CS/HB 713 2016

1|

A bill to be entitled

An act relating to consumer debt collection; amending s. 559.72, F.S.; revising provisions relating to communication with a debtor who is represented by an attorney; specifying methods by which an attorney representing a debtor may provide notice of such representation; prohibiting false representations or deceptive or unfair debt collection practices; providing an effective date.

1011

2

3

4

5

6

7

8

9

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

1213

14

15

16

17

1819

20

2122

23

24

25

26

- Section 1. Subsection (18) of section 559.72, Florida Statutes, is amended, and subsection (20) is added to that section, to read:
- 559.72 Prohibited practices generally.—In collecting consumer debts, no person shall:
- (18) Communicate with a debtor if the person has knowledge knows that the debtor is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, 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

Page 1 of 2

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

CS/HB 713 2016

 $\underline{2.}$ The debtor's attorney consents to a direct communication with the debtor $\underline{;}_{\mathcal{T}}$ or

- 3. unless The debtor initiates the communication.
- (b) A debtor's attorney may notify the original creditor that the debtor is represented by an attorney with respect to such debt by:
 - 1. Service of pleadings in a filed action;
- 2. Providing written notice of representation by certified mail to the registered agent of the original creditor which states that the debtor is represented by an attorney with respect to such debt and which discloses the attorney's name and address; or
- 3. Providing written notice of representation by mail, facsimile, e-mail, or other electronic format in a manner designated by the original creditor on a billing statement which states that the debtor is represented by an attorney with respect to such debt, and which discloses the attorney's name and mailing address.
- (20) Use any false representation or deceptive or unfair means to collect or attempt to collect any debt or to obtain information concerning a consumer.
 - Section 2. This act shall take effect July 1, 2016.