

By the Committee on Crime & Punishment and Representative Hill

1 A bill to be entitled
2 An act relating to violations involving checks;
3 amending s. 68.065, F.S.; providing for triple
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. 832.07, F.S.,
8 relating to prima facie evidence of identity
9 with regard to prosecution of bad check
10 charges; removing "race" as a required element
11 of establishing the identity of the person
12 presenting the check; providing an effective
13 date.

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

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17 Section 1. Subsection (1) of section 68.065, Florida
18 Statutes, 1996 Supplement, is amended to read:

19 68.065 Actions to collect worthless checks, drafts, or
20 orders of payment; attorney's fees and collection costs.--

21 (1) In any civil action brought for the purpose of
22 collecting a check, draft, or order of payment, the payment of
23 which was refused by the drawee because of the lack of funds,
24 credit, or an account, or where the maker or drawer stops
25 payment on the check, draft, or order of payment with intent
26 to defraud, and where the maker or drawer fails to pay the
27 amount owing, in cash, to the payee within 30 days following a
28 written demand therefor, as provided in subsection (3), the
29 maker or drawer shall be liable to the payee, in addition to
30 the amount owing upon such check, draft, or order, for damages
31 of triple the amount so owing. However, in no case shall the

1 liability for damages be less than \$50. The maker or drawer
2 shall also be liable for any court costs and reasonable
3 attorney fees incurred by the payee in taking the action.
4 Criminal sanctions, as provided in s. 832.07, may be
5 applicable.

6 Section 2. Paragraph (b) of subsection (2) of section
7 832.07, Florida Statutes, 1996 Supplement, is amended to read:

8 832.07 Prima facie evidence of intent; identity.--

9 (2) IDENTITY.--

10 (a) In any prosecution or action under the provisions
11 of this chapter, a check, draft, or order for which the
12 information required in paragraph (b), paragraph (d),
13 paragraph (e), or paragraph (f) is available at the time of
14 issuance constitutes prima facie evidence of the identity of
15 the person issuing the check, draft, or order and that such
16 person is authorized to draw upon the named account.

17 (b) To establish this prima facie evidence:

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

21 2. The following information regarding the identity of
22 the person presenting the check must be obtained by the person
23 accepting such check: The presenter's full name, residence
24 address, home phone number, business phone number, place of
25 employment, sex, date of birth, and height, ~~and race~~.

26 Section 3. This act shall take effect October 1, 1997.
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