

By Senator Sobel

31-00245-10

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1                   A bill to be entitled  
2           An act relating to consumer protection; creating s.  
3           501.0113, F.S.; providing a definition; prohibiting  
4           the mailing or delivery of unsolicited checks;  
5           providing an exception; providing a penalty; exempting  
6           credit card bearers from liability for the  
7           unauthorized use of such checks; providing an  
8           effective date.

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

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12           Section 1. Section 501.0113, Florida Statutes, is created  
13   to read:

14           501.0113 Checks; unsolicited delivery or mailing  
15   prohibited.-

16           (1) As used in this section, the term "unsolicited check"  
17   means any check mailed or otherwise delivered to a person for  
18   the purpose of drawing on an existing account that is an  
19   extension of credit or activating an account in order to obtain  
20   credit.

21           (2) Except as provided in subsection (3), it shall be  
22   unlawful for any financial institution, retail merchant, or  
23   other person to mail or otherwise deliver an unsolicited check  
24   in this state. A violation of this subsection is a misdemeanor  
25   of the second degree, punishable as provided in s. 775.082 or s.  
26   775.083.

27           (3) This section does not apply to a check that is mailed  
28   or otherwise delivered in response to a request for such check.

29           (4) A credit card bearer is not liable for the unauthorized

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30 use of any check issued on an unsolicited basis on or after July  
31 1, 2010.

32 Section 2. This act shall take effect July 1, 2010.