



127862

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/01/2016	.	
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The Committee on Commerce and Tourism (Ring) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 22 - 36

and insert:

such attorney's name and address. A debtor, individually, may notify such person of attorney representation by way of any reasonable means, including verbal notice.

(a) This subsection does not apply if: ~~unless~~

1. The debtor's attorney fails to respond within 30 days to a communication from the person; ~~unless~~



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11           2. The debtor's attorney consents to a direct communication  
12 with the debtor;<sup>7</sup> or

13           3. ~~unless~~ The debtor initiates the communication.

14           (b) For purposes of this subsection, if notice of attorney  
15 representation is provided by a debtor's attorney, a creditor  
16 has knowledge that a debtor is represented by an attorney if the  
17 attorney representing the debtor has provided notice of such  
18 representation by:

19           1. Service of pleadings or other papers, such as a Notice  
20 of Appearance in a filed action;

21           2. Providing written notice of representation by mail to  
22 the registered agent of the creditor which states that the  
23 debtor is represented by an attorney with respect to such debt  
24 and which discloses the attorney's name and address; or

25           3. Providing notice of representation by mail, facsimile,  
26 e-mail, or other electronic format designated by the creditor on  
27 a billing statement or other written correspondence stating that  
28 the debtor is represented by an attorney with respect to such  
29 debt and stating the attorney's name and address. The creditor  
30 must designate a mailing address on the billing statement or  
31 other written correspondence for receipt of notice of attorney  
32 representation. The creditor may designate a facsimile number, a  
33 regularly monitored e-mail address, or other electronic means  
34 for receipt of notice of attorney representation.

35           (20) Use any false representation or deceptive or unfair  
36 means to collect or attempt to collect any debt or to obtain  
37 information concerning a consumer.

38  
39 ===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====



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40 And the directory clause is amended as follows:

41 Delete line 16

42 and insert:

43 Statutes, is amended, and subsection (20) is added to that  
44 section, to read:

45

46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete lines 3 - 10

49 and insert:

50 s. 559.72, F.S.; authorizing a debtor to individually  
51 notify a person that the debtor is represented by an  
52 attorney under certain circumstances; providing  
53 exceptions to prohibited communications practices if  
54 the debtor or the debtor's attorney fails to provide  
55 certain notice or information; providing notification  
56 requirements; prohibiting a creditor from using false  
57 representation or deceptive or unfair means to collect  
58 debts or information; providing an