



428910

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Commerce and Tourism (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 19 - 36

and insert:

(18) Communicate with a debtor if the person knows that the debtor is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address, unless the debtor's attorney fails to respond within 30 days to a communication from the person, ~~unless~~ the debtor's attorney consents to a direct communication with the



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11 debtor, or ~~unless~~ the debtor initiates the communication. A
12 debtor, individually, may notify such person of attorney
13 representation by way of any reasonable means, including verbal
14 notice.

15 (a) An original creditor is not liable for a violation of
16 this subsection if the debtor or debtor's attorney fails to
17 provide notification of representation. With respect to
18 notification of representation by a debtor's attorney, an
19 original creditor has knowledge that a debtor is represented by
20 an attorney if the attorney representing the debtor has provided
21 notification of such representation by:

22 1. Service of pleadings in a filed action;
23 2. Providing written notice of representation by certified
24 mail to the registered agent of the original creditor which
25 states that the debtor is represented by an attorney with
26 respect to such debt and which discloses the attorney's name and
27 address; or

28 3. Providing notice of representation by mail, facsimile,
29 e-mail, or other electronic format designated by the creditor on
30 a billing statement which states that the debtor is represented
31 by an attorney with respect to such debt and which discloses the
32 attorney's name and address. The original creditor shall
33 designate at least one of the following communication methods on
34 a billing statement: a mailing address facsimile, e-mail, or
35 other electronic format.

36 (b) For purposes of this subsection, an original creditor
37 must cease direct communication with the debtor subject to the
38 limitations and exceptions of this subsection within 5 business
39 days upon receiving notice of representation from the attorney



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40 representing the debtor.

41

42 ===== T I T L E A M E N D M E N T =====

43 And the title is amended as follows:

44 Delete lines 3 - 10

45 and insert:

46 s. 559.72, F.S.; authorizing a debtor to individually
47 notify a person that is represented by an attorney
48 under certain circumstances; providing that an
49 original creditor is not liable for a violation of
50 prohibited communication practices if the debtor or
51 the debtor's attorney fails to provide certain notice
52 or information; providing notification requirements;
53 providing that an original creditor must cease direct
54 communication with the debtor under certain
55 circumstances; providing an