

By the Committee on Banking and Insurance; and Senators Stargel and Gaetz

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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; requiring specified information to be
8 included in the written notice; authorizing a debtor's
9 attorney to provide written notice to an original
10 creditor under certain circumstances; providing an
11 effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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

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

19 (18) Communicate with a debtor if the person has knowledge
20 ~~knows~~ that the debtor is represented by an attorney with respect
21 to such debt and has knowledge of, or can readily ascertain,
22 such attorney's name and address, unless the debtor's attorney
23 fails to respond within 30 days to a communication from the
24 person, ~~unless~~ the debtor's attorney consents to a direct
25 communication with the debtor, or ~~unless~~ the debtor initiates
26 the communication. Furthermore, an original creditor is not
27 liable for a violation of this subsection if the debtor's
28 attorney fails to provide written notice of representation by
29 certified mail to the address designated on the billing
30 statements from the original creditor or to the registered agent
31 of the original creditor. Such written notice of representation

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32 must state that the debtor is represented by an attorney with
33 respect to such debt and disclose the attorney's name and
34 address. A debtor's attorney may also provide notice of
35 representation to an original creditor by virtue of pleadings
36 and other filings in a filed action.

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