



664092

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 12 - 23

and insert:

(1) If a creditor assigns ~~This part does not prohibit the assignment, by a creditor, of the right to bill and collect a consumer debt. However,~~ the assignee must give the debtor written notice of such assignment as soon as practical after the assignment is made. If the debt is in default, the written notice of such assignment must be made, ~~but~~ at least 30 days before the assignee takes any action to collect the debt.



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12 Notwithstanding such 30-day period, for a debt that is in
13 default, the assignee may:

14 (a) Provide the disclosure required by 15 U.S.C. s.
15 1692e(11).

16 (b) Provide the notice required by 15 U.S.C. s. 1692g.

17 (c) Communicate with the debtor so long as the debtor
18 initiates the communication.

19 (d) Accept payment from the debtor so long as the debtor
20 initiates the payment.

21 (2) The assignee is a real party in interest and may bring
22 an action in a court of competent jurisdiction to collect a debt
23 that ~~has been assigned to the assignee and~~ is in default. Such
24 action is subject to the 30-day period specified in subsection
25 (1).

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete lines 3 - 5

30 and insert:

31 amending s. 559.715, F.S.; authorizing an assignee to
32 take certain actions for debts that are in default;
33 revising when an assignee may bring an action to
34 collect a debt; specifying that such action is subject
35 to certain requirements; providing an effective date.