

Committee Substitute for Senate Bill No. 738

An act relating to worthless checks; amending s. 68.065, F.S.; revising provisions relating to notice requirements in collection actions; providing an effective date.

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

Section 1. Subsection (3) of section 68.065, Florida Statutes, is amended to read:

68.065 Actions to collect worthless checks, drafts, or orders of payment; attorney's fees and collection costs.—

(3) Before recovery under this section ~~subsection (1)~~ may be claimed, a written demand must ~~shall~~ be delivered by certified or registered mail, evidenced by return receipt, or by first-class mail, evidenced by an affidavit of service of mail, to the maker or drawer of the check, draft, or order of payment to the address on the check or other instrument, to the address given by the drawer at the time the instrument was issued, or to the drawer's last known address. The form of such notice shall be substantially as follows:

“You are hereby notified that a check numbered .... in the face amount of \$.... issued by you on ...(date)..., drawn upon ...(name of bank)..., and payable to ....., has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$.... and .... cents. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action.”

Section 2. This act shall take effect July 1, 2003.

Approved by the Governor June 2, 2003.

Filed in Office Secretary of State June 2, 2003.