

Bill No. CS for SB 190

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1	.
2	.
3	.
4	.
5	.
6	.
7	.
8	.
9	.
10	.

11 Senator McKay moved the following amendment to amendment  
 12 (490680):

13  
 14 **Senate Amendment (with title amendment)**

15 On page 3, between lines 1 and 2,

16  
 17 insert:

18 Section 3. Section 832.10, Florida Statutes, is  
 19 created to read:

20 832.10 Alternative to bad check diversion program;  
 21 fees for collection.--

22 (1) In lieu of referring a complaint to a bad check  
 23 diversion program, the state attorney may initiate a debt  
 24 collection process involving collection by a private debt  
 25 collector registered under part VI of chapter 559, for the  
 26 purpose of diverting from prosecution certain persons accused  
 27 of a violation of s. 832.04, s. 832.041, s. 832.05, or s.  
 28 832.06. The use of such debt collector shall not affect the  
 29 authority of the state attorney to prosecute any person for  
 30 any such violation.

31 (2) Upon receipt of the notification from the state

Bill No. CS for SB 190

Amendment No. \_\_\_\_

1 attorney initiating the debt collection process authorized by  
2 this section, the payee on the bad check shall place or assign  
3 the debt evidenced by the bad check for collection by such  
4 debt collector. Upon such placement or assignment, the payee  
5 is entitled to add a collection fee to offset the cost of  
6 collection. This collection fee is in addition to the bad  
7 check service charges authorized by law. The collection fee  
8 payable to the debt collector must be a reasonable fee in  
9 accordance with industry standards and based upon the total  
10 amount collected.

11 (3) Unless extended by the state attorney, the debt  
12 collector shall have 90 days after the date of placement or  
13 assignment of the debt for collection within which to collect  
14 the amount of the bad check, applicable bad debt charges, and  
15 the collector's collection fee. Upon the expiration of the  
16 90-day period and any extensions thereof, the state attorney  
17 shall proceed with prosecution or other disposition of the  
18 case. The debt collector may continue to try to collect the  
19 debt, provided that such collection effort does not impede the  
20 prosecution or other disposition of the case by the state  
21 attorney. The debt collector shall remit to the payee the  
22 amount collected less the collector's fee percentage on the  
23 total amount collected.

24 (4) The debt collector may compromise the amount to be  
25 collected only with the express consent of the payee of the  
26 check.

27  
28 (Redesignate subsequent sections.)

29  
30  
31

Bill No. CS for SB 190

Amendment No. \_\_\_\_

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

2 And the title is amended as follows:

3            On page 3, line 22, after the semicolon

4

5 insert:

6            creating s. 832.10, F.S.; providing for the use  
7            of private debt collectors;

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31