

By Senator Meadows

30-89-98

1 A bill to be entitled
 2 An act relating to violations involving checks;
 3 amending s. 68.065, F.S.; providing for
 4 damages, court costs, and attorney's fees with
 5 respect to certain civil actions to recover
 6 fines due on stop payments on checks, drafts,
 7 or orders of payment; amending s. 166.251,
 8 F.S.; revising provisions with respect to
 9 service fee for dishonored checks; amending s.
 10 832.07, F.S., relating to prima facie evidence
 11 of identity with regard to prosecution of bad
 12 check charges; removing race as a required
 13 element of establishing the identity of the
 14 person presenting the check; providing an
 15 effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (1) of section 68.065, Florida
 20 Statutes, is amended to read:

21 68.065 Actions to collect worthless checks, drafts, or
 22 orders of payment; attorney's fees and collection costs.--

23 (1) In any civil action brought for the purpose of
 24 collecting a check, draft, or order of payment, the payment of
 25 which was refused by the drawee because of the lack of funds,
 26 credit, or an account, or where the maker or drawer stops
 27 payment on the check, draft, or order of payment with intent
 28 to defraud,and where the maker or drawer fails to pay the
 29 amount owing, in cash, to the payee within 30 days following a
 30 written demand therefor, as provided in subsection (3), the
 31 maker or drawer shall be liable to the payee, in addition to

1 the amount owing upon such check, draft, or order, for damages
2 of triple the amount so owing. However, in no case shall the
3 liability for damages be less than \$50. The maker or drawer
4 shall also be liable for any court costs and reasonable
5 attorney fees incurred by the payee in taking the action.
6 Criminal sanctions, as provided in s. 832.07, may be
7 applicable.

8 Section 2. Section 166.251, Florida Statutes, is
9 amended to read:

10 166.251 Service fee for dishonored check.--The
11 governing body of a municipality may adopt a service fee not
12 to exceed the service fees authorized under s. 832.08(5)~~\$20~~
13 or 5 percent of the face amount of the check, draft, or order,
14 whichever is greater, for the collection of a dishonored
15 check, draft, or other order for the payment of money to a
16 municipal official or agency. The service fee shall be in
17 addition to all other penalties imposed by law. Proceeds from
18 this fee, if imposed, shall be retained by the collector of
19 the fee.

20 Section 3. Paragraph (b) of subsection (2) of section
21 832.07, Florida Statutes, is amended to read:

22 832.07 Prima facie evidence of intent; identity.--

23 (2) IDENTITY.--

24 (b) To establish this prima facie evidence:

25 1. The driver's license number or state identification
26 number, specifying the state of issuance of the person
27 presenting the check must be written on the check; or

28 2. The following information regarding the identity of
29 the person presenting the check must be obtained by the person
30 accepting such check: The presenter's full name, residence

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1 address, home phone number, business phone number, place of
2 employment, sex, date of birth, and height, ~~and race~~.

3 Section 4. This act shall take effect October 1, 1998.

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SENATE SUMMARY

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Provides for treble damages, court costs, and, attorney's fees with respect to certain civil actions to recover fines due to stop payments on checks, drafts, or orders of payment. Revises the limits on service fees that municipalities may impose on dishonored checks. Deletes race as a required element of establishing the identity of persons presenting checks in prosecutions for bad checks.