

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

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 501.0113, Florida Statutes, is created
 12 to read:

13 501.0113 Checks; unsolicited delivery or mailing
 14 prohibited.—

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

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

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

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

HB 367

2010

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

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