

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. 166.251,
8 F.S.; revising language with respect to service
9 fee for dishonored checks; amending s. 832.07,
10 F.S., relating to prima facie evidence of
11 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, 1996 Supplement, 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, 1996 Supplement, is amended to read:

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

23 (2) IDENTITY.--

24 (a) In any prosecution or action under the provisions
25 of this chapter, a check, draft, or order for which the
26 information required in paragraph (b), paragraph (d),
27 paragraph (e), or paragraph (f) is available at the time of
28 issuance constitutes prima facie evidence of the identity of
29 the person issuing the check, draft, or order and that such
30 person is authorized to draw upon the named account.

31 (b) To establish this prima facie evidence:

1 1. The driver's license number or state identification
2 number, specifying the state of issuance of the person
3 presenting the check must be written on the check; or
4 2. The following information regarding the identity of
5 the person presenting the check must be obtained by the person
6 accepting such check: The presenter's full name, residence
7 address, home phone number, business phone number, place of
8 employment, sex, date of birth, and height, ~~and race~~.
9 Section 4. This act shall take effect October 1, 1997.
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