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LEGISLATIVE ACTION

| Senate     | . | House |
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| Comm: RCS  | . |       |
| 02/24/2016 | . |       |
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The Committee on Fiscal Policy (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (18) of section 559.72, Florida  
Statutes, is amended to read:

559.72 Prohibited practices generally.—In collecting  
consumer debts, no person shall:

(18) Communicate with a debtor if the person knows that the  
debtor is represented by an attorney with respect to such debt



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11 and has knowledge of, or can readily ascertain, such attorney's  
12 name and address.

13 (a) This subsection does not apply if: ~~unless~~

14 1. The debtor's attorney fails to respond within 30 days to  
15 a communication from the person; ~~unless~~

16 2. The debtor's attorney consents to a direct communication  
17 with the debtor; ~~or~~

18 3. ~~unless~~ The debtor initiates the communication.

19 (b) A creditor has knowledge that a debtor is represented  
20 by an attorney if the debtor, individually, has provided notice  
21 of representation by any reasonable means, including oral notice  
22 to a creditor if such oral notice is provided in response to a  
23 communication initiated by the creditor with respect to such  
24 debt.

25 (c) A creditor has knowledge that a debtor is represented  
26 by an attorney if the attorney representing the debtor has  
27 provided notice of such representation by:

28 1. Service of pleadings in a filed action with respect to  
29 such debt;

30 2. Providing written notice of representation to a location  
31 or person according to a prior agreement between the creditor  
32 and the debtor's attorney which states the debtor is represented  
33 by an attorney with respect to such debt and discloses the  
34 attorney's name and address;

35 3. Providing written notice of representation by certified  
36 mail to the registered agent of the creditor which states that  
37 the debtor is represented by an attorney with respect to such  
38 debt and discloses the attorney's name and address; or

39 4. Providing written notice of representation by mail,



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40 facsimile, email, or other electronic format designated by the  
41 creditor on a billing statement or other written communication  
42 pertaining to the debt which states that the debtor is  
43 represented by an attorney with respect to such debt and  
44 discloses the attorney's name and address.

45 (d) A creditor shall designate, on a billing statement or  
46 other written communication pertaining to the debt, at least one  
47 of the following communication methods for notice of  
48 representation:

- 49 1. A mailing address;
- 50 2. A facsimile;
- 51 3. An email address; or
- 52 4. Other electronic format.

53 (e) For the purposes of this subsection, a creditor must  
54 cease direct communication with the debtor subject to the  
55 limitations and exceptions of this subsection within 5 business  
56 days upon receiving notice of representation from the attorney  
57 representing the debtor.

58 Section 2. This act shall take effect July 1, 2016.

59  
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete everything before the enacting clause  
63 and insert:

64 A bill to be entitled  
65 An act relating to consumer debt collection; amending  
66 s. 559.72, F.S.; specifying methods by which a debtor,  
67 represented by an attorney, may notify a creditor of  
68 such representation; specifying methods by which an



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69 attorney representing a debtor may notify a creditor  
70 of such representation; requiring a creditor to  
71 identify the manner by which a debtor may communicate  
72 notice of representation; providing a creditor must  
73 cease direct communication with the debtor under  
74 certain circumstances; providing an effective date.