt collector registered under part VI, chapter 559, Florida Statutes.

(2) Upon such placement or assignment the payee shall be entitled to add a collection fee to offset the cost of collection. This collection fee is in addition to the bad check service charges authorized by law. The collection fee payable to the debt collector shall be a reasonable fee in

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1 accord with industry standards, based upon the total amount  
2 collected.

3 (3) Unless extended by the payee, the debt collector  
4 shall have 90 days from the date of placement or assignment of  
5 the debt for collection within which to collect the amount of  
6 the bad check, applicable bad debt charges, and the  
7 collector's collection fee. Upon the expiration of such 90 day  
8 period and any extensions thereof, the payee then may present  
9 a complaint to the appropriate state attorney. The debt  
10 collector may continue to try to collect the debt, provided  
11 such collection effort does not impede the prosecution or  
12 other disposition of the case by the state attorney.

13 (4) The debt collector may not compromise the amount  
14 to be collected without the express consent of the payee of  
15 the check. The debt collector shall remit to the payee the  
16 amount collected less the collector's fee percentage on the  
17 total amount collected.

18 (5) The use of such debt collector shall not affect  
19 the authority of the state attorney to prosecute any person  
20 for any violation of s. 832.04, s. 832.041, s. 832.05, or s.  
21 832.06. The use of this section by a payee on a bad check  
22 shall not affect the rights of the payee, other than as set  
23 forth in this section, to present a complaint to the  
24 appropriate state attorney.

25  
26 (Redesignate subsequent sections.)

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 3, line 22, after the semicolon

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1 insert:

2 creating s. 832.10, F.S.; providing an  
3 alternative to the bad check diversion program;  
4 providing fees for collection;

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