

By Senator Rossin

35-559-99

1 A bill to be entitled
 2 An act relating to property taxes; amending s.
 3 197.432, F.S.; prohibiting holders of tax
 4 certificates from contacting the owner of the
 5 property upon which a tax certificate is issued
 6 until the expiration of a specified time;
 7 providing a penalty; providing an effective
 8 date.

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

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 12 Section 1. Subsections (14) and (15) of section
 13 197.432, Florida Statutes, 1998 Supplement, are amended to
 14 read:

15 197.432 Sale of tax certificates for unpaid taxes.--

16 (14) The holder of a tax certificate may not directly,
 17 through an agent, or otherwise initiate contact with the owner
 18 of property upon which he or she holds a tax certificate to
 19 encourage or demand payment until 2 years have elapsed since
 20 April 1 of the year of issuance of the tax certificate.

21 (15) Any holder of a tax certificate who, prior to the
 22 date 2 years after April 1 of the year of issuance of the tax
 23 certificate, initiates, or whose agent initiates, contact with
 24 the property owner upon which he or she holds a certificate
 25 encouraging or demanding payment may be barred by the tax
 26 collector from bidding at a tax certificate sale. Unfair or
 27 deceptive contact by the holder of a tax certificate to a
 28 property owner to obtain payment is an unfair and deceptive
 29 trade practice, as referenced in s. 501.204(1), regardless of
 30 whether the holder of the tax certificate redeems the tax
 31 certificate. Such unfair or deceptive contact is actionable

1 under ss. 501.2075-501.211. If the holder of the tax
2 certificate later redeems the certificate in reliance on the
3 deceptive or unfair practice, the unfair or deceptive contact
4 is actionable under applicable laws prohibiting fraud.

5 Section 2. This act shall take effect July 1, 1999.

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SENATE SUMMARY

9 Prohibits the holder of a tax certificate from contacting
10 the owner of the property upon which the certificate has
11 been issued until 2 years have elapsed since April 1 of
12 the year of issuance of the tax certificate. Provides
13 that a certificate holder who violates the prohibition
14 may be barred from bidding at a tax certificate sale. An
15 unfair or deceptive contact by the holder is an unfair
16 and deceptive trade practice.

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