

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Tobia offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 595 and 596, insert:

5 Section 19. Subsection (1) of section 817.802, Florida
6 Statutes, is amended to read:

7 817.802 Unlawful fees and costs.-

8 (1) It is unlawful for any person, while engaging in debt
9 management services or credit counseling services, to charge or
10 accept from a debtor residing in this state, directly or
11 indirectly, a fee or contribution greater than \$50 for the
12 initial setup or initial consultation. Subsequently, the person
13 may not charge or accept a fee or contribution from a debtor
14 residing in this state greater than \$120 per year for additional

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15 consultations or, alternatively, if debt management services as
16 defined in s. 817.801(4) (b) are provided, the person may charge
17 the greater of 15 ~~7.5~~ percent of the amount paid monthly by the
18 debtor to the person or \$35 per month.

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

Remove lines 2-63 and insert:
An act relating to fraudulent practices; creating s.
817.011, F.S.; defining the term "business entity";
amending s. 817.02, F.S.; providing for restitution to
victims for certain victim out-of-pocket costs;
providing for a civil cause of action for certain
victims; creating s. 817.032, F.S.; defining the term
"victim"; requiring business entities to provide
copies of business records of fraudulent transactions
involving identity theft to victims and law
enforcement agencies in certain circumstances;
providing an exception; providing for verification of
a victim's identity and claim; providing procedures
for claims; requiring that certain information be
provided to victims without charge; specifying
circumstances in which business entities may decline
to provide information; providing a limitation on
civil liability for business entities that provide or
decline to provide information in certain

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41 | circumstances; specifying that no new record retention
42 | is required; providing an affirmative defense to
43 | business entities in actions seeking enforcement of
44 | provisions; amending s. 817.11, F.S.; making editorial
45 | changes; amending and renumbering ss. 817.12 and
46 | 817.13, F.S.; combining offense, penalty, and evidence
47 | provisions and transferring such provisions to s.
48 | 817.11, F.S.; amending s. 817.14, F.S.; making
49 | editorial changes; amending s. 817.15, F.S.;
50 | substituting the term "business entity" for the term
51 | "corporation"; amending ss. 817.17 and 817.18, F.S.;
52 | including counties and other political subdivisions in
53 | provisions prohibiting the false marking of goods or
54 | packaging with a location of origin; reorganizing
55 | penalty provisions; amending s. 817.19, F.S.;
56 | prohibiting fraudulent issuance of indicia of
57 | membership interest in a limited liability company;
58 | amending s. 817.39, F.S.; substituting the term
59 | "business entity" for the term "corporation"; amending
60 | s. 817.40, F.S.; specifying that the term "misleading
61 | advertising" includes electronic forms of
62 | dissemination; amending s. 817.411, F.S.; substituting
63 | the term "business entity" for the term "corporation";
64 | specifying that certain false statements made through
65 | electronic means are prohibited; amending s. 817.412,
66 | F.S.; specifying that electronic statements are

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67 included in provisions prohibiting false
68 representations of used goods as new; creating s.
69 817.414, F.S.; prohibiting the sale of counterfeit
70 security company signs or decals; providing criminal
71 penalties; amending s. 817.481, F.S.; revising a
72 catchline; making technical changes; amending s.
73 817.50, F.S.; revising criminal penalties for
74 fraudulently obtaining goods or services from a health
75 care provider; amending s. 817.568, F.S.; expanding
76 specified identity theft offenses to include all
77 persons rather than being limited to natural persons;
78 including dissolved business entities within certain
79 offenses involving fraudulent use of personal
80 identification information of deceased persons;
81 amending s. 817.569, F.S.; prohibiting a person from
82 knowingly providing false information that becomes
83 part of a public record to facilitate or further the
84 commission of certain offenses; providing criminal
85 penalties; amending s. 817.802, F.S.; revising the
86 maximum amount that may be charged for specified debt
87 management services; amending s. 921.0022, F.S.;

88 conforming

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