

By the Committees on Judiciary; and Banking and Insurance; and
Senator Gruters

590-04034-19

20191034c2

1 A bill to be entitled
2 An act relating to assignment of consumer debts;
3 amending s. 559.715, F.S.; authorizing an assignee to
4 take certain actions for debts that are in default;
5 revising when an assignee may bring an action to
6 collect a debt; specifying that such action is subject
7 to certain requirements; 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. Section 559.715, Florida Statutes, is amended to
12 read:

13 559.715 Assignment of consumer debts.—

14 (1) If a creditor assigns ~~This part does not prohibit the~~
15 ~~assignment, by a creditor, of the right to bill and collect a~~
16 ~~consumer debt. However,~~ the assignee must give the debtor
17 written notice of such assignment as soon as practical after the
18 assignment is made. If the debt is in default, the written
19 notice of such assignment must be made, but at least 30 days
20 before the assignee takes any action to collect the debt.
21 Notwithstanding such 30-day period, for a debt that is in
22 default, the assignee may:

23 (a) Provide the disclosure required by 15 U.S.C. s.
24 1692e(11).

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

26 (c) Communicate with the debtor so long as the debtor
27 initiates the communication.

28 (d) Accept payment from the debtor so long as the debtor
29 initiates the payment.

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30 (2) The assignee is a real party in interest and may bring
31 an action in a court of competent jurisdiction to collect a debt
32 that ~~has been assigned to the assignee and~~ is in default. Such
33 action is subject to the 30-day period specified in subsection
34 (1).

35 Section 2. This act shall take effect July 1, 2019.