

1 A bill to be entitled
 2 An act relating to consumer debt collection; amending
 3 s. 559.72, F.S.; revising provisions relating to
 4 communication with a debtor who is represented by an
 5 attorney; specifying methods by which an attorney
 6 representing a debtor may provide notice of such
 7 representation; providing an effective date.

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

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

13 559.72 Prohibited practices generally.—In collecting
 14 consumer debts, no person shall:

15 (18) Communicate with a debtor if the person has knowledge
 16 ~~knows~~ that the debtor is represented by an attorney with respect
 17 to such debt and has knowledge of, ~~or can readily ascertain,~~
 18 such attorney's name and address.

- 19 (a) This subsection does not apply if: ~~unless~~
 20 1. The debtor's attorney fails to respond within 30 days
 21 to a communication from the person; ~~unless~~
 22 2. The debtor's attorney consents to a direct
 23 communication with the debtor; ~~or~~
 24 3. ~~unless~~ The debtor initiates the communication.

25 (b) For purposes of this subsection, verbal notice of
 26 representation is insufficient. A person has knowledge that a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 debtor is represented by an attorney only if the attorney
28 representing the debtor has provided notice of such
29 representation by:

30 1. Virtue of pleadings in a filed action;

31 2. Designation of a physical address for such notice, in
32 which case the notice of representation must be furnished by
33 certified mail or by regular mail if the person consents; or

34 3. Electronic delivery in accordance with rules adopted by
35 the office for electronic communication of notice of
36 representation and receipt of response.

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