



CHAMBER ACTION

The Committee on Judiciary recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

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 first-class mail, evidenced by an affidavit of service by mail, 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



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28 | the drawer's last known address. The form of such notice shall  
29 | be substantially as follows:

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31 | "You are hereby notified that a check numbered \_\_\_\_\_ in  
32 | the face amount of \$\_\_\_\_\_ issued by you on ... (date) ... ,  
33 | drawn upon ... (name of bank) ... , and payable to \_\_\_\_\_, has  
34 | been dishonored. Pursuant to Florida law, you have 30 days from  
35 | receipt of this notice to tender payment in cash of the full  
36 | amount of the check plus a service charge of \$25, if the face  
37 | value does not exceed \$50, \$30, if the face value exceeds \$50  
38 | but does not exceed \$300, \$40, if the face value exceeds \$300,  
39 | or 5 percent of the face amount of the check, whichever is  
40 | greater, the total amount due being \$\_\_\_\_\_ and \_\_\_\_\_ cents.  
41 | Unless this amount is paid in full within the 30-day period, the  
42 | holder of the check or instrument may file a civil action  
43 | against you for three times the amount of the check, but in no  
44 | case less than \$50, in addition to the payment of the check plus  
45 | any court costs, reasonable attorney fees, and any bank fees  
46 | incurred by the payee in taking the action."

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

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