



HB 1509

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A bill to be entitled  
An act relating to worthless checks; amending s. 68.065,  
F.S.; revising provisions relating to notice requirements  
in collection actions; providing an effective date.

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

Section 1. Subsection (3) of section 68.065, Florida  
Statutes, is amended to read:

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

(3) Before recovery under this section ~~subsection(1)~~ may  
be claimed, a written demand must ~~shall~~ be delivered by  
certified or registered mail, evidenced by return receipt, or by  
regular mail, evidenced by an affidavit of service of mailing,  
to the maker or drawer of the check, draft, or order of payment  
to the address on the check or other instrument, to the address  
given by the drawer at the time the instrument was issued, or to  
the drawer's last known address. Notice is conclusive 3 days  
after the affidavit is executed. The form of such notice shall  
be substantially as follows:

"You are hereby notified that a check numbered \_\_\_\_ in  
the face amount of \$\_\_\_\_ issued by you on ... (date) ... ,  
drawn upon ... (name of bank) ... , and payable to \_\_\_\_\_, has  
been dishonored. Pursuant to Florida law, you have 30 days from  
receipt of this notice to tender payment in cash of the full  
amount of the check plus a service charge of \$25, if the face  
value does not exceed \$50, \$30, if the face value exceeds \$50  
but does not exceed \$300, \$40, if the face value exceeds \$300,



HB 1509

2003

31 or 5 percent of the face amount of the check, whichever is  
32 greater, the total amount due being \$\_\_\_\_\_ and \_\_\_\_\_ cents.  
33 Unless this amount is paid in full within the 30-day period, the  
34 holder of the check or instrument may file a civil action  
35 against you for three times the amount of the check, but in no  
36 case less than \$50, in addition to the payment of the check plus  
37 any court costs, reasonable attorney fees, and any bank fees  
38 incurred by the payee in taking the action."

39 Section 2. This act shall take effect July 1, 2003.

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