

By Senator Stargel

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1                   A bill to be entitled  
2       An act relating to consumer debt collection; amending  
3       s. 559.72, F.S.; providing that a person attempting to  
4       collect a debt is not liable for a violation of  
5       prohibited communication practices if the debtor or  
6       the debtor's attorney fails to provide certain notice  
7       or information; authorizing the Office of Financial  
8       Regulation to adopt rules for certain notices  
9       delivered by electronic communication; providing an  
10      effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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

16       559.72 Prohibited practices generally.—In collecting  
17 consumer debts, no person shall:

18       (18) Communicate with a debtor if the person has knowledge  
19 ~~knows~~ that the debtor is represented by an attorney with respect  
20 to such debt and has knowledge of, ~~or can readily ascertain,~~  
21 such attorney's name and address, unless the debtor's attorney  
22 fails to respond within 30 days to a communication from the  
23 person, the debtor's attorney fails to provide notice of  
24 representation to the address that the person designates to  
25 receive communication regarding the debt, unless the debtor's  
26 attorney consents to a direct communication with the debtor, or  
27 ~~unless~~ the debtor initiates the communication. A person is not  
28 liable for a violation of this subsection if the debtor or the  
29 debtor's attorney fails to provide the person with notice by

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30 certified mail to the address that the person designates which  
31 states that the debtor is represented by an attorney with  
32 respect to such debt and which discloses the attorney's name and  
33 address. As an alternative to notice by certified mail, the  
34 office may adopt rules for notice of representation and receipt  
35 of response by a secure form of electronic communication.

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