

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Business & Professional
 2 Regulation Subcommittee
 3 Representative Magar offered the following:

Amendment

Remove lines 49-68 and insert:

as provided in subsection (4) ~~(3)~~, the maker or drawer is ~~shall~~
 be liable to the payee, in addition to the amount owing upon
 such payment instrument ~~check, draft, or order~~, for damages of
 triple the amount so owing. However, in no case shall the
 liability for damages be less than \$50. The maker or drawer is
~~shall~~ also be liable for any court costs and reasonable attorney
 fees incurred by the payee in taking the action. Criminal
 sanctions, as provided in s. 832.07, may be applicable.

(b) ~~(2)~~ The payee may also charge the maker or drawer of
 the ~~check, draft, or order of payment~~ instrument a service
 charge not to exceed the service fees authorized under s.
 832.08(5) or 5 percent of the face amount of the instrument,
 whichever is greater, when making written demand for payment. In
 the event that a judgment or decree is rendered, interest at the

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21 rate and in the manner described in s. 55.03 may be added toward
22 the total amount due. Any bank fees incurred by the payee may be
23 charged to the maker or drawer of the ~~check, draft, or order of~~
24 payment instrument.

25 (4)-(3) Before recovery under subsection (3) ~~this section~~
26 may be claimed,
27