

By the Committee on Judiciary; and Senator Bennett

308-2126-03

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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 of
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 the drawer's last known address. 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,
or 5 percent of the face amount of the check, whichever is

1 greater, the total amount due being \$.... and cents.
2 Unless this amount is paid in full within the 30-day period,
3 the holder of the check or instrument may file a civil action
4 against you for three times the amount of the check, but in no
5 case less than \$50, in addition to the payment of the check
6 plus any court costs, reasonable attorney fees, and any bank
7 fees incurred by the payee in taking the action."

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

9

10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 738

12

13 The committee substitute removes reference to regular mail and
14 replaces it with first class mail and changes affidavit of
15 service of mailing to affidavit of service by mail. The
committee substitute also removes the provision that provides
notice is conclusive 3 days after the affidavit is executed.

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31