

1 A bill to be entitled
 2 An act relating to consumer debt collection; amending
 3 s. 557.72, 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; prohibiting false representations or
 8 deceptive or unfair debt collection practices;
 9 providing an effective date.

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

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13 Section 1. Subsection (18) of section 559.72, Florida
 14 Statutes, is amended, and subsection (20) is created to read:

15 559.72 Prohibited practices generally.—In collecting
 16 consumer debts, no person shall:

17 (18) Communicate with a debtor if the person has knowledge
 18 ~~knows~~ that the debtor is represented by an attorney with respect
 19 to such debt and has knowledge of, or can readily ascertain,
 20 such attorney's name and address. A debtor, individually, may
 21 notify such person of attorney representation by way of any
 22 reasonable means, including verbal notice.

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

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

26 2. The debtor's attorney consents to a direct

27 | communication with the debtor;~~7~~ or

28 | 3. ~~unless~~ The debtor initiates the communication.

29 | (b) A debtor's attorney may notify the original creditor
 30 | that the debtor is represented by an attorney with respect to
 31 | such debt by:

32 | 1. Service of pleadings in a filed action;

33 | 2. Providing written notice of representation by certified
 34 | mail to the registered agent of the original creditor which
 35 | states that the debtor is represented by an attorney with
 36 | respect to such debt and which discloses the attorney's name and
 37 | address; or

38 | 3. Providing written notice of representation by mail,
 39 | fax, email, or other electronic format in a manner designated by
 40 | the original creditor on a billing statement which states that
 41 | the debtor is represented by an attorney with respect to such
 42 | debt, and which discloses the attorney's name and mailing
 43 | address.

44 | (20) Use any false representation or deceptive or unfair
 45 | means to collect or attempt to collect any debt or to obtain
 46 | information concerning a consumer.

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