

Tab 2	SB 232 by Rodriguez; Identical to H 00147 Debt Collection				
109918	D	S	CM, Rodriguez	Delete everything after	02/10 08:22 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Leek, Chair
Senator Arrington, Vice Chair

MEETING DATE: Tuesday, February 11, 2025
TIME: 8:30—10:30 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Leek, Chair; Senator Arrington, Vice Chair; Senators Davis, DiCeglie, Gruters, McClain, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on Broadband		Presented
2	SB 232 Rodriguez (Identical H 147)	Debt Collection; Revising prohibited practices for a person attempting to collect consumer debt, etc. CM 02/11/2025 Temporarily Postponed BI RC	Temporarily Postponed
Other Related Meeting Documents			



FLORIDA COMMERCE

Office of Broadband Overview

Division of Community Development
Senate Commerce and Tourism Meeting

Tuesday, February 11, 2025

Office of Broadband Overview

- ❑ The Legislature found that the sustainable adoption of broadband internet service is critical to the economic and business development of this state.
- ❑ In July 2020, the Legislature established the Office of Broadband within FloridaCommerce and tasked the Office with encouraging the use of broadband internet service.



Office of Broadband Program Overview

FloridaCommerce's Office of Broadband has engaged with 525 stakeholders to increase the availability and effectiveness of broadband internet throughout Florida including:

- Local and state government agencies
- Local Technology Planning Teams
- Community organizations
- Private businesses

**How can our
funding assist
you?**

Workforce Development Opportunities

Economic Opportunities

Educational Opportunities

Telehealth and Health Monitoring



Broadband Update

State Grant Program – *Fully Awarded*

- ❑ Broadband Opportunity Grant Program - \$363.9 million awarded for 137 grants in 59 counties

Federal Grant Programs – *Fully Awarded*

- ❑ Capital Projects Fund Program:
 - ❑ Broadband Infrastructure Program – Approximately \$249 million awarded for 74 grants in 50 counties
 - ❑ *Multi-Purpose Community Facilities Program (workforce, health, digital literacy) – Approximately \$87 million for 29 grants in 17 counties*
 - ❑ *Digital Connectivity Technology Program – More than \$11 million for 15 grants in 25 counties*
- ❑ Many of the recipients mirrored the Multi-Purpose Community Facilities grants
- ❑ As of 2024, an estimated 1,167 miles of aerial and underground fiber were laid, enabling 4,300 residential and businesses to have access to broadband infrastructure.

Federal Grant Programs – *New; Grant Competitions in 2025*

- ❑ *Digital Capacity Grant Program – \$70 million awarded to Florida (\$41.7 million in-hand), with the intent to have competitive grant application window in Spring 2025*
- ❑ BEAD Program – \$1.16 billion awarded to Florida, with the intent for competitive grant application windows in Spring 2025 and Summer 2025
 - ❑ Infrastructure – More than \$970 million (\$200 million prioritized for Seminole and Miccosukee Tribes)
 - ❑ *Workforce - \$110 million*
 - ❑ Digital Literacy and Cybersecurity – \$30 million

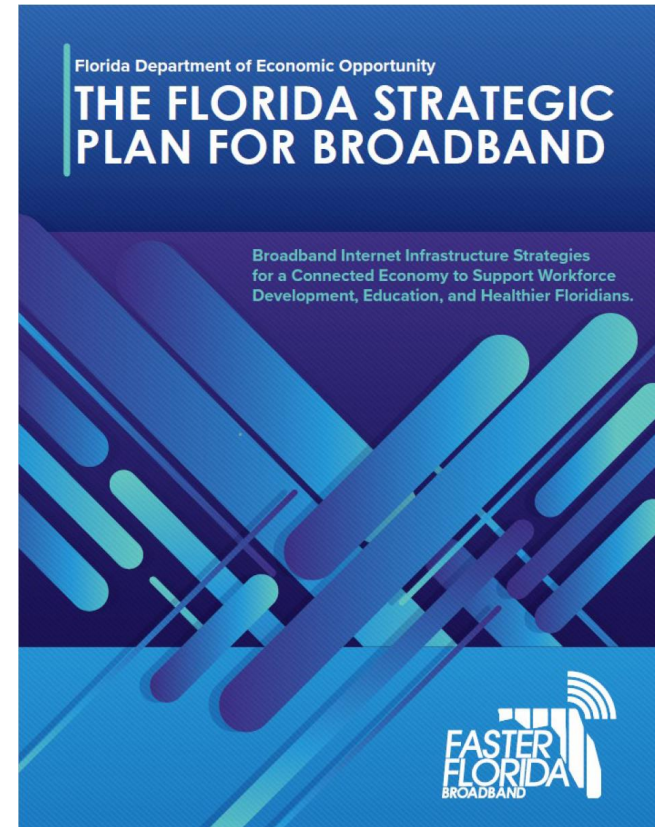
Italicized Text indicates:

Proactively targeted participation of state colleges, technical colleges and local workforce boards



Strategic Plan for Broadband

- Legislature tasked Office with creation of strategic plan, updated biennially.
- First update was completed and submitted July 2024.
- Assessed efficacy of Office programs and efforts thus far.
- Updated strategies from initial plan based on lessons learned.
- Created in collaboration with the University of Florida Public Utility Research Center.



Office of Broadband: 255 Awards in 65 Counties

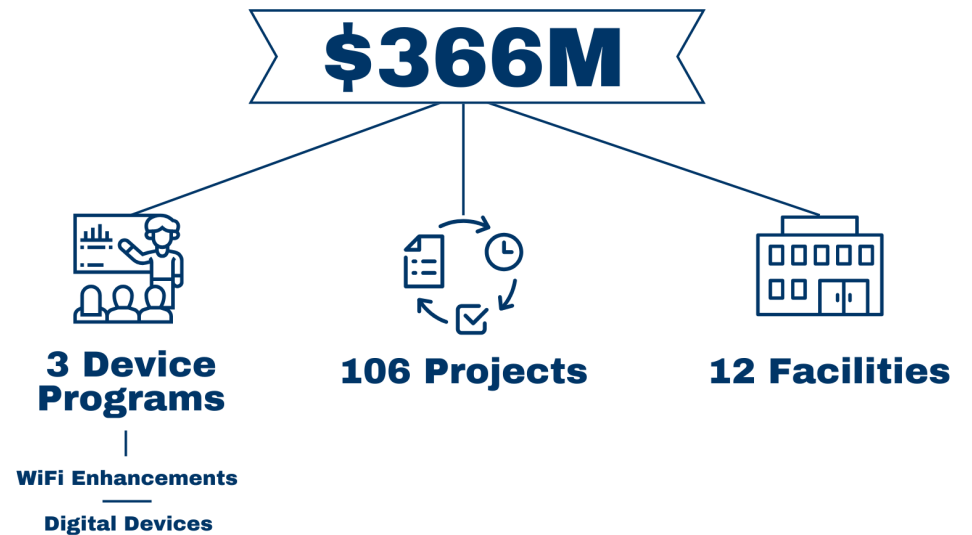
Since July 2020, FloridaCommerce's Office of Broadband has accomplished the following:

- ❑ Awarded more than \$708 million in funding to four grant programs:
 - ❑ Broadband Opportunity Program
 - ❑ Capital Projects Fund
 - ❑ Broadband Infrastructure Program
 - ❑ Multi-Purpose Community Facility Program
 - ❑ Digital Connectivity Technology Program
- ❑ Generated \$642 million in private leverage
- ❑ Upgrading 29 community facilities
- ❑ Funded 15 programs for digital devices, equipment and training

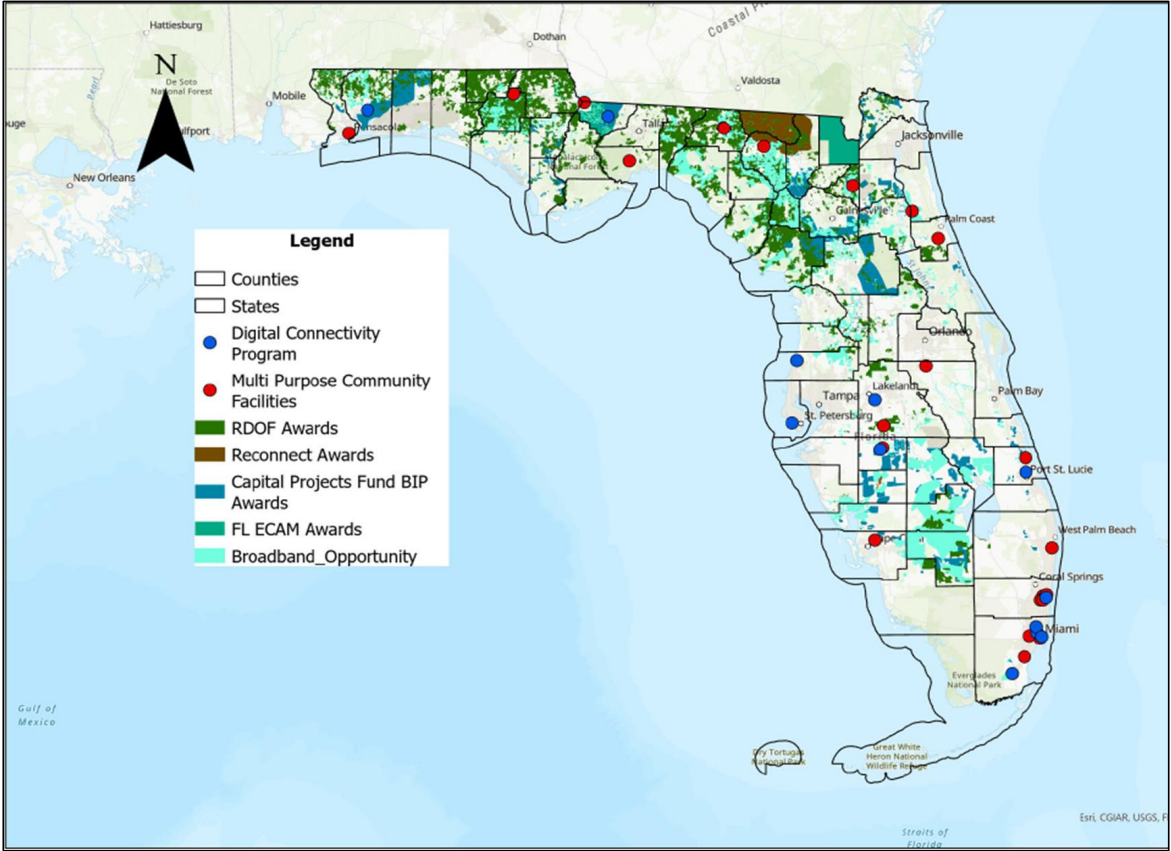


Broadband's Impact on Florida's Rural Communities

- ❑ FloridaCommerce prioritizes rural investment
- ❑ New opportunities for businesses and employees
- ❑ New workforce needs for infrastructure
- ❑ Expanded educational opportunities



Office of Broadband Award Map



Broadband Opportunity Program

The Broadband Opportunity Program provides federal and state funding for installation and deployment of broadband internet infrastructure in unserved Florida communities.


\$363.9M
 in Award Funding


66,804
 Passings

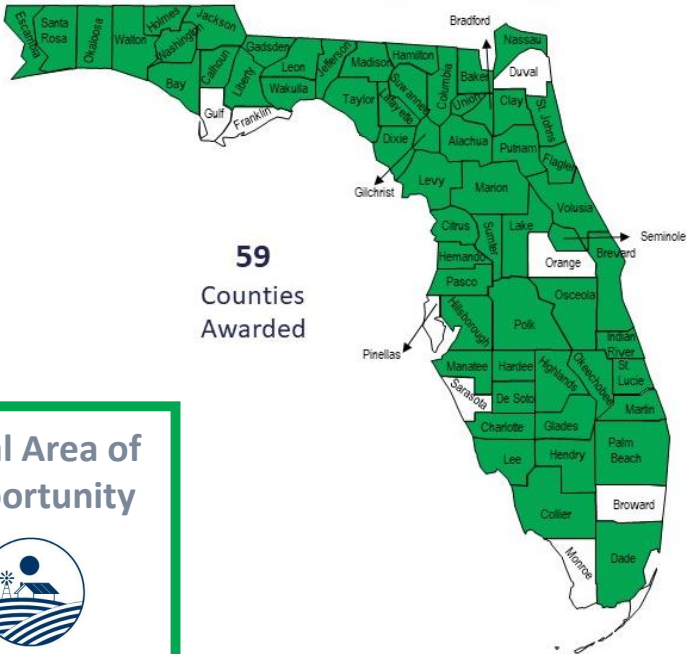

18,227
 Miles of Fiber


137
 Awarded Projects

Rural Area of Opportunity


\$168 Million

59
Projects



59
 Counties
 Awarded



Broadband Infrastructure Program

The Broadband Infrastructure Program provides funding to deploy broadband internet infrastructure in unserved and underserved areas throughout the state, prioritizing rural areas.



\$248.5M
in Award Funding



37,313
Passings



8,796
Miles of Fiber



74
Awarded Projects

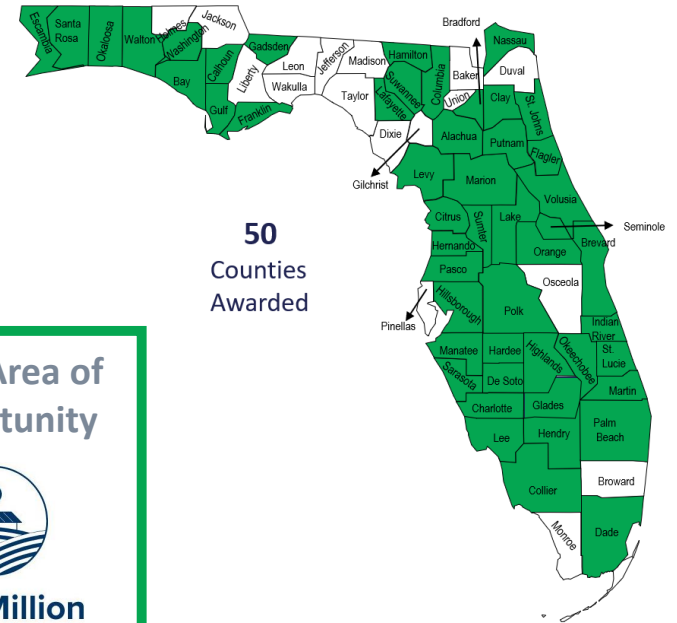
Rural Area of Opportunity



\$82 Million

28

Projects



Multi-Purpose Community Facilities Program

The Multi-Purpose Community Facilities Program provides funds for construction of or improvements to buildings designed to give local communities access to broadband internet.



\$86.9M
in Award Funding



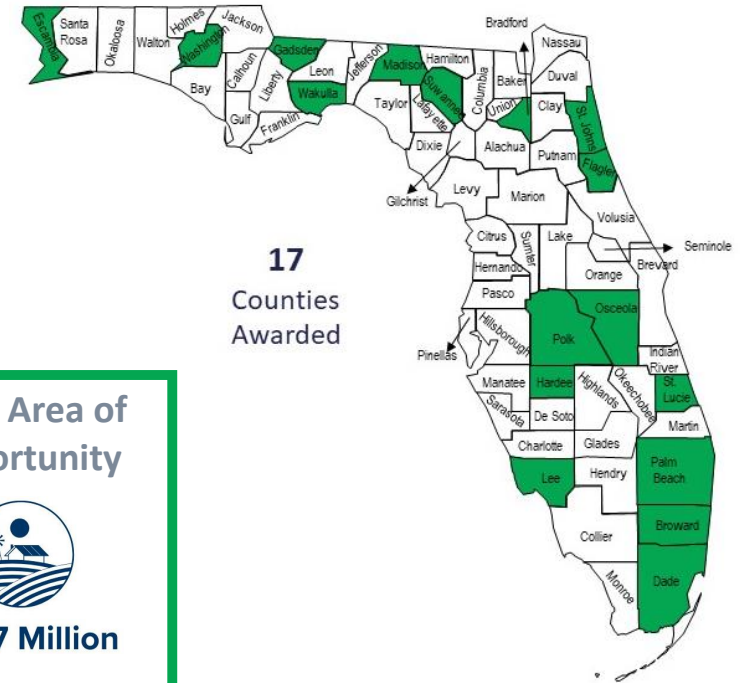
29
Awarded Projects

Rural Area of Opportunity



\$37.7 Million

12
Projects



Digital Connectivity Technology Program

The Digital Connectivity Technology Program provides funds to subrecipients to enhance digital connectivity by providing essential devices, equipment and training.



\$11.5M
in Award Funding



15
Awarded Projects

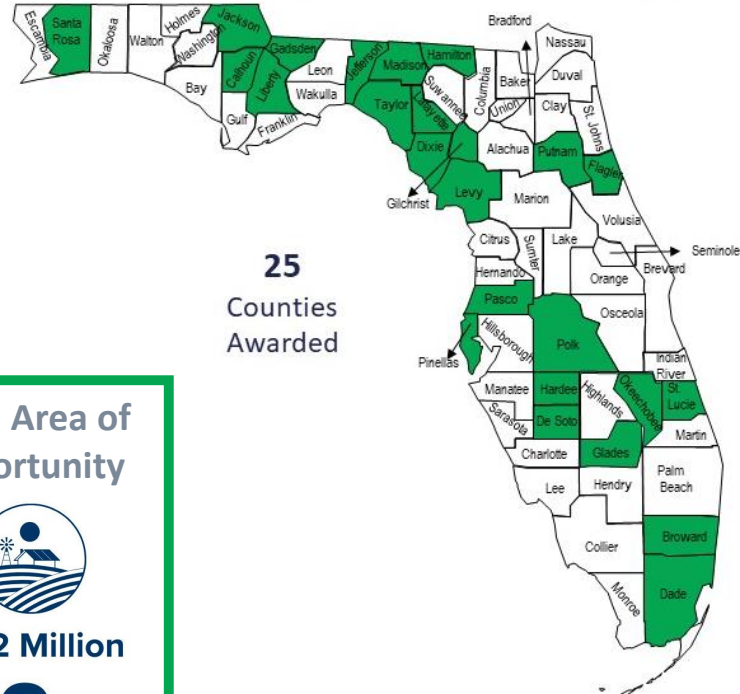
Rural Area of Opportunity



\$6.2 Million

3

Projects



Digital Capacity Grant Program

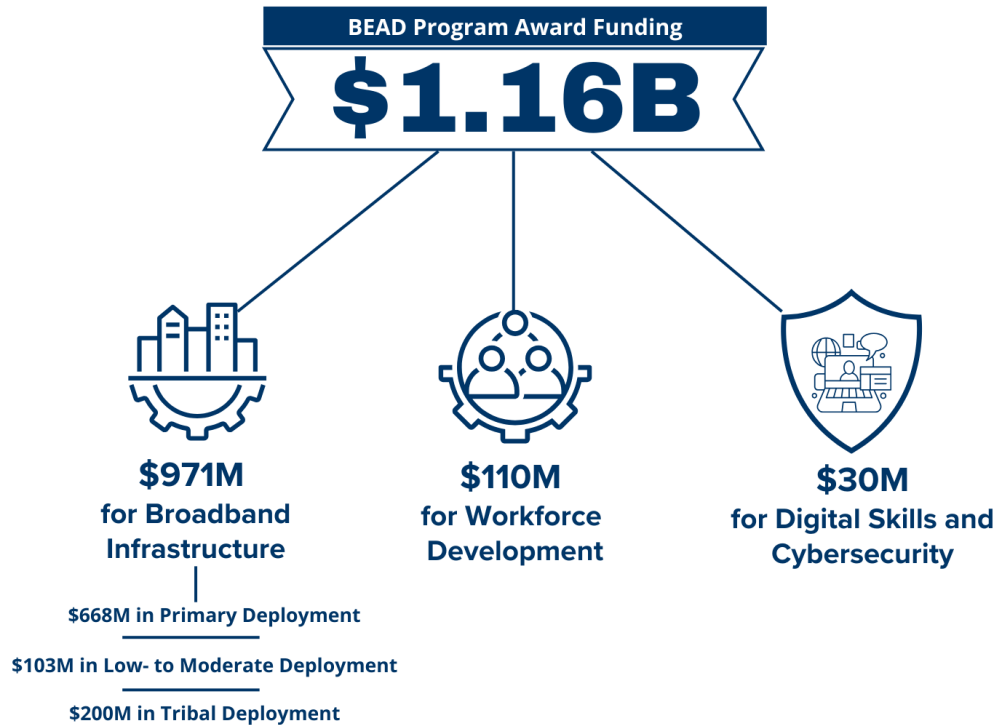
The Digital Capacity Grant Program will provide funding to close the digital divide, such as digital literacy, device programming, digital navigators, workforce and economic development.

Digital Capacity Total Award Allocation
\$70M

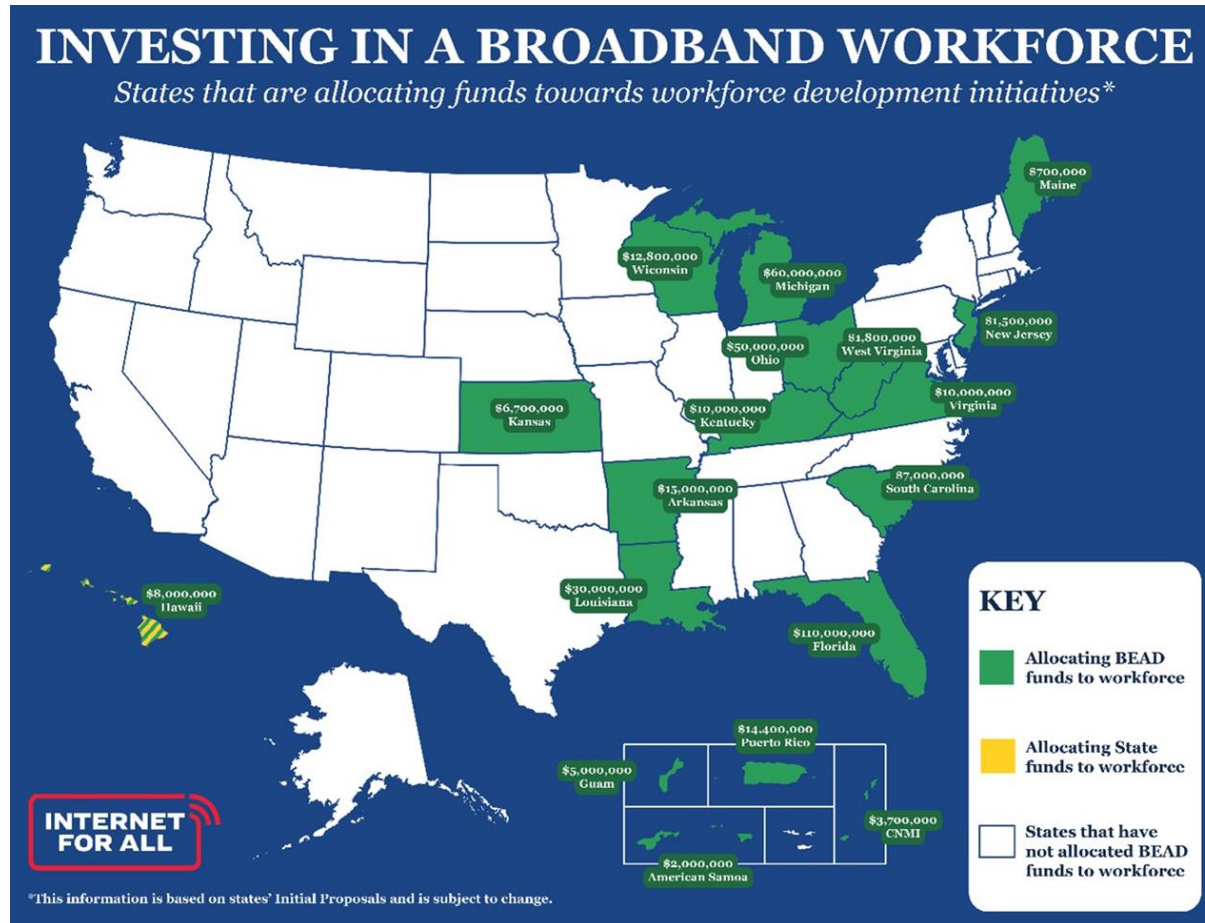


BEAD Program

The BEAD Program provides federal funding for grants to states for broadband planning, deployment, mapping, adoption and use activities. With this funding, Florida will serve every remaining unserved and underserved location in the state.



States with a BEAD Workforce Plan Map



BEAD Non-Deployment Overview

- ❑ Workforce development, digital literacy and cybersecurity training investments
 - ❑ \$110 million in BEAD funding for workforce development
 - ❑ \$30 million for digital literacy and cybersecurity
 - ❑ \$70 million through separate Digital Capacity Grant Program for digital literacy, economic and workforce development and digital device programs
- ❑ Curriculum Frameworks
- ❑ Working with industry
- ❑ Application early 2025



How to utilize training funding?

- Apprenticeship and pre-apprenticeship programs
- On-the-job training programs
- Credentialing and certificate programs
- Training equipment purchasing
- Tuition cost
- Instructor recruitment and training



Fiber Technician Training Plan



INDUSTRY CERTIFICATIONS

CompTIA Network+
Fiber Optics Association's Fiber
Optics Installer (FOI)
Fiber Optics Association's Fiber
Optics Technician (FOT)



CAREER TECHNICAL CERTIFICATE

Telecommunication
and Fiber Optic
Technician



COLLEGE CREDIT CERTIFICATES

Cable installation
Network Communications
(WAN/LAN)
Wireless Communications



ASSOCIATE IN SCIENCE DEGREE

Telecommunications
Engineering
Technology



Fiber Technician Curriculum Framework

TCN 1xxx - Telecommunications Fundamentals

3 Credits - 115 hours

TCN 1xxx - Network Cabling and Installation

3 Credits - 115 hours

Aligned Certification: CompTIA Network+

TCN 1xxx - Fiber Optics and Splicing Techniques

3 Credits - 115 hours

Aligned Certification: Fiber Optics Association's Fiber Optics Installer (FOI)

TCN 2xxx - Advanced Telecommunications Systems

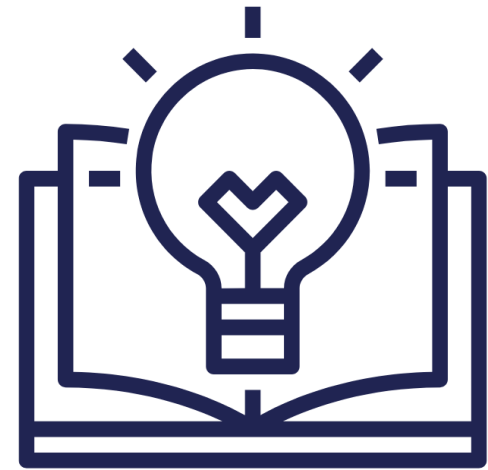
3 Credits - 115 hours

Aligned Certification: Fiber Optics Association's Fiber Optics Technician (FOT)



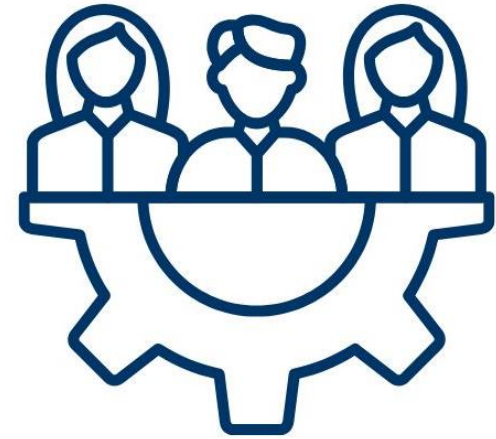
Role of Educational Institutions

- Deploy trusted curriculum frameworks
- Private Industry feedback
- Job-seeker confidence
- Increased capacity for new demand
- K-12 participation



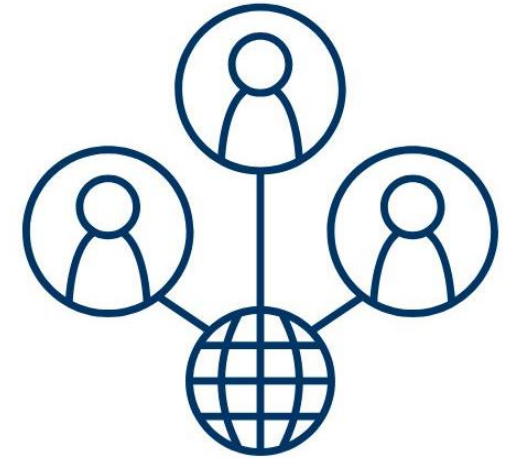
Role of Workforce Boards

- ❑ Digital Literacy Training Efforts
- ❑ Workforce Development and Standardization
- ❑ Industry and Education Relationships
- ❑ Job-seeker referrals

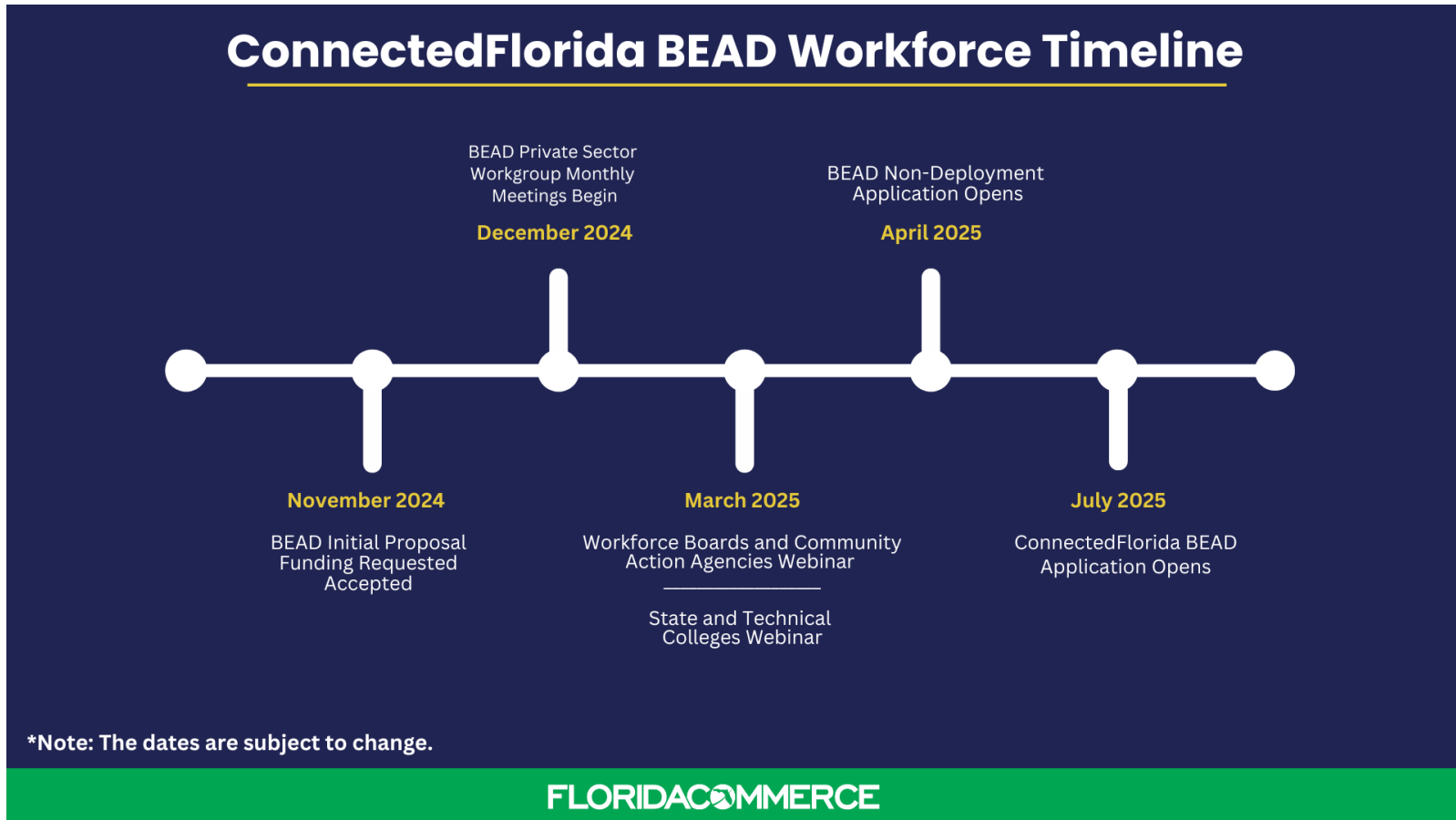


Role of Community Action Agencies

- Community Service Block Grant (CSBG) Program
 - Local Workforce Board Partnerships
- New opportunities for community
- Wraparound services
- Strong community presence
 - Referrals



Timeline and Next Steps



Contacts

If you have questions or comments about this presentation, please contact us or visit www.FloridaJobs.org/Broadband

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 232

INTRODUCER: Senator Rodriguez

SUBJECT: Debt Collection

DATE: February 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Pre-meeting
2.			BI	
3.			RC	

I. Summary:

SB 232 revises the Florida Consumer Collection Practices Act (FCCPA) to clarify that consumer debt collectors may not communicate with a debtor *via telephone call* between the hours of 9 p.m. and 8 a.m. The bill also incorporates and reenacts other, related statutes which would be affected by this change in law.

The bill takes effect July 1, 2025.

II. Present Situation:

The Florida Consumer Collection Practices Act

The FCCPA¹ prohibits certain practices by any person when attempting to collect on a debt.² This law is the counterpart to the federal Fair Debt Collection Practices Act (FDCPA) with the purpose of eliminating “abusive and harassing tactics in the collection of debts.”³ When collecting consumer debts,⁴ collectors are not allowed to use or threaten violence,⁵ use profane or

¹ Sections 559.55-559.785, F.S.

² “Debt collector” means any person who uses any instrumentality of commerce within this state, whether initiated from within or outside this state, in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term “debt collector” includes any creditor who, in the process of collecting her or his own debts, uses any name other than her or his own which would indicate that a third person is collecting or attempting to collect such debts. Section 559.55(7), F.S.

³ The Consumer Prot. Law Comm. of the Florida Bar, *The Consumer Law Bench Book*, p. 46, available at <https://www.floridabar.org/about/cmtes/cmte-cm410/cplc-bench-manual/> (last visited Feb. 10, 2025).

⁴ “Debt” or “consumer debt” means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgement. Section 559.55(6), F.S.

⁵ Section 559.72(2), F.S.

vulgar language,⁶ or attempt to enforce an illegitimate debt.⁷ Among the list of prohibited practices, a collector is not allowed to “communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor’s time zone without the prior consent of the debtor.”⁸ The current version of the statute does not specify what type of communication is prohibited between these hours.

A debtor⁹ may bring a civil action¹⁰ against a consumer collection agency¹⁰ or any person attempting to collect on a debt in a manner prohibited by law within two years of the date the alleged violation occurred.¹¹ The debtor may file such action “in the county in which the alleged violator resides or has his or her principal place of business or in the county where the alleged violation occurred.”¹² If a collector does not comply with the provisions of s. 559.72, F.S., they are liable for actual and statutory damages up to \$1000, court costs and attorney’s fees that are incurred by the plaintiff,¹³ and punitive damages or other equitable relief the court finds necessary or proper.¹⁴

The Fair Debt Collection Practices Act

The federal Fair Debt Collection Practices Act (FDCPA) (15 USC 1692 et seq.), which became effective in March 1978, was designed to eliminate abusive, deceptive, and unfair debt collection practices.¹⁵ Pursuant to 12 CFR s. 1006.06(b)(1)(i), with certain exceptions (prior consent, or permission by a court), a debt collector must not communicate or attempt to communicate with a consumer in connection with the collection of any debt at any unusual time, or at a time that the debt collector knows or should know is inconvenient to the consumer. In the absence of the debt collector's knowledge of circumstances to the contrary, a time before 8:00 a.m. and after 9:00 p.m. local time at the consumer's location is inconvenient. Email and text communications¹⁶ are permitted, but the consumer must be offered a reasonable and simple method for opting out.¹⁷

⁶ Section 559.72(8), F.S.

⁷ Section 559.72(9), F.S.

⁸ Section 559.72(17), F.S.

⁹ “Debtor” or “consumer” means any natural person obligated or allegedly obligated to pay any debt. Section 559.55(8), F.S.

¹⁰ “Consumer collection agency” means any debt collector or business entity engaged in the business of soliciting consumer debts for collection or of collecting consumer debts, which debt collector or business is not expressly exempted as set forth in s. 559.553(3). Section 559.55(3), F.S.

¹¹ Section 559.77(4), F.S.

¹² Section 559.77(1), F.S.

¹³ Section 559.77(2), F.S.

¹⁴ *Id.*

¹⁵ The Fed. Rsrv., *Consumer Compliance Handbook*, available at <https://www.federalreserve.gov/boarddocs/supmanual/cch/fairdebt.pdf>, (last visited Feb. 10, 2025).

¹⁶ According to a recent news release, email communications are used by 74% of debt collectors, and use of text messaging grew by 5% between 2023 and 2024. TransUnion, *More Than Half of Debt Collection Companies Saw Increased Volume of Accounts in Past 12 Months*, available at <https://newsroom.transunion.com/more-than-half-of-debt-collection-companies-saw-increased-volume-of-accounts-in-past-12-months/#:~:text=Use%20of%20text%20FSMS%20messaging,engage%20consumers%20regarding%20a%20debt>, (last visited Feb 10, 2025).

¹⁷ The Consumer Fin. Prot. Bureau, *What laws limit what debt collectors can say or do?*, available at <https://www.consumerfinance.gov/ask-cfpb/what-laws-limit-what-debt-collectors-can-say-or-do-en-329/>, (last visited Feb. 10, 2025).

Recent Litigation

The U.S. District Court for the Southern District of Florida recently interpreted what it means to “communicate with” a consumer under the FCCPA.¹⁸ In this case, plaintiff sued a debt collector for sending her an e-mail at 8:23 p.m. which was delivered to her at 10:14 p.m. and which she did not open or read until 11:44 a.m. the next day.¹⁹ Plaintiff argued that this constituted a communication in violation of s. 559.72(17), F.S.²⁰ Without legal precedent on point, the court determined that “no e-mail communication “with” the customer takes place until the consumer reads the message, or at least receives it.”²¹ Under this interpretation, the court found that the debt collector did not communicate with plaintiff until 11:44 a.m. because that was when she read the message, and as such, defendant’s motion for summary judgment was granted.²²

As this case was one of first impression, there is a chance that Florida courts or other federal district courts could deviate from this interpretation. Moreover, this interpretation diverges from the Consumer Financial Protection Bureau’s interpretation of what it means to “communicate with” a debtor under the FDCPA.²³ Without statutory clarification, Florida courts are open to litigation over debt collection e-mails received and read after 9 p.m. and before 8 a.m.

III. Effect of Proposed Changes:

Prohibited Practices for Debt Collection

Section 1 amends s. 559.72, F.S., specifying that a consumer debt collector may not communicate with a debtor by telephone call between the hours of 9 p.m. and 8 a.m. This requirement narrows the type of communication that is prohibited under the statute at night from any communication to only communications by telephone call. Therefore, a debtor would not have a cause of action against a collector for receiving e-mails, letters, or other non-telephone communications after 9 p.m.

Incorporating Related Statutes

Sections 2-6 reenact ss. 559.565, 559.725, 559.77, 648.44, and 817.7001, F.S., respectively, for the purpose of incorporating the amendments to s. 559.72, F.S., in section 1 of the bill.

Effective Date

Section 7 provides an effective date of July 1, 2025.

¹⁸ *Quinn-Davis v. TrueAccord Corp.*, Case No. 1:23-cv-23590-LEIBOWITZ/REID (S.D. Fla. Nov. 20, 2024).

¹⁹ *Id.* at 2.

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at 14.

²³ *Id.* at 8 (“The CFPB interprets “communicate with” under the FDCPA to mean that a debt collector communicates with a customer when the debt collector “sends” an electronic communication.”).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 559.72, F.S.

For the purpose of incorporating the amendments to s. 559.72, F.S., the bill reenacts the following sections: 559.72, 559.565, 559.725, 559.77, 648.44, 817.7001.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
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The Committee on Commerce and Tourism (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 559.72, Florida Statutes, is amended to read:

559.72 Prohibited practices generally.—Unless otherwise authorized by law, in collecting consumer debts, a debt collector may not ~~no person shall:~~

(1) Simulate in any manner a law enforcement officer or a



representative of any governmental agency.

(2) Use or threaten force or violence.

(3) Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed as required by subsection (6).

(4) Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection. However, this does not prohibit a debt collector ~~person~~ from telling the debtor that her or his employer will be contacted if a final judgment is obtained.

(5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.

(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made before such dispute has been asserted and written notice is received from the debtor that any part of the debt is disputed, and if such dispute is reasonable, the debt collector ~~person~~ who made the original disclosure must reveal upon the request of the debtor within 30 days the details



of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days.

(7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.

(8) Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family.

(9) Claim, attempt, or threaten to enforce a debt when such debt collector ~~person~~ knows that the debt is not legitimate, or assert the existence of some other legal right to enforce the debt when such debt collector ~~person~~ knows that the right to such enforcement does not exist.

(10) Use a communication that simulates in any manner legal or judicial process or that gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law, when it is not.

(11) Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments that only attorneys are authorized to prepare.

(12) Orally communicate with a debtor in a manner that gives the false impression or appearance that such debt collector ~~person~~ is or is associated with an attorney.

(13) Advertise or threaten to advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor.



(14) Publish or post, threaten to publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts.

(15) Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents if requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt.

(16) Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor. An example of this would be an envelope addressed to "Deadbeat, Jane Doe" or "Deadbeat, John Doe."

(17) Communicate with the debtor by telephone call between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor.

(a) The debt collector ~~person~~ may presume that the time a telephone call is received conforms to the local time zone assigned to the area code of the number called, unless the debt collector ~~person~~ reasonably believes that the debtor's telephone is located in a different time zone.

(b) If, such as with toll-free numbers, an area code is not assigned to a specific geographic area, the debt collector ~~person~~ may presume that the time a telephone call is received conforms to the local time zone of the debtor's last known place of residence, unless the debt collector ~~person~~ reasonably believes that the debtor's telephone is located in a different time zone.



98 (18) Communicate with a debtor, other than communicating
99 purely for informational communications, regular billing
100 statements, or notices required by law, if the debt collector
101 person knows that the debtor is represented by an attorney with
102 respect to such debt and has knowledge of, or can readily
103 ascertain, such attorney's name and address, unless the debtor's
104 attorney fails to respond within 30 days to a communication from
105 the debt collector person, unless the debtor's attorney consents
106 to a direct communication with the debtor, or unless the debtor
107 initiates the communication.

108 (19) Cause a debtor to be charged for communications by
109 concealing the true purpose of the communication, including
110 collect telephone calls and telegram fees.

111 Section 2. For the purpose of incorporating the amendment
112 made by this act to section 559.72, Florida Statutes, in a
113 reference thereto, subsection (2) of section 559.565, Florida
114 Statutes, is reenacted to read:

115 559.565 Enforcement action against out-of-state consumer
116 debt collector.—The remedies of this section are cumulative to
117 other sanctions and enforcement provisions of this part for any
118 violation by an out-of-state consumer debt collector, as defined
119 in s. 559.55(11).

120 (2) A person, whether or not exempt from registration under
121 this part, who violates s. 559.72 is subject to sanctions the
122 same as any other consumer debt collector, including imposition
123 of an administrative fine. The registration of a duly registered
124 out-of-state consumer debt collector is subject to revocation or
125 suspension in the same manner as the registration of any other
126 registrant under this part.



127 Section 3. For the purpose of incorporating the amendment
128 made by this act to section 559.72, Florida Statutes, in a
129 reference thereto, subsection (2) of section 559.725, Florida
130 Statutes, is reenacted to read:

131 559.725 Consumer complaints; administrative duties.—

132 (2) The office shall inform and furnish relevant
133 information to the appropriate regulatory body of the state or
134 the Federal Government, or The Florida Bar in the case of
135 attorneys, if a person has been named in a consumer complaint
136 pursuant to subsection (3) alleging violations of s. 559.72. The
137 Attorney General may take action against any person in violation
138 of this part.

139 Section 4. For the purpose of incorporating the amendment
140 made by this act to section 559.72, Florida Statutes, in
141 references thereto, subsections (1) and (2) of section 559.77,
142 Florida Statutes, are reenacted to read:

143 559.77 Civil remedies.—

144 (1) A debtor may bring a civil action against a person
145 violating the provisions of s. 559.72 in the county in which the
146 alleged violator resides or has his or her principal place of
147 business or in the county where the alleged violation occurred.

148 (2) Any person who fails to comply with any provision of s.
149 559.72 is liable for actual damages and for additional statutory
150 damages as the court may allow, but not exceeding \$1,000,
151 together with court costs and reasonable attorney's fees
152 incurred by the plaintiff. In determining the defendant's
153 liability for any additional statutory damages, the court shall
154 consider the nature of the defendant's noncompliance with s.
155 559.72, the frequency and persistence of the noncompliance, and



156 the extent to which the noncompliance was intentional. In a
157 class action lawsuit brought under this section, the court may
158 award additional statutory damages of up to \$1,000 for each
159 named plaintiff and an aggregate award of additional statutory
160 damages up to the lesser of \$500,000 or 1 percent of the
161 defendant's net worth for all remaining class members; however,
162 the aggregate award may not provide an individual class member
163 with additional statutory damages in excess of \$1,000. The court
164 may award punitive damages and may provide such equitable relief
165 as it deems necessary or proper, including enjoining the
166 defendant from further violations of this part. If the court
167 finds that the suit fails to raise a justiciable issue of law or
168 fact, the plaintiff is liable for court costs and reasonable
169 attorney's fees incurred by the defendant.

170 Section 5. For the purpose of incorporating the amendment
171 made by this act to section 559.72, Florida Statutes, in a
172 reference thereto, paragraph (o) of subsection (1) of section
173 648.44, Florida Statutes, is reenacted to read:

174 648.44 Prohibitions; penalty.—

175 (1) A bail bond agent or bail bond agency may not:

176 (o) Attempt to collect, through threat or coercion, amounts
177 due for the payment of any indebtedness related to the issuance
178 of a bail bond in violation of s. 559.72.

179 Section 6. For the purpose of incorporating the amendment
180 made by this act to section 559.72, Florida Statutes, in a
181 reference thereto, paragraph (b) of subsection (2) of section
182 817.7001, Florida Statutes, is reenacted to read:

183 817.7001 Definitions.—As used in this part:

184 (2)



185 (b) "Credit service organization" does not include:

186 1. Any person authorized to make loans or extensions of
187 credit under the laws of this state or the United States who is
188 subject to regulation and supervision by this state or the
189 United States or a lender approved by the United States
190 Secretary of Housing and Urban Development for participation in
191 any mortgage insurance program under the National Housing Act;

192 2. Any bank, savings bank, or savings and loan association
193 whose deposits or accounts are eligible for insurance by the
194 Federal Deposit Insurance Corporation or the Federal Savings and
195 Loan Insurance Corporation, or a subsidiary of such bank,
196 savings bank, or savings and loan association;

197 3. Any credit union, federal credit union, or out-of-state
198 credit union doing business in this state;

199 4. Any nonprofit organization exempt from taxation under s.
200 501(c)(3) of the Internal Revenue Code;

201 5. Any person licensed as a real estate broker by this
202 state if the person is acting within the course and scope of
203 that license;

204 6. Any person collecting consumer claims pursuant to s.
205 559.72;

206 7. Any person licensed to practice law in this state if the
207 person renders services within the course and scope of his or
208 her practice as an attorney and does not engage in the credit
209 service business on a regular and continuing basis;

210 8. Any broker-dealer registered with the Securities and
211 Exchange Commission or the Commodity Futures Trading Commission
212 if the broker-dealer is acting within the course and scope of
213 that regulation; or



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214 9. Any consumer reporting agency as defined in the Federal
215 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.

216 Section 7. This act shall take effect upon becoming a law.

217
218 ===== T I T L E A M E N D M E N T =====

219 And the title is amended as follows:

220 Delete everything before the enacting clause

221 and insert:

222 A bill to be entitled
223 An act relating to debt collection; amending s.
224 559.72, F.S.; revising prohibited practices for a debt
225 collector attempting to collect consumer debt; making
226 technical changes; reenacting ss. 559.565(2),
227 559.725(2), 559.77(1) and (2), 648.44(1)(o), and
228 817.7001(2)(b), F.S., relating to enforcement action
229 against out-of-state consumer debt collector, consumer
230 complaints and administrative duties, civil remedies,
231 prohibitions and penalties, and definitions,
232 respectively, to incorporate the amendment made to s.
233 559.72, F.S., in references thereto; providing an
234 effective date.

235
236 WHEREAS, the Legislature finds that technical changes to s.
237 559.72, Florida Statutes, are necessary to clarify that existing
238 law prohibiting communication between a debtor and a debt
239 collector between the hours of 9 p.m. and 8 a.m. applies only to
240 telephone calls, NOW, THEREFORE,

By Senator Rodriguez

40-00388-25

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A bill to be entitled

An act relating to debt collection; amending s. 559.72, F.S.; revising prohibited practices for a person attempting to collect consumer debt; making a technical change; reenacting ss. 559.565(2), 559.725(2), 559.77(1) and (2), 648.44(1)(c), and 817.7001(2)(b), F.S., relating to enforcement action against out-of-state consumer debt collector, consumer complaints and administrative duties, civil remedies, prohibitions and penalties, and definitions, respectively, to incorporate the amendment made to s. 559.72, F.S., in references thereto; providing an effective date.

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

Section 1. Section 559.72, Florida Statutes, is amended to read:

559.72 Prohibited practices generally.—Unless otherwise authorized by law, in collecting consumer debts, a ~~no~~ person may not shall:

- (1) Simulate in any manner a law enforcement officer or a representative of any governmental agency.
- (2) Use or threaten force or violence.
- (3) Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will

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also be disclosed as required by subsection (6).

(4) Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection. However, this does not prohibit a person from telling the debtor that her or his employer will be contacted if a final judgment is obtained.

(5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.

(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made before such dispute has been asserted and written notice is received from the debtor that any part of the debt is disputed, and if such dispute is reasonable, the person who made the original disclosure must reveal upon the request of the debtor within 30 days the details of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days.

(7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.

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59 (8) Use profane, obscene, vulgar, or willfully abusive
60 language in communicating with the debtor or any member of her
61 or his family.

62 (9) Claim, attempt, or threaten to enforce a debt when such
63 person knows that the debt is not legitimate, or assert the
64 existence of some other legal right when such person knows that
65 the right does not exist.

66 (10) Use a communication that simulates in any manner legal
67 or judicial process or that gives the appearance of being
68 authorized, issued, or approved by a government, governmental
69 agency, or attorney at law, when it is not.

70 (11) Communicate with a debtor under the guise of an
71 attorney by using the stationery of an attorney or forms or
72 instruments that only attorneys are authorized to prepare.

73 (12) Orally communicate with a debtor in a manner that
74 gives the false impression or appearance that such person is or
75 is associated with an attorney.

76 (13) Advertise or threaten to advertise for sale any debt
77 as a means to enforce payment except under court order or when
78 acting as an assignee for the benefit of a creditor.

79 (14) Publish or post, threaten to publish or post, or cause
80 to be published or posted before the general public individual
81 names or any list of names of debtors, commonly known as a
82 deadbeat list, for the purpose of enforcing or attempting to
83 enforce collection of consumer debts.

84 (15) Refuse to provide adequate identification of herself
85 or himself or her or his employer or other entity whom she or he
86 represents if requested to do so by a debtor from whom she or he
87 is collecting or attempting to collect a consumer debt.

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88 (16) Mail any communication to a debtor in an envelope or
89 postcard with words typed, written, or printed on the outside of
90 the envelope or postcard calculated to embarrass the debtor. An
91 example of this would be an envelope addressed to "Deadbeat,
92 Jane Doe" or "Deadbeat, John Doe."

93 (17) Communicate with the debtor by telephone call between
94 the hours of 9 p.m. and 8 a.m. in the debtor's time zone without
95 the prior consent of the debtor.

96 (a) The person may presume that the time a telephone call
97 is received conforms to the local time zone assigned to the area
98 code of the number called, unless the person reasonably believes
99 that the debtor's telephone is located in a different time zone.

100 (b) If, such as with toll-free numbers, an area code is not
101 assigned to a specific geographic area, the person may presume
102 that the time a telephone call is received conforms to the local
103 time zone of the debtor's last known place of residence, unless
104 the person reasonably believes that the debtor's telephone is
105 located in a different time zone.

106 (18) Communicate with a debtor if the person knows that the
107 debtor is represented by an attorney with respect to such debt
108 and has knowledge of, or can readily ascertain, such attorney's
109 name and address, unless the debtor's attorney fails to respond
110 within 30 days to a communication from the person, unless the
111 debtor's attorney consents to a direct communication with the
112 debtor, or unless the debtor initiates the communication.

113 (19) Cause a debtor to be charged for communications by
114 concealing the true purpose of the communication, including
115 collect telephone calls and telegram fees.

116 Section 2. For the purpose of incorporating the amendment

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117 made by this act to section 559.72, Florida Statutes, in a
118 reference thereto, subsection (2) of section 559.565, Florida
119 Statutes, is reenacted to read:

120 559.565 Enforcement action against out-of-state consumer
121 debt collector.—The remedies of this section are cumulative to
122 other sanctions and enforcement provisions of this part for any
123 violation by an out-of-state consumer debt collector, as defined
124 in s. 559.55(11).

125 (2) A person, whether or not exempt from registration under
126 this part, who violates s. 559.72 is subject to sanctions the
127 same as any other consumer debt collector, including imposition
128 of an administrative fine. The registration of a duly registered
129 out-of-state consumer debt collector is subject to revocation or
130 suspension in the same manner as the registration of any other
131 registrant under this part.

132 Section 3. For the purpose of incorporating the amendment
133 made by this act to section 559.72, Florida Statutes, in a
134 reference thereto, subsection (2) of section 559.725, Florida
135 Statutes, is reenacted to read:

136 559.725 Consumer complaints; administrative duties.—

137 (2) The office shall inform and furnish relevant
138 information to the appropriate regulatory body of the state or
139 the Federal Government, or The Florida Bar in the case of
140 attorneys, if a person has been named in a consumer complaint
141 pursuant to subsection (3) alleging violations of s. 559.72. The
142 Attorney General may take action against any person in violation
143 of this part.

144 Section 4. For the purpose of incorporating the amendment
145 made by this act to section 559.72, Florida Statutes, in

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146 references thereto, subsections (1) and (2) of section 559.77,
147 Florida Statutes, are reenacted to read:

148 559.77 Civil remedies.—

149 (1) A debtor may bring a civil action against a person
150 violating the provisions of s. 559.72 in the county in which the
151 alleged violator resides or has his or her principal place of
152 business or in the county where the alleged violation occurred.

153 (2) Any person who fails to comply with any provision of s.
154 559.72 is liable for actual damages and for additional statutory
155 damages as the court may allow, but not exceeding \$1,000,
156 together with court costs and reasonable attorney's fees
157 incurred by the plaintiff. In determining the defendant's
158 liability for any additional statutory damages, the court shall
159 consider the nature of the defendant's noncompliance with s.
160 559.72, the frequency and persistence of the noncompliance, and
161 the extent to which the noncompliance was intentional. In a
162 class action lawsuit brought under this section, the court may
163 award additional statutory damages of up to \$1,000 for each
164 named plaintiff and an aggregate award of additional statutory
165 damages up to the lesser of \$500,000 or 1 percent of the
166 defendant's net worth for all remaining class members; however,
167 the aggregate award may not provide an individual class member
168 with additional statutory damages in excess of \$1,000. The court
169 may award punitive damages and may provide such equitable relief
170 as it deems necessary or proper, including enjoining the
171 defendant from further violations of this part. If the court
172 finds that the suit fails to raise a justiciable issue of law or
173 fact, the plaintiff is liable for court costs and reasonable
174 attorney's fees incurred by the defendant.

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175 Section 5. For the purpose of incorporating the amendment
 176 made by this act to section 559.72, Florida Statutes, in a
 177 reference thereto, paragraph (o) of subsection (1) of section
 178 648.44, Florida Statutes, is reenacted to read:
 179 648.44 Prohibitions; penalty.—
 180 (1) A bail bond agent or bail bond agency may not:
 181 (o) Attempt to collect, through threat or coercion, amounts
 182 due for the payment of any indebtedness related to the issuance
 183 of a bail bond in violation of s. 559.72.
 184 Section 6. For the purpose of incorporating the amendment
 185 made by this act to section 559.72, Florida Statutes, in a
 186 reference thereto, paragraph (b) of subsection (2) of section
 187 817.7001, Florida Statutes, is reenacted to read:
 188 817.7001 Definitions.—As used in this part:
 189 (2)
 190 (b) "Credit service organization" does not include:
 191 1. Any person authorized to make loans or extensions of
 192 credit under the laws of this state or the United States who is
 193 subject to regulation and supervision by this state or the
 194 United States or a lender approved by the United States
 195 Secretary of Housing and Urban Development for participation in
 196 any mortgage insurance program under the National Housing Act;
 197 2. Any bank, savings bank, or savings and loan association
 198 whose deposits or accounts are eligible for insurance by the
 199 Federal Deposit Insurance Corporation or the Federal Savings and
 200 Loan Insurance Corporation, or a subsidiary of such bank,
 201 savings bank, or savings and loan association;
 202 3. Any credit union, federal credit union, or out-of-state
 203 credit union doing business in this state;

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204 4. Any nonprofit organization exempt from taxation under s.
 205 501(c)(3) of the Internal Revenue Code;
 206 5. Any person licensed as a real estate broker by this
 207 state if the person is acting within the course and scope of
 208 that license;
 209 6. Any person collecting consumer claims pursuant to s.
 210 559.72;
 211 7. Any person licensed to practice law in this state if the
 212 person renders services within the course and scope of his or
 213 her practice as an attorney and does not engage in the credit
 214 service business on a regular and continuing basis;
 215 8. Any broker-dealer registered with the Securities and
 216 Exchange Commission or the Commodity Futures Trading Commission
 217 if the broker-dealer is acting within the course and scope of
 218 that regulation; or
 219 9. Any consumer reporting agency as defined in the Federal
 220 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.
 221 Section 7. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: January 30, 2025

I respectfully request that **Senate Bill #232**, relating to Debt Collection, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

CourtSmart Tag Report

Room: SB 110 **Case No.:**
Caption: Senate Commerce Committee

Type:
Judge:

Started: **2/11/2025 8:31:10 AM**
Ends: **2/11/2025 8:56:55 AM** **Length: 00:25:46**

8:31:09 AM Chair Leek calls the meeting to order
8:31:11 AM Roll call
8:31:16 AM Quorum announced
8:33:27 AM Chair with comments, SB 232 TP'd
8:33:36 AM Presentation by Mr. Leo Garcia, Director, Office of Broadband
8:48:18 AM Chair Leek with comments
8:49:19 AM Questions
8:49:22 AM Senator Davis
8:49:28 AM Mr. Garcia
8:50:47 AM Senator Davis
8:50:53 AM Mr. Garcia
8:53:54 AM Chair Leek with comments
8:53:58 AM Questions
8:54:02 AM Senator Wright
8:54:13 AM Mr. Garcia
8:55:23 AM Chair Leek
8:55:30 AM Mr. Garcia
8:56:04 AM Chair Leek
8:56:08 AM Mr. Garcia
8:56:13 AM Chair Leek with comments
8:56:36 AM Senator Davis moves to adjourned
8:56:43 AM Meeting adjourned