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1 ~~in this state shall register with the office and annually~~
2 ~~renew such registration, providing the registration fee,~~
3 ~~information, and surety bond required by this part.~~

4 ~~(3) No registration shall be valid for any commercial~~
5 ~~collection agency transacting business at any place other than~~
6 ~~that designated in the registration unless the office is first~~
7 ~~notified in advance of any change of location. A registration~~
8 ~~under this part is not transferable or assignable. Any~~
9 ~~commercial collection agency desiring to change its registered~~
10 ~~name, location, or agent for service of process at any time~~
11 ~~other than renewal of registration shall notify the office of~~
12 ~~such change prior to the change.~~

13 ~~(4) The office shall not accept any registration for~~
14 ~~any commercial collection agency as validly made and filed~~
15 ~~with the office under this section unless the registration~~
16 ~~information furnished to the office by the registrant is~~
17 ~~complete pursuant to s. 559.545 and facially demonstrates that~~
18 ~~such registrant is qualified to engage in business as a~~
19 ~~commercial collection agency, including specifically that~~
20 ~~neither the registrant nor any principal of the registrant has~~
21 ~~engaged in any unlawful collection practices, dishonest~~
22 ~~dealings, acts of moral turpitude, or other criminal acts that~~
23 ~~reflect an inability to engage in the commercial collection~~
24 ~~agency business. The office shall inform any person whose~~
25 ~~registration is rejected by the office of the fact of and~~
26 ~~basis for such rejection. A prospective registrant shall be~~
27 ~~entitled to be registered when her or his or its registration~~
28 ~~information is complete on its face, the applicable~~
29 ~~registration fee has been paid, and the required evidence of~~
30 ~~current bond is furnished to the office.~~

31 ~~(5) The registration requirements of s. 559.545 do~~

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1 ~~This section shall~~ not apply to:

2 (1)(a) A member of The Florida Bar, unless the ~~such~~
3 person is primarily engaged in the collection of commercial
4 claims. "Primarily engaged in the collection of commercial
5 claims" means that more than one-half of the person's income
6 ~~of such person~~ arises from the business of soliciting
7 commercial claims for collection or collecting commercial
8 claims.

9 (2)(b) A financial institution authorized to do
10 business in this state or ~~and~~ any wholly owned subsidiary or
11 an ~~and~~ affiliate thereof.

12 (3)(c) A licensed real estate broker.

13 (4)(d) A title insurance company authorized to do
14 business in this state.

15 (5)(e) A licensed consumer collection agency that
16 ~~which~~ is not primarily engaged in the collection of commercial
17 claims. "Not primarily engaged in the collection of commercial
18 claims" means that less than one-half of the collection
19 revenue of the ~~such~~ agency arises from the collection of
20 commercial claims.

21 (6)(f) A consumer finance company or ~~and~~ any wholly
22 owned subsidiary or an ~~and~~ affiliate thereof.

23 (7)(g) A person licensed pursuant to chapter 520.

24 (8)(h) A credit grantor.

25 (9)(i) An out-of-state collector ~~as defined in this~~
26 ~~part~~.

27 (10)(j) An FDIC-insured institution or subsidiary or
28 affiliate thereof.

29 Section 3. Section 559.545, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

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1 s. 559.545, Florida Statutes, for current text.)

2 559.545 Registration of commercial collection

3 agencies; procedure.--

4 (1) A person may not engage in business in this state
5 as a commercial collection agency, as defined in this part, or
6 continue to do business in this state as a commercial
7 collection agency, unless the person is registered with the
8 office according to this part and thereafter maintains the
9 registration.

10 (2) A registration is not valid for any commercial
11 collection agency transacting business at any place other than
12 the place designated in the registration unless the office is
13 first notified in advance of any change of location.

14 (3) Any person who applies for registration as a
15 commercial collection agency in compliance with this part
16 shall do so on forms adopted by the commission and furnished
17 by the office. The commission may establish by rule procedures
18 for depositing fees and filing documents by electronic means
19 provided such procedures provide the office with the
20 information required by this section. The commission or office
21 may require each applicant for a commercial collection agency
22 registration to provide:

23 (a) A nonrefundable application fee in the amount of
24 \$650. All amounts collected shall be deposited to the credit
25 of the Regulatory Trust Fund of the office.

26 (b) The name of the applicant, any other names under
27 which the applicant conducts business, and the address of the
28 applicant's principal place of business and each office in
29 this state.

30 (c) The applicant's form and place of organization
31 and, if the applicant is a corporation, a copy of the articles

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1 of incorporation and amendments to such articles, if a
2 partnership, a copy of the partnership agreement or, if
3 limited liability company, a copy of the articles of
4 organization.

5 (d) Documents demonstrating that the bonding
6 requirements specified in s. 559.546 have been satisfied.

7 (e) Information and documentation necessary to make a
8 determination of the applicant's eligibility for registration.

9 (4) The applicant shall also provide information as
10 the office may require about any partner, officer, or director
11 of the applicant, any person having the same or substantially
12 similar status or performing substantially similar functions,
13 or any person directly or indirectly controlling the
14 applicant. For purposes of this section, the term "directly or
15 indirectly controlling the applicant" means possessing the
16 power to direct or to cause the direction of the management or
17 policies of a company, whether through ownership of stock or
18 securities, by contract, or otherwise. Any individual or
19 company that directly or indirectly has the right to vote 25
20 percent or more of the voting stock or securities of a company
21 or is entitled to 25 percent or more of its profits is
22 presumed to control that company. The office may require
23 information about any such applicant or person, including:

24 (a) His or her full name, current address, current
25 telephone number, date of birth, or social security number or
26 the federal identification number of any corporate owner.

27 (b) His or her previous 10 year educational or
28 employment history.

29 (c) Any adverse decision, finding, injunction,
30 suspension, prohibition, revocation, denial, or judgment by
31 any court of competent jurisdiction or an administrative order

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1 by an administrative law judge, or by any state or federal
 2 agency or any business, professional, or occupational
 3 association involving a violation of any law, rule, or
 4 regulation relating to any business or professional licensing.

5 (d) Whether he or she committed any acts which would
 6 be grounds for denial of an application under s. 559.545(10).

7 (5) An initial application is deemed received for
 8 purposes of s. 120.60 upon receipt of the completed
 9 application form prescribed by commission rule, the
 10 nonrefundable application fee of \$650, and any other fee
 11 prescribed by law.

12 (6) Upon the filing of an application for registration
 13 and payment of all applicable fees, the office shall
 14 investigate the applicant. If the office determines that
 15 registration should be granted, the office shall register the
 16 applicant for a period not to exceed 1 year.

17 (7) The registration of each commercial collection
 18 agency expires on December 31 of the year in which the
 19 registration became effective unless the registrant has
 20 renewed its registration on or before that date. Registration
 21 may be renewed as the commission may require by rule, together
 22 with payment of the \$500 nonrefundable renewal fee and the
 23 payment of any amount lawfully due and owing to the office
 24 pursuant to any order of the office or pursuant to any
 25 agreement with the office. A commercial collection agency that
 26 has not renewed its registration by the time the registration
 27 period expires may request reactivation of its registration.
 28 The registrant shall file its request with the office on or
 29 before January 31 of the year following the year of
 30 expiration. The request must contain any information the
 31 office requires, together with the registration fee required

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1 in this section, and a nonrefundable reactivation fee in the
2 amount of \$250. Any reactivation of registration granted by
3 the office during the month of January is deemed effective
4 retroactive to January 1 of that year. Any registrant that
5 engages in business as a commercial collection agency after
6 its registration has expired violates subsection (1),
7 punishable as provided by ss. 559.548(1) and 559.5477(6).

8 (8) If the information contained in any application or
9 any amendment to such application has changed, the registrant
10 shall file an amendment on the forms prescribed by the
11 commission correcting such information within 30 days after
12 the change.

13 (9) A registration under this part is not transferable
14 or assignable unless accomplished pursuant to this subsection.

15 (a) Changes in registration occasioned by changes in
16 personnel of a partnership or in the principals, copartners,
17 officers, or directors of any registrant or by changes of any
18 material fact shall be reported by written amendment in such
19 form and at such time as the commission may specify by rule.
20 In any case in which a person or a group of persons, directly
21 or indirectly or acting by or through one or more persons,
22 proposes to purchase or acquire a controlling interest in a
23 registrant, such person or group shall submit an initial
24 application for registration as a commercial collection agency
25 prior to such purchase or acquisition at such time and in such
26 form as the commission may prescribe by rule.

27 (b) The commission shall adopt rules providing for
28 waiver of the application required by this subsection when
29 control of a registrant is to be acquired by another
30 registrant under this chapter or when the application is
31 otherwise unnecessary in the public interest.

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1 (10) The office may deny registration if the
2 applicant, any principal of the applicant, or any person
3 having control of the applicant:

4 (a) Has committed any violation of s. 559.72;

5 (b) Is the subject of a pending criminal prosecution
6 or governmental enforcement action, in any jurisdiction, until
7 the conclusion of such criminal prosecution or enforcement
8 action;

9 (c) Is currently subject to a pending enforcement
10 action by any federal authority for violations of the federal
11 Fair Debt Collection Practices Act or the Federal Trade
12 Commission Act;

13 (d) Has been found guilty of, regardless of
14 adjudication, or has entered a plea of nolo contendere or
15 guilty to, any offense involving fraud, dishonest dealing, or
16 moral turpitude;

17 (e) Has been found guilty of, regardless of
18 adjudication, or has entered a plea of nolo contendere or
19 guilty to, any felony;

20 (f) Has had entered against him or her, or against any
21 business for which he or she was directly or indirectly a
22 controlling person in the business or controlled the business,
23 an injunction, a temporary restraining order, or a final
24 judgment or order, including a stipulated judgment or order,
25 an assurance of voluntary compliance, or any similar document,
26 in any civil or administrative action involving racketeering,
27 fraud, theft, embezzlement, fraudulent conversion, or
28 misappropriation of property or the use of any untrue,
29 deceptive, or misleading representation in an attempt to sell
30 or dispose of real or personal property or the use of any
31 unfair, unlawful, or deceptive trade practice, whether or not

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1 there is any litigation pending against the applicant;

2 (g) Is subject to or was directly or indirectly a
3 controlling person in the business, or controlled the
4 business, with any company that is, or ever has been, subject
5 to any injunction; temporary restraining order, including a
6 stipulated judgment or order, an assurance of voluntary
7 compliance, or any similar document; or any restrictive court
8 order relating to business activity as the result of any
9 action brought by a governmental agency, including any action
10 affecting any license to do business or practice an occupation
11 or trade;

12 (h) Falsified or willfully omitted any material
13 information asked for in any application, document, or record
14 required to be submitted under this part or the rules of the
15 commission;

16 (i) Made a material false statement of fact in an
17 application for registration or in response to any request or
18 investigation by the office; or

19 (j) Has been the subject of any adverse decision,
20 finding, injunction, suspension, prohibition, revocation,
21 denial, or judgment by any court of competent jurisdiction or
22 an administrative order by an administrative law judge, any
23 state or federal agency, or any business, professional, or
24 occupational association involving a violation of any law,
25 rule, or regulation relating to business or professional
26 licensing.

27 Section 4. Section 559.546, Florida Statutes, is
28 amended to read:

29 (Substantial rewording of section. See
30 s. 559.546, Florida Statutes, for current text.)
31 559.546 Surety bond; evidence of current and valid

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1 bond.--Pursuant to s. 559.545, the registrant shall provide to
2 the office evidence that the registrant has been issued a
3 current and valid surety bond as required by this part.

4 (1) Before the office may issue a registration, the
5 applicant must provide to the office a corporate surety bond
6 issued by a bonding company or insurance company authorized to
7 do business in this state.

8 (2) The corporate surety bond shall be in the amount
9 of \$50,000, paid for and issued for the benefit of any credit
10 grantor against the registrant to secure the faithful
11 performance of the obligations of the registrant with respect
12 to the receipt, handling, and payment of funds collected by
13 the registrant.

14 (3) If multiple claims are filed against the surety on
15 any bond in excess of the amount of the bond, the surety may
16 pay the full amount of the bond to the office and is not
17 further liable under the bond. The office shall hold the funds
18 for distribution to claimants and pay to each claimant the pro
19 rata share of each valid claim made against the funds within 6
20 months after the date of the filing of the first claim against
21 the surety.

22 (4) A corporate surety bond filed with the office for
23 purposes of compliance with this section may not be canceled
24 by the registrant or the corporate surety except upon written
25 notice to the office by registered or certified mail with
26 return receipt requested. A cancellation shall not take effect
27 fewer than 30 days after receipt by the office of such written
28 notice.

29 (5) The corporate surety must, within 10 days after
30 the surety pays any claim to any claimant, give written notice
31 to the office by registered or certified mail of such payment

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1 with details sufficient to identify the claimant and the claim
2 or judgment so paid.

3 (6) Whenever the principal sum of such bond is reduced
4 by one or more recoveries or payments, the registrant must
5 furnish a new or additional bond so the total or aggregate
6 principal sum of such bonds equals the sum required by this
7 section. Alternatively, a registrant may furnish an
8 endorsement executed by the corporate surety reinstating the
9 bond to the required principal sum.

10 Section 5. Sections 559.5471, 559.5473, 559.5474,
11 559.5475, 559.5476, 559.5477, and 559.5479, Florida Statutes,
12 are created to read:

13 559.5471 Powers and duties of the Office of Financial
14 Regulation.--

15 (1) Compliance with this part shall be enforced by the
16 office, except when enforcement is specifically committed to
17 another agency.

18 (2) The office may conduct an investigation of any
19 person, within or outside this state, which the office
20 believes is necessary in order to determine whether a person
21 has violated this chapter or the rules adopted by the
22 commission. The office may commence any such investigation
23 when the office receives information from a complaint, the
24 public media, an informant, or any other source that informs
25 the office that a violation of this chapter has occurred or
26 may occur.

27 (3) The commission may adopt rules under ss.
28 120.536(1) and 120.54 to implement and administer this part.

29 (4) The commission may adopt a rule to:

30 (a) Require electronic submission of any form,
31 document, or fee required by this part, provided the rule

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1 reasonably accommodates a person with a technological or
2 financial hardship.

3 (b) Set forth the criteria and procedures for
4 obtaining an exemption due to a technological or financial
5 hardship.

6 (c) Accept certification of compliance with the
7 requirements of this part in lieu of requiring submission of
8 specified documents.

9 (5) All fees, charges, and fines collected by the
10 office under this part shall be deposited to the credit of the
11 Regulatory Trust Fund of the office.

12 (6) The office may:

13 (a) Issue, revoke, quash, or modify and serve
14 subpoenas to compel the attendance of witnesses and subpoenas
15 duces tecum to compel the production of all books, accounts,
16 records, and other documents and materials relevant to an
17 investigation. The office may exercise these powers even if
18 the subject of the investigation is exempt from registration.

19 (b) Administer oaths and affirmations to any person.

20 (c) Take or cause to be taken testimony and
21 depositions.

22 (7)(a) In the event of noncompliance with a subpoena
23 or subpoena duces tecum the office issued or caused to be
24 issued, the office may petition a court of competent
25 jurisdiction in the county in which the person subpoenaed
26 resides or has her, his, or its principal place of business
27 for an order requiring the person to appear and testify and to
28 produce the books, accounts, records, and other documents that
29 are specified in the subpoena duces tecum.

30 (b) A copy of the petition shall be served upon the
31 person subpoenaed by any person authorized by this section to

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1 serve subpoenas, who shall make and file with the court an
2 affidavit showing the time, place, and date of service.

3 (c) At a hearing on the petition to enforce compliance
4 with a subpoena, the person subpoenaed, or any person whose
5 interest will be substantially affected by the investigation
6 or subpoena, may appear and object to the subpoena and the
7 granting of the petition. The court may make any order that
8 justice requires in order to protect a party or other person
9 and her or his personal and property rights, including, but
10 not limited to, protection from annoyance, embarrassment,
11 oppression, undue burden, or expense.

12 (d) Failure to comply with an order granting, in whole
13 or in part, a petition to enforce a subpoena is a contempt of
14 the court.

15 (8) Witnesses are entitled to the same fees and
16 mileage to which they would be entitled by law for attending
17 as witnesses in circuit court, except that fees or mileage may
18 not be allowed for testimony of a person taken at the person's
19 principal office or residence.

20 (9) Reasonable and necessary costs incurred by the
21 office during an investigation may be assessed against any
22 debt collector on the basis of actual costs incurred. Assessed
23 expenses may include, but are not limited to, expenses for
24 interpreters; expenses for communications; expenses for legal
25 representation; expenses for economic, legal, or other
26 research, analysis, and testimony; and fees and expenses for
27 witnesses. The failure to reimburse the office for its
28 reasonable and necessary costs is a reason to deny a
29 registrant's application or to revoke the prior approval of an
30 application.

31 559.5473 Injunction to restrain violations;

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1 receivers.--

2 (1) The office may bring an action on behalf of the
3 state to enjoin any person who has violated, or is about to
4 violate, this part, any rule of the commission, or any order
5 of the office issued under this part.

6 (2) In an injunctive proceeding, the court may issue a
7 subpoena requiring the attendance of any witness or a subpoena
8 duces tecum requiring the production of any book, account,
9 record, or other documents and materials relevant to the
10 pending case.

11 (3)(a) In addition to any procedure provided by law
12 for enforcing a temporary restraining order or a temporary or
13 permanent injunction, the court may, upon application of the
14 office, impound the property, assets, and business of the
15 registrant, including, but not limited to, the books, records,
16 documents, and papers of the registrant. The court may appoint
17 a receiver to administer the property. The receiver, when
18 appointed and qualified, has the powers and duties that are
19 conferred upon the receiver by the court.

20 (b) After appointing a receiver, the court may issue
21 an order staying all pending suits and enjoining any further
22 litigation affecting the receiver's custody or possession of
23 the property, assets, and business and the court, with the
24 consent of the chief judge of the circuit, may require that
25 all suits be assigned to the circuit judge who appointed the
26 receiver.

27 559.5474 Cease and desist orders; refund orders.--

28 (1) The office may issue and serve upon a person an
29 order to cease and desist and to take corrective action
30 whenever the office has reason to believe that a person is
31 violating, has violated, or is about to violate this part, any

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1 rule or order of the office issued under this part, or any
 2 written agreement between the commercial collection agency and
 3 the office. Procedural matters relating to the issuance and
 4 enforcement of a cease and desist order are governed by
 5 chapter 120.

6 (2) The office may seek an order of restitution from a
 7 court of competent jurisdiction for collected funds due to
 8 creditors or any sum collected from a debtor without valid
 9 proof of debt.

10 559.5475 Evidence; examiner or investigator
 11 worksheets, investigative reports, other related
 12 documents.--An official written report, sworn complaint,
 13 worksheet, or other related paper, or a certified copy
 14 thereof, compiled, prepared, drafted, or otherwise made by the
 15 financial examiner or investigator is admissible into evidence
 16 if the financial examiner or investigator is available for
 17 cross examination, authenticates the worksheet, and testifies
 18 that the report, worksheet, or related document was prepared
 19 as a result of an investigation of the books and records of a
 20 registrant or other person conducted under the authority of
 21 this part.

22 559.5476 Books, accounts, and records; maintenance;
 23 investigations by the office.--

24 (1) Each registrant shall maintain, at its principal
 25 place of business designated on its registration, all books,
 26 accounts, records, and documents necessary to determine the
 27 registrant's compliance with this part.

28 (2) The office may authorize maintenance of records at
 29 a location other than a principal place of business. The
 30 office may require books, accounts, and records to be produced
 31 and available at a reasonable and convenient location in this

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1 state.

2 (3) All books, accounts, records, documents, and
3 receipts for payments to a registrant by a debtor, and
4 payments made to a creditor by a registrant, shall be
5 preserved and kept available for investigation by the office
6 for 3 years after the date of original entry. The commission
7 shall adopt requirements by rule for maintaining the books,
8 accounts, records, and documents retained by the registrant
9 and for destroying the records.

10 (4) The commission shall designate by rule the minimum
11 information that must be contained in the registrant's books,
12 accounts, records, and documents to enable the office to
13 determine a registrant's compliance with this part.

14 559.5477 Administrative remedies.--

15 (1) The office may revoke or suspend the registration
16 of a registrant under this part who:

17 (a) Has been found guilty of, regardless of
18 adjudication, or has entered a plea of nolo contendere or
19 guilty to, any crime involving fraud, dishonest dealing, or
20 moral turpitude;

21 (b) Has had a final judgment entered against the
22 person a civil action upon the grounds of fraud, embezzlement,
23 misrepresentation, or deceit;

24 (c) Has had any business, professional, or
25 occupational license or registration suspended, revoked, or
26 otherwise acted against in any jurisdiction;

27 (d) Fails to maintain the surety bond required
28 pursuant to s. 559.546;

29 (e) Fails to maintain books and records as required by
30 s. 559.5476;

31 (f) Violates any provision of this part, any rule or

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1 order adopted pursuant to this part, or any written agreement
2 entered into with the office;

3 (g) Paid for a registration with a check or electronic
4 transmission of funds which failed to clear the registrant's
5 financial institution;

6 (h) Falsified or willfully omitted any material
7 information asked for in any application, document, or record
8 required to be submitted under this part or the rules of the
9 commission;

10 (i) Made a material false statement of fact in an
11 application for registration or in response to any request or
12 investigation by the office; or

13 (j) Has a person who directly or indirectly controls
14 the applicant as defined in s. 559.545(4) that is subject to
15 an action, or commits an act, specified by paragraph (a),
16 paragraph (b), paragraph (c), paragraph (f), paragraph (h), or
17 paragraph (i).

18 (2) A registrant may request termination of its
19 registration by delivering written notice of its proposed
20 termination to the office. However, the delivery of the
21 termination notice does not affect any civil or criminal
22 liability of the registrant or the authority of the office to
23 enforce this part.

24 (3) The office may deny a request to terminate a
25 registration or to withdraw an application for registration if
26 the office believes that the registrant has committed an act
27 that would be grounds for denial, suspension, or revocation
28 under this part.

29 (4) Final action by the office to revoke or suspend
30 the registration of a registrant is subject to review
31 according to chapter 120 in the same manner as revocation of a

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1 license.

2 (5) The office may impose an administrative fine for a
3 violation of this section or s. 559.545, s. 559.546, or s.
4 559.5476 against an offending registrant as an administrative
5 sanction as follows:

6 (a) For any nonwillful violation, the office may
7 impose a fine of up to \$1,000 per violation. In no event shall
8 such fine exceed the aggregate amount of \$10,000 for all
9 nonwillful violations arising out of the same action; or

10 (b) For any willful violation, the office may impose a
11 fine of up to \$2,500 per violation. In no event shall such
12 fine exceed the aggregate amount of \$100,000 for all willful
13 violations arising out the same action.

14
15 Final action by the office to impose an administrative fine is
16 subject to review in accordance with ss. 120.569 and 120.57.

17 (6) Notwithstanding any other provision of this
18 section, the office may impose a fine not to exceed \$1,000 per
19 day for each day that a person violates the code by engaging
20 in the business of a commercial collection agency without
21 being registered.

22 (7) Any administrative fine imposed under this part is
23 payable to the office. The office shall maintain an
24 appropriate record and deposit the fine into the Regulatory
25 Trust Fund of the office.

26 (8) An administrative action by the office to impose
27 revocation, suspension, or a fine must be brought within 5
28 years after the date of the last violation upon which the
29 action is founded.

30 (9) The remedies under this part are in addition to
31 remedies otherwise available for the same conduct under state

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1 or local law.

2 559.5479 Administrative guidelines.--In imposing any
3 administrative remedy or penalty provided for in the code, the
4 office shall take into account the appropriateness of the
5 penalty with respect to the size of the financial resources
6 and good faith of the person charged, the gravity of the
7 violation, the history of previous violations, and such other
8 matters as justice may require.

9 Section 6. Subsections (1), (7), and (8) of section
10 559.55, Florida Statutes, are amended, and subsections (10),
11 (11), and (12) are added to that section, to read:

12 559.55 Definitions.--The following terms shall, unless
13 the context otherwise indicates, have the following meanings
14 for the purpose of this part:

15 (1) "Debt" or "consumer debt" means:

16 (a) Any obligation or alleged obligation of a consumer
17 to pay money arising out of a transaction in which the money,
18 property, insurance, or services which are the subject of the
19 transaction are primarily for personal, family, or household
20 purposes, whether or not such obligation has been reduced to
21 judgment; or

22 (b) Any unsatisfied obligation for the payment of
23 money arising out of a legal order for child support.

24 (7) "Consumer collection agency" means any debt
25 collector or business entity engaged in the business of
26 soliciting, purchasing, or collecting consumer debts in
27 default for collection ~~or of collecting consumer debts~~, which
28 debt collector or business is not expressly exempted as set
29 forth in s. 559.553(1)(4).

30 (8) "Out-of-state consumer debt collector" means any
31 person whose business activities in this state involve both

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1 collecting or attempting to collect consumer debt from debtors
 2 located in this state by means of interstate communication
 3 originating from outside this state. The term "out-of-state
 4 consumer debt collector" does not include a person who
 5 solicits and soliciting consumer debt accounts for collection
 6 from creditors who have a business presence in this state. ~~For~~
 7 ~~purposes of this subsection, a creditor has a business~~
 8 ~~presence in this state if either the creditor or an affiliate~~
 9 ~~or subsidiary of the creditor has an office in this state.~~

10 (10) "Credit grantor" means any person who offers or
 11 extends credit creating a debt or to whom a debt is owed, but
 12 such term does not include any person to the extent that
 13 person receives an assignment or transfer of a debt in default
 14 solely for the purpose of facilitating collection of such debt
 15 for another.

16 (11) "Federal Trade Commission Act" means the federal
 17 legislation regulating unfair or deceptive practices or acts,
 18 as set forth in 15 U.S.C. ss. 41 et seq.

19 (12) "Principal of a registrant or applicant" means
 20 any owner of the applicant or registrant if a partnership or
 21 sole proprietorship, the corporate officers, the corporate
 22 directors other than directors of a not-for-profit corporation
 23 organized under chapter 617, or the Florida resident agent if
 24 a corporation is the applicant or registrant.

25 Section 7. Section 559.552, Florida Statutes, is
 26 amended to read:

27 559.552 Relationship of state and federal law.--

28 (1) Any violation of the federal Fair Debt Collection
 29 Practices Act constitutes a prohibited practice under s.
 30 559.72. This subsection shall not be construed to create any
 31 additional civil cause of action as provided under s.

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1 559.77(2).

2 ~~(2) Nothing in This part does not shall be construed~~
3 ~~to~~ limit or restrict the continued applicability of the
4 federal Fair Debt Collection Practices Act to consumer
5 collection practices in this state. This part is in addition
6 to the requirements and regulations of the federal act. In
7 construing this part, due consideration and great weight shall
8 be given to interpretations of the Federal Trade Commission
9 Act and the Fair Debt Collection Practices Act by the Federal
10 Trade Commission. In the event of any inconsistency between
11 any provision of this part and any provision of the federal
12 act, the provision ~~that~~ which is more protective of the
13 consumer or debtor shall prevail unless the more protective
14 interpretation conflicts with the case law opinions of the
15 state and federal courts of this state or the opinions of the
16 Eleventh Circuit Court of Appeals.

17 Section 8. Section 559.553, Florida Statutes, is
18 amended to read:

19 559.553 ~~Registration of consumer collection agencies~~
20 ~~required;~~ Exemptions.--The registration requirements of s.
21 559.555

22 ~~(1) After January 1, 1994, no person shall engage in~~
23 ~~business in this state as a consumer collection agency or~~
24 ~~continue to do business in this state as a consumer collection~~
25 ~~agency without first registering in accordance with this part,~~
26 ~~and thereafter maintaining a valid registration.~~

27 ~~(2) Each consumer collection agency doing business in~~
28 ~~this state shall register with the office and renew such~~
29 ~~registration annually as set forth in s. 559.555.~~

30 ~~(3) A prospective registrant shall be entitled to be~~
31 ~~registered when registration information is complete on its~~

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1 ~~face and the applicable registration fee has been paid;~~
 2 ~~however, the office may reject a registration submitted by a~~
 3 ~~prospective registrant if the registrant or any principal of~~
 4 ~~the registrant previously has held any professional license or~~
 5 ~~state registration which was the subject of any suspension or~~
 6 ~~revocation which has not been explained by the prospective~~
 7 ~~registrant to the satisfaction of the office either in the~~
 8 ~~registration information submitted initially or upon the~~
 9 ~~subsequent written request of the office. In the event that an~~
 10 ~~attempted registration is rejected by the office the~~
 11 ~~prospective registrant shall be informed of the basis for~~
 12 ~~rejection.~~

13 ~~(4)~~ This section shall not apply to:

14 ~~(1)(a)~~ A Any credit grantor original creditor.

15 ~~(2)(b)~~ A Any member of The Florida Bar, unless the
 16 person is primarily engaged in the collection of consumer
 17 debts. "Primarily engaged in the collection of consumer debts"
 18 means that more than one-half of the person's income arises
 19 from the business of soliciting consumer claims for collection
 20 or collecting consumer claims.

21 ~~(3)(c)~~ A Any financial institution authorized to do
 22 business in this state ~~or and~~ any wholly owned subsidiary ~~or~~
 23 ~~an and~~ affiliate thereof.

24 ~~(4)(d)~~ A Any licensed real estate broker.

25 ~~(5)(e)~~ An Any insurance company authorized to do
 26 business in this state.

27 ~~(6)(f)~~ A Any consumer finance company ~~or and~~ any
 28 wholly owned subsidiary ~~or an and~~ affiliate thereof.

29 ~~(7)(g)~~ A Any person licensed pursuant to chapter 520.

30 ~~(8)(h)~~ An Any out-of-state consumer debt collector ~~who~~
 31 ~~does not solicit consumer debt accounts for collection from~~

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1 ~~credit grantors who have a business presence in this state.~~

2 ~~(9)(i) An Any~~ FDIC-insured institution or subsidiary
3 or affiliate thereof.

4 ~~(5) Any out of state consumer debt collector as~~
5 ~~defined in s. 559.55(8) who is not exempt from registration by~~
6 ~~application of subsection (4) and who fails to register in~~
7 ~~accordance with this part shall be subject to an enforcement~~
8 ~~action by the state as specified in s. 559.565.~~

9 Section 9. Section 559.555, Florida Statutes, is
10 amended to read:

11 (Substantial rewording of section. See
12 s. 559.555, Florida Statutes, for current text.)
13 559.555 Registration of consumer collection agencies;
14 procedure.--

15 (1) A person may not engage in business in this state
16 as a consumer collection agency, as defined in this part, or
17 continue to do business in this state as a consumer collection
18 agency unless the person is registered with the office
19 according to this part and thereafter maintains the
20 registration.

21 (2) A registration is not valid for any consumer
22 collection agency transacting business at any place other than
23 that designated in the registration unless the office is first
24 notified in advance of any change of location.

25 (3) A person who applies for registration as a
26 consumer collection agency in compliance with this part must
27 do so on forms adopted by the commission and furnished by the
28 office. The commission may establish by rule procedures for
29 depositing fees and filing documents by electronic means
30 provided such procedures provide the office with the
31 information required by this section. The commission or office

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1 may require each applicant for a consumer collection agency
2 registration to provide:

3 (a) A nonrefundable application fee in the amount of
4 \$650. All amounts collected shall be deposited to the credit
5 of the Regulatory Trust Fund of the office.

6 (b) The name of the applicant, any other names under
7 which the applicant conducts business, and the address of the
8 applicant's principal place of business and each office in
9 this state.

10 (c) The applicant's form and place of organization
11 and, if the applicant is a corporation, a copy of the articles
12 of incorporation and amendments to such articles, if a
13 partnership, a copy of the partnership agreement, or, if
14 limited liability company, a copy of the articles of
15 organization.

16 (d) Documents demonstrating that the bonding
17 requirements specified in s. 559.556 have been satisfied.

18 (e) Information and documentation necessary to make a
19 determination of the applicant's eligibility for registration.

20 (4) The applicant shall also provide information as
21 the office may require about any partner, officer, or director
22 of the applicant, any person having the same or substantially
23 similar status or performing substantially similar functions,
24 or any person directly or indirectly controlling the
25 applicant. For purposes of this subsection, the term "directly
26 or indirectly controlling the applicant" means possessing the
27 power to direct or to cause the direction of the management or
28 policies of a company, whether through ownership of stock or
29 securities, by contract, or otherwise. Any individual or
30 company that directly or indirectly has the right to vote 25
31 percent or more of the voting stock or securities of a company

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1 or is entitled to 25 percent or more of its profits is
2 presumed to control that company. The office may require
3 information about any such applicant or person, including:
4 (a) His or her full name, current address, current
5 telephone number, date of birth, social security number, or
6 federal identification number of any corporate owner.
7 (b) His or her previous 10-year educational or
8 employment history.
9 (c) Any adverse decision, finding, injunction,
10 suspension, prohibition, revocation, denial, or judgment by
11 any court of competent jurisdiction or an administrative order
12 by an administrative law judge, by any state or federal
13 agency, or by any business, professional, or occupational
14 association involving a violation of any law, rule, or
15 regulation relating to business or professional licensing.
16 (d) His or her commission of any acts which would be
17 grounds for denial of an application under subsection (10).
18 (5) An initial application is deemed received for
19 purposes of s. 120.60 upon receipt of the completed
20 application form prescribed by commission rule, the
21 nonrefundable application fee of \$650, and any other fee
22 prescribed by law.
23 (6) Upon the filing of an application for registration
24 and payment of all applicable fees, the office shall
25 investigate the applicant. If the office determines that
26 registration should be granted, it shall register the
27 applicant for a period not to exceed 1 year.
28 (7) The registration of each consumer collection
29 agency shall expire on December 31 of the year in which the
30 registration became effective unless the registrant has
31 renewed its registration on or before that date. A

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1 registration may be renewed as the commission may require by
2 rule, together with payment of the \$275 nonrefundable renewal
3 fee and the payment of any amount lawfully due and owing to
4 the office pursuant to any order of the office or pursuant to
5 any agreement with the office. A consumer collection agency
6 that has not renewed its registration by the time the
7 registration period expires may request reactivation of its
8 registration. The registrant must file its request with the
9 office on or before January 31 of the year following the year
10 of expiration. The request must contain any information the
11 office requires, together with the registration fee required
12 in this section and a nonrefundable reactivation fee in the
13 amount of \$250. Any reactivation of registration granted by
14 the office during the month of January is deemed effective
15 retroactive to January 1 of that year. Any registrant that
16 engages in business as a consumer collection agency after its
17 registration has expired violates subsection (1), punishable
18 as provided by ss. 559.785(1) and 559.730(6).

19 (8) If the information contained in any application or
20 any amendment to the application has changed, the registrant
21 shall file an amendment on the forms prescribed by the
22 commission correcting such information within 30 days after
23 the change.

24 (9) A registration under this part is not transferable
25 or assignable unless accomplished pursuant to this subsection.

26 (a) Changes in registration occasioned by changes in
27 personnel of a partnership or in the principals, copartners,
28 officers, or directors of any registrant or by changes of any
29 material fact shall be reported by written amendment in such
30 form and at such time as the commission may specify by rule.
31 In any case in which a person or a group of persons, directly

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1 or indirectly or acting by or through one or more persons,
 2 proposes to purchase or acquire a controlling interest in a
 3 registrant, such person or group shall submit an initial
 4 application for registration as a consumer collection agency
 5 prior to such purchase or acquisition at such time and in such
 6 form as the commission may prescribe by rule.

7 (b) The commission shall adopt rules providing for
 8 waiver of the application required by this subsection where
 9 control of a registrant is to be acquired by another
 10 registrant under this chapter or where the application is
 11 otherwise unnecessary in the public interest.

12 (10) The office may deny registration if the
 13 applicant, any principal of the applicant, or any person
 14 having control of the applicant:

15 (a) Has committed any violation of s. 559.72;

16 (b) Is the subject of a pending criminal prosecution
 17 or governmental enforcement action, in any jurisdiction, until
 18 the conclusion of such criminal prosecution or enforcement
 19 action;

20 (c) Is currently subject to a pending enforcement
 21 action by any federal authority for violations of the Fair
 22 Debt Collection Practices Act or the Federal Trade Commission
 23 Act;

24 (d) Has been found guilty of, regardless of
 25 adjudication, or has entered a plea of nolo contendere or
 26 guilty to, any offense involving fraud, dishonest dealing, or
 27 moral turpitude;

28 (e) Has been found guilty of, regardless of
 29 adjudication, or has entered a plea of nolo contendere or
 30 guilty to, any felony;

31 (f) Has had entered against him or her, or any

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1 business for which he or she was directly or indirectly a
2 controlling person in the business or controlled the business,
3 an injunction, a temporary restraining order, or a final
4 judgment or order, including a stipulated judgment or order,
5 an assurance of voluntary compliance, or any similar document,
6 in any civil or administrative action involving racketeering,
7 fraud, theft, embezzlement, fraudulent conversion, or
8 misappropriation of property or the use of any untrue,
9 deceptive, or misleading representation in an attempt to sell
10 or dispose of real or personal property or the use of any
11 unfair, unlawful, or deceptive trade practice, whether or not
12 there is any litigation pending against the applicant;

13 (g) Is subject to or was directly or indirectly a
14 controlling person in the business, or controlled the
15 business, with any company that is, or ever has been, subject
16 to any injunction, temporary restraining order, including a
17 stipulated judgment or order, an assurance of voluntary
18 compliance or any similar document, or any restrictive court
19 order relating to business activity as the result of any
20 action brought by a governmental agency, including any action
21 affecting any license to do business or practice an occupation
22 or trade;

23 (h) Falsified or willfully omitted any material
24 information asked for in any application, document, or record
25 required to be submitted under this part or the rules of the
26 commission;

27 (i) Made a material false statement of fact in an
28 application for registration or in response to any request or
29 investigation by the office, the Department of Legal Affairs,
30 or the state attorney; or

31 (j) Has been the subject of any adverse decision,

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1 finding, injunction, suspension, prohibition, revocation,
 2 denial, or judgment by any court of competent jurisdiction or
 3 an administrative order by an administrative law judge, by any
 4 state or federal agency, or by any business, professional, or
 5 occupational association involving a violation of any law,
 6 rule, or regulation relating to business or professional
 7 licensing.

8 Section 10. Section 559.556, Florida Statutes, is
 9 created to read:

10 559.556 Surety bond.--

11 (1) Before the office may issue a registration, the
 12 applicant must provide to the office a corporate surety bond
 13 issued by a bonding company or insurance company authorized to
 14 do business in this state.

15 (2) The corporate surety bond shall be in the amount
 16 of \$25,000, paid for and issued for the benefit of any credit
 17 grantor against the registrant to secure the faithful
 18 performance of the obligations of the registrant with respect
 19 to the receipt, handling, and payment of funds collected by
 20 the registrant.

21 (3) If multiple claims are filed against the surety on
 22 any bond in excess of the amount of the bond, the surety may
 23 pay the full amount of the bond to the office and is not
 24 further liable under the bond. The office shall hold the funds
 25 for distribution to claimants and pay to each claimant the pro
 26 rata share of each valid claim made against the funds within 6
 27 months after the date of the filing of the first claim against
 28 the surety.

29 (4) A corporate surety bond filed with the office for
 30 purposes of compliance with this section may not be canceled
 31 by the registrant or the corporate surety except upon written

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1 notice to the office by registered or certified mail with
2 return receipt requested. A cancellation shall not take effect
3 less than 30 days after receipt by the office of such written
4 notice.

5 (5) The corporate surety shall, within 10 days after
6 the surety pays any claim to a claimant, give written notice
7 to the office by registered or certified mail of such payment
8 with details sufficient to identify the claimant and the claim
9 or judgment so paid.

10 (6) Whenever the principal sum of such bond is reduced
11 by one or more recoveries or payments, the registrant shall
12 furnish a new or additional bond so that the total or
13 aggregate principal sum of such bonds equals the sum required
14 by this section. Alternatively, a registrant may furnish an
15 endorsement executed by the corporate surety reinstating the
16 bond to the required principal sum.

17 Section 11. Section 559.72, Florida Statutes, is
18 amended to read:

19 559.72 Prohibited practices generally.--

20 (1) In collecting consumer debts, a consumer
21 collection agency may not ~~no person shall~~:

22 (a)(1) Simulate in any manner a law enforcement
23 officer or a representative of any governmental agency;

24 (b)(2) Use or threaten force, ~~or violence, or any~~
25 other means to harm the physical person, property, or
26 reputation of any person;

27 (c)(3) Tell a debtor who disputes a consumer debt that
28 she or he or any person employing her or him will disclose to
29 another, orally or in writing, directly or indirectly,
30 information affecting the debtor's reputation for credit
31 worthiness without also informing the debtor that the

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1 existence of the dispute will also be disclosed as required by
2 paragraph (f) ~~subsection (6)~~;

3 ~~(d)(4)~~ Communicate or threaten to communicate with a
4 debtor's employer prior to obtaining final judgment against
5 the debtor, unless the debtor gives her or his permission in
6 writing to contact her or his employer or acknowledges in
7 writing the existence of the debt after the debt has been
8 placed for collection, but this shall not prohibit a person
9 from telling the debtor that her or his employer will be
10 contacted if a final judgment is obtained;

11 ~~(e)(5)~~ Disclose to a person other than the debtor or
12 her or his family information affecting the debtor's
13 reputation, whether or not for credit worthiness, with
14 knowledge or reason to know that the other person does not
15 have a legitimate business need for the information or that
16 the information is false;

17 ~~(f)(6)~~ Disclose information concerning the existence
18 of a debt known to be reasonably disputed by the debtor
19 without disclosing that fact. If a disclosure is made prior to
20 such reasonable dispute having been asserted and written
21 notice is received from the debtor that any part of the debt
22 is disputed and if such dispute is reasonable, the person who
23 made the original disclosure shall reveal upon the request of
24 the debtor within 30 days the details of the dispute to each
25 person to whom disclosure of the debt without notice of the
26 dispute was made within the preceding 90 days;

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

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1 member of her or his family;

2 ~~(h)(8)~~ Use profane, obscene, vulgar, or willfully
3 abusive language in communicating with the debtor or any
4 member of her or his family;

5 ~~(i)(9)~~ Claim, attempt, or threaten to enforce a debt
6 when such person knows that the debt is not legitimate or
7 assert the existence of some other legal right when such
8 person knows that the right does not exist;

9 ~~(j)(10)~~ Use a communication which simulates in any
10 manner legal or judicial process or which gives the appearance
11 of being authorized, issued or approved by a government,
12 governmental agency, or attorney at law, when it is not;

13 ~~(k)(11)~~ Communicate with a debtor under the guise of
14 an attorney by using the stationery of an attorney or forms or
15 instruments which only attorneys are authorized to prepare;

16 ~~(l)(12)~~ Orally communicate with a debtor in such a
17 manner as to give the false impression or appearance that such
18 person is or is associated with an attorney;

19 ~~(m)(13)~~ Advertise or threaten to advertise for sale
20 any debt as a means to enforce payment except under court
21 order or when acting as an assignee for the benefit of a
22 creditor;

23 ~~(n)(14)~~ Publish or post, threaten to publish or post,
24 or cause to be published or posted before the general public
25 individual names - or any list of names of debtors, commonly
26 known as a deadbeat list, for the purpose of enforcing or
27 attempting to enforce collection of consumer debts;

28 ~~(o)(15)~~ Refuse to provide adequate identification of
29 herself or himself or her or his employer or other entity whom
30 she or he represents when requested to do so by a debtor from
31 whom she or he is collecting or attempting to collect a

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1 consumer debt;

2 ~~(p)(16)~~ Mail any communication to a debtor in an
 3 envelope or postcard with words typed, written, or printed on
 4 the outside of the envelope or postcard indicating that the
 5 purpose of the communication is to collect a debt or is
 6 otherwise calculated to embarrass the debtor. An example of
 7 this would be an envelope addressed to "Deadbeat, Jane Doe" or
 8 "Deadbeat, John Doe";

9 ~~(q)(17)~~ Communicate with the debtor between the hours
 10 of 9 p.m. and 8 a.m. in the debtor's time zone, at any unusual
 11 time or place, or at a time or place that is known or should
 12 be known to be inconvenient for the debtor without the prior
 13 consent of the debtor;

14 ~~(r)(18)~~ Communicate with a debtor if the person knows
 15 that the debtor is represented by an attorney with respect to
 16 such debt and has knowledge of, or can readily ascertain, such
 17 attorney's name and address, unless the debtor's attorney
 18 fails to respond within a reasonable period of time to a
 19 communication from the person, unless the debtor's attorney
 20 consents to a direct communication with the debtor, or unless
 21 the debtor initiates the communication; or

22 ~~(s)(19)~~ Cause charges to be made to any debtor for
 23 communications by concealment of the true purpose of the
 24 communication, including collect telephone calls and telegram
 25 fees.

26 (2) Any debt collector communicating with any person
 27 other than the consumer for the purpose of acquiring location
 28 information about the consumer:

29 (a) Shall identify himself or herself, state that he
 30 or she is confirming or correcting location information
 31 concerning the consumer, and, only if expressly requested,

1 identify his or her employer.

2 (b) May not:

3 1. State that such consumer owes a debt;

4 2. Communicate with any such person more than once
5 unless requested to do so by such person or unless the debt
6 collector reasonably believes that the earlier response of
7 such person is erroneous or incomplete and that such person
8 now has correct or complete location information; or

9 3. Communicate by postcard.

10 (3) Without prior consent of the consumer given
11 directly to the debt collector or express permission of a
12 court of competent jurisdiction, a debt collector may not
13 communicate with a consumer in connection with the collection
14 of any debt at the consumer's place of employment if the debt
15 collector knows or has reason to know that the consumer's
16 employer prohibits the consumer from receiving such
17 communication.

18 (4) Except as provided in subsection (2), without the
19 prior consent of the consumer given directly to the debt
20 collector, the express permission of a court of competent
21 jurisdiction, or as reasonably necessary to effectuate a
22 postjudgment remedy, a debt collector may not communicate, in
23 connection with the collection of any debt, with any person
24 other than a consumer, the consumer's attorney, a consumer
25 reporting agency if otherwise permitted by law, the creditor,
26 the creditor's attorney, or the debt collector's attorney.

27 (5) If a consumer notifies a debt collector in writing
28 that the consumer refuses to pay a debt or that the consumer
29 wishes the debt collector to cease further communication with
30 the consumer, the debt collector shall not communicate further
31 with the consumer with respect to such debt, except to:

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1 (a) Advise the consumer that the debt collector's
2 further efforts are being terminated;

3 (b) Notify the consumer that the debt collector or
4 creditor may invoke specified remedies which are ordinarily
5 invoked by such debt collector or creditor; or

6 (c) Where applicable, notify the consumer that the
7 debt collector or creditor intends to invoke a specified
8 remedy.

9

10 If such notice from the consumer is made by mail, notification
11 shall be complete upon receipt. For the purpose of this
12 subsection, the term "consumer" includes the consumer's
13 spouse, parent if the consumer is a minor, guardian, executor,
14 or administrator.

15 (6) A debt collector may not use any false, deceptive,
16 or misleading representation or means in connection with the
17 collection of any debt. Without limiting the general
18 application of such prohibition, the following conduct is a
19 violation of this subsection:

20 (a) The false representation of:

21 1. The character, amount, or legal status of any debt;
22 or

23 2. Any services rendered or compensation which may be
24 lawfully received by any debt collector for the collection of
25 a debt.

26 (b) The representation or implication that nonpayment
27 of any debt will result in the arrest or imprisonment of any
28 person or the seizure, garnishment, attachment, or sale of any
29 property or wages of any person unless such action is lawful
30 and the debt collector or creditor intends to take such
31 action.

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1 (c) The false representation or implication that a
2 sale, referral, or other transfer of any interest in a debt
3 shall cause the consumer to:

4 1. Lose any claim or defense to payment of the debt;
5 or

6 2. Become subject to any practice prohibited by this
7 subsection.

8 (d) The false representation or implication that the
9 consumer committed any crime or other conduct in order to
10 disgrace the consumer.

11 (e) The use of any false representation or deceptive
12 means to collect or attempt to collect any debt or to obtain
13 information concerning a consumer.

14 (f) The failure to disclose in the initial
15 communication that the debt collector is attempting to collect
16 a debt and that any information obtained will be used for that
17 purpose, and the failure to disclose in subsequent
18 communications that the communication is from a debt
19 collector, except this paragraph does not apply to a formal
20 pleading made in connection with a legal action.

21 (g) The false representation or implication that
22 accounts have been turned over to innocent purchasers for
23 value.

24 (h) The use of any business, company, or organization
25 name other than the true name of the debt collector's
26 business, company, or organization.

27 (i) The false representation or implication that
28 documents are not legal process forms or do not require action
29 by the consumer.

30 (j) The false representation or implication that a
31 debt collector operates or is employed by a consumer reporting

1 agency.

2 (7) A debt collector may not use unfair or
3 unconscionable means to collect or attempt to collect any
4 debt. Without limiting the general application of such
5 prohibition, the following conduct is a violation of this
6 section:

7 (a) Collecting any amount, including any interest,
8 fee, charge, or expense incidental to the principal
9 obligation, unless such amount is expressly authorized by the
10 agreement creating the debt or permitted by law.

11 (b) The acceptance by a debt collector from any person
12 of a check or other payment instrument postdated by more than
13 5 days unless such person is notified in writing of the debt
14 collector's intent to deposit such check or instrument not
15 more than 10 nor less than 3 business days prior to such
16 deposit.

17 (c) The solicitation by a debt collector of any
18 postdated check or postdated payment instrument for the
19 purpose of threatening or instituting criminal prosecution.

20 (d) Depositing or threatening to deposit any postdated
21 check or other postdated payment instrument prior to the date
22 on such check or instrument.

23 (e) Taking or threatening to take any nonjudicial
24 action to effect dispossession or disablement of property if:

25 1. There is no present right to possession of the
26 property claimed as collateral through an enforceable security
27 interest;

28 2. There is no present intention to take possession of
29 the property; or

30 3. The property is exempt by law from such
31 dispossession or disablement.

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1 (f) Communicating with a consumer regarding a debt by
2 post card.

3 (8) Within 5 days after the initial communication with
4 a consumer in connection with the collection of any debt, a
5 debt collector shall, unless the following information is
6 contained in the initial communication or the consumer has
7 paid the debt, send the consumer a written notice containing:

8 (a) The amount of the debt.

9 (b) The name of the creditor to whom the debt is owed.

10 (c) A statement that unless the consumer, within 30
11 days after receipt of the notice, disputes the validity of the
12 debt, or any portion thereof, the debt will be assumed to be
13 valid by the debt collector.

14 (d) A statement that if the consumer notifies the debt
15 collector in writing within the 30-day period that the debt,
16 or any portion thereof, is disputed, the debt collector will
17 obtain verification of the debt or a copy of the judgment
18 against the consumer and a copy of such verification or
19 judgment will be mailed to the consumer by the debt collector.

20 (e) A statement that, upon the consumer's written
21 request within the 30-day period, the debt collector will
22 provide the consumer with the name and address of the original
23 creditor, if different from the current creditor.

24 (9) If the consumer notifies the debt collector in
25 writing within the 30-day period described in subsection (9)
26 that the debt, or any portion of the debt, is disputed, or
27 that the consumer requests the name and address of the
28 original creditor, the debt collector shall cease collection
29 of the debt, or any disputed portion thereof, until the debt
30 collector obtains verification of the debt or any copy of a
31 judgment, or the name and address of the original creditor,

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1 and a copy of such verification or judgment, or name and
2 address of the original creditor, is mailed to the consumer by
3 the debt collector.

4 (10) The failure of a consumer to dispute the validity
5 of a debt under this section may not be construed by any court
6 as an admission of liability by the consumer.

7 (11) If any consumer owes multiple debts and makes any
8 single payment to any debt collector with respect to such
9 debts, such debt collector may not apply such payment to any
10 debt which is disputed by the consumer and, where applicable,
11 shall apply such payment in accordance with the consumer's
12 directions.

13 (12) Any debt collector who brings any legal action on
14 a debt against any consumer shall:

15 (a) In the case of an action to enforce an interest in
16 real property securing the consumer's obligation, bring such
17 action only in a judicial district or similar legal entity in
18 which such real property is located; or

19 (b) In the case of an action not described in
20 paragraph (a), bring such action only in the judicial district
21 or similar legal entity:

22 1. In which such consumer signed the contract sued
23 upon; or

24 2. In which such consumer resides at the commencement
25 of the action.

26 (c) Nothing in this subsection shall be construed to
27 authorize the bringing of legal actions by debt collectors.

28 (13) It is unlawful to design, compile, and furnish
29 any form knowing such form would be used to create the false
30 belief in a consumer that a person other than the creditor of
31 such consumer is participating in the collection of or in an

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1 attempt to collect a debt such consumer allegedly owes such
2 creditor, when in fact such person is not participating.

3 (14) Nothing in this section shall be construed to
4 create a new civil cause of action under subsections (2)-(13).

5 Section 12. Section 559.725, Florida Statutes, is
6 amended to read:

7 (Substantial rewording of section. See
8 s. 559.725, Florida Statutes, for current text.)
9 559.725 Consumer complaints.--

10 (1) Any person having reason to believe that this part
11 has been violated may file a written complaint with the office
12 or the Division of Consumer Services of the Department of
13 Financial Services setting forth the details of the alleged
14 violation.

15 (2) Any government office or agency receiving a
16 complaint under this section shall advise any other government
17 office or agency with apparent jurisdiction, including the
18 office, the appropriate state attorney, or the Attorney
19 General in the case of an out-of-state consumer debt
20 collector, of any determination by that agency of a violation,
21 or possible violation, of the requirements of this part by any
22 consumer collection agency, whether or not registered or
23 exempt from registration as required by this part.

24 Section 13. Sections 559.726, 559.7262, 559.7263,
25 559.7264, and 559.7265, Florida Statutes, are created to read:

26 559.726 Powers and duties of the Office of Financial
27 Regulation.--

28 (1) Compliance with this part shall be enforced by the
29 office, except when enforcement is specifically assigned to
30 another agency.

31 (2) The office may conduct an investigation of any

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1 person, within or outside this state, which the office
 2 believes is necessary in order to determine whether a person
 3 has violated this chapter or the rules adopted by the
 4 commission. The office may commence any such investigation
 5 when the office receives information from a complaint, the
 6 public media, an informant, or other source that informs the
 7 office that a violation of this chapter has occurred or may
 8 occur.

9 (3) The commission may adopt rules under ss.
 10 120.536(1) and 120.54 to implement and administer this part.

11 (4) The commission may adopt a rule to:

12 (a) Require electronic submission of any form,
 13 document, or fee required by this part, provided the rule
 14 reasonably accommodates a person with a technological or
 15 financial hardship.

16 (b) Set forth the criteria and procedures for
 17 obtaining an exemption due to a technological or financial
 18 hardship.

19 (c) Accept certification of compliance with the
 20 requirements of this part in lieu of requiring submission of
 21 specified documents.

22 (5) All fees, charges, and fines collected by the
 23 office under this part shall be deposited to the credit of the
 24 Regulatory Trust Fund of the office.

25 (6) The office may:

26 (a) Issue, revoke, quash, or modify and serve
 27 subpoenas to compel the attendance of witnesses and subpoenas
 28 duces tecum to compel the production of all books, accounts,
 29 records, and other documents and materials relevant to an
 30 investigation. The office may exercise these powers even if
 31 the subject of the investigation is exempt from registration.

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1 (b) Administer oaths and affirmations to any person.

2 (c) Take, or cause to be taken, testimony and
3 depositions.

4 (7)(a) In the event of noncompliance with a subpoena
5 or subpoena duces tecum the office issued or caused to be
6 issued, the office may petition a court of competent
7 jurisdiction in the county in which the person subpoenaed
8 resides or has her, his, or its principal place of business
9 for an order requiring the person to appear and testify and to
10 produce the books, accounts, records, and other documents that
11 are specified in the subpoena duces tecum.

12 (b) A copy of the petition shall be served upon the
13 person subpoenaed by any person authorized by this section to
14 serve subpoenas, who shall make and file with the court an
15 affidavit showing the time, place, and date of service.

16 (c) At a hearing on the petition to enforce compliance
17 with a subpoena, the person subpoenaed, or any person whose
18 interest will be substantially affected by the investigation
19 or subpoena, may appear and object to the subpoena and to the
20 granting of the petition. The court may make any order that
21 justice requires in order to protect a party or other person
22 and her or his personal and property rights, including, but
23 not limited to, protection from annoyance, embarrassment,
24 oppression, undue burden, or expense.

25 (d) Failure to comply with an order granting, in whole
26 or in part, a petition to enforce a subpoena is a contempt of
27 the court.

28 (8) Witnesses are entitled to the same fees and
29 mileage to which they would be entitled by law for attending
30 as witnesses in circuit court, except fees or mileage may not
31 be allowed for testimony of a person taken at the person's

1 principal office or residence.

2 (9) Reasonable and necessary costs incurred by the
3 office during an investigation may be assessed against any
4 debt collector on the basis of actual costs incurred. Assessed
5 expenses may include, but are not limited to, expenses for
6 interpreters; expenses for communications; expenses for legal
7 representation; expenses for economic, legal, or other
8 research; expenses for analysis and testimony; and fees and
9 expenses for witnesses. The failure to reimburse the office
10 for its reasonable and necessary costs is a reason to deny a
11 registrant's application or to revoke the prior approval of an
12 application.

13 559.7262 Injunction to restrain violations;
14 receivers.--

15 (1) The office may bring an action on behalf of the
16 state to enjoin any person who has violated, or who is about
17 to violate, this part or any rule or order of the office
18 issued under this part.

19 (2) In an injunctive proceeding, the court may issue a
20 subpoena requiring the attendance of any witness or a subpoena
21 duces tecum requiring the production of any book, account,
22 record, or other documents and materials relevant to the
23 pending case.

24 (3)(a) In addition to any procedure provided by law
25 for enforcing a temporary restraining order or a temporary or
26 permanent injunction, the court may, upon application of the
27 office, impound the property, assets, and business of the
28 registrant, including, but not limited to, the books, records,
29 documents, and papers of the registrant. The court may appoint
30 a receiver to administer the property. The receiver, when
31 appointed and qualified, has the powers and duties that are

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1 conferred by the court.

2 (b) After appointing the receiver, the court may issue
3 an order staying all pending suits and enjoining any further
4 litigation affecting the receiver's custody or possession of
5 the property, assets, and business, and the court, with the
6 consent of the chief judge of the circuit, may require that
7 all suits be assigned to the circuit court judge who appointed
8 the receiver.

9 559.7263 Cease and desist orders; refund orders.--

10 (1) The office may issue and serve upon a person an
11 order to cease and desist and to take corrective action
12 whenever the office has reason to believe that the person is
13 violating, has violated, or is about to violate this part, any
14 rule or order of the office issued under this part, or any
15 written agreement between the person and the office.

16 Procedural matters relating to issuance and enforcement of
17 such a cease and desist order are governed by chapter 120.

18 (2) The office may seek an order of restitution from a
19 court of competent jurisdiction for collected funds due to
20 creditors or any sum collected from a debtor without valid
21 proof of debt.

22 559.7264 Evidence; examiner or investigator
23 worksheets, investigative reports, other related
24 documents.--An official written report, sworn complaint,
25 worksheet, or other related paper, or a duly certified copy
26 thereof, compiled, prepared, drafted, or otherwise made by the
27 financial examiner or investigator is admissible into evidence
28 if the financial examiner or investigator is available for
29 cross examination, authenticates the worksheet, and testifies
30 that the report, worksheet, or related document was prepared
31 as a result of an investigation of the books and records of a

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1 registrant or other person conducted under the authority of
2 this part.

3 559.7265 Books, accounts, and records; maintenance;
4 examinations by the office.--

5 (1) Each registrant shall maintain, at its principal
6 place of business designated on the registration, all books,
7 accounts, records, and documents necessary to determine the
8 registrant's compliance with this part.

9 (2) The office may authorize maintenance of records at
10 a location other than a principal place of business. The
11 office may require books, accounts, and records to be produced
12 and available at a reasonable and convenient location in this
13 state.

14 (3) All books, accounts, records, documents, and
15 receipts for payments to a registrant by a debtor, and
16 payments made to a creditor by a registrant, shall be
17 preserved and kept available for investigation by the
18 department for 3 years after the date of original entry. The
19 commission shall adopt requirements by rule for maintaining
20 the books, accounts, records, and documents retained by the
21 registrant and for destroying the records.

22 (4) The commission shall designate by rule the minimum
23 information that must be contained in the registrant's books,
24 accounts, records, and documents of a registrant to enable the
25 office to determine a registrant's compliance with this part.

26 Section 14. Section 559.730, Florida Statutes, is
27 amended to read:

28 (Substantial rewording of section. See
29 s. 559.730, Florida Statutes, for current text.)

30 559.730 Administrative remedies.--

31 (1) The office may revoke or suspend the registration

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1 of any registrant under this part who:

2 (a) Has been found guilty of, regardless of
3 adjudication, or has entered a plea of nolo contendere or
4 guilty to, any crime involving fraud, dishonest dealing, or
5 moral turpitude;

6 (b) Has had a final judgment entered against the
7 person in a civil action upon the grounds of fraud,
8 embezzlement, misrepresentation, or deceit;

9 (c) Has had any business, professional, or
10 occupational license or registration suspended, revoked, or
11 otherwise acted against in any jurisdiction;

12 (d) Fails to maintain the surety bond required
13 pursuant to s. 559.556;

14 (e) Fails to maintain books and records as required by
15 s. 559.7265;

16 (f) Violates any provision of this part, any rule or
17 order adopted pursuant to this part, or any written agreement
18 entered into with the office;

19 (g) Paid for a registration with a check or electronic
20 transmission of funds which failed to clear the registrant's
21 financial institution;

22 (h) Falsified or willfully omitted any material
23 information asked for in any application, document, or record
24 required to be submitted under this part or the rules of the
25 commission;

26 (i) Made a material false statement of fact in an
27 application for registration or in response to any request or
28 investigation by the office; or

29 (j) Employs a person, who directly or indirectly
30 controls the applicant as defined in s. 559.555(4), who is
31 subject to an action, or commits an act, contemplated by

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1 paragraph (a), paragraph (b), paragraph (c), paragraph (f),
2 paragraph (h), or paragraph (i).

3 (2) A registrant may request termination of its
4 registration by delivering written notice of its proposed
5 termination to the office. However, the delivery of the
6 termination notice does not affect any civil or criminal
7 liability of the registrant or the authority of the office to
8 enforce this part.

9 (3) The office may deny a request to terminate a
10 registration or to withdraw an application for registration if
11 the office believes that the registrant has committed an act
12 that would be grounds for denial, suspension, or revocation
13 under this part.

14 (4) Final action by the office to revoke or suspend
15 the registration of a registrant is subject to review
16 according to chapter 120 in the same manner as revocation of a
17 license.

18 (5) The office may impose an administrative fine for a
19 violation of this section or s. 559.555, s. 559.556, 559.72,
20 or s. 559.7265 against an offending registrant or person as an
21 administrative sanction as follows:

22 (a) If the nonwillful violation constitutes a bona
23 fide error pursuant to s. 559.77(3), the office may issue a
24 written reprimand to the offending registrant and may require
25 the registrant implement additional policies and procedures to
26 avoid any future violations. For purposes of this section
27 only, the bona fide error defense shall only apply to a
28 violation of 559.72(1)(e),(f),(p),(q), or (r), (3), (4), (5),
29 (7)(f), (8)(b), or (9). This subsection shall not apply if the
30 same nonwillful violation subject to the written reprimand
31 recurs within 2 years after the issuance of the written

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1 reprimand.

2 (b) If the nonwillful violation does not constitute a
3 bona fide error pursuant to s 559.77(3), the office may impose
4 a fine of up to \$1,000 per violation. In no event shall such
5 fine exceed the aggregate amount of \$10,000 for all nonwillful
6 violations arising out of the same action; or

7 (c) For any willful violation, the office may impose a
8 fine of up to \$2,500 per violation. In no event shall such
9 fine exceed the aggregate amount of \$100,000 for all willful
10 violations arising out the same action.

11
12 Final action by the office to impose an administrative fine is
13 subject to review in accordance with ss. 120.569 and 120.57.

14 (6) Notwithstanding any other provision of this
15 section, the office may impose a fine not to exceed \$1,000 per
16 day for each day that a person violates the code by engaging
17 in the business of a consumer collection agency without being
18 registered.

19 (7) Any administrative fine imposed under this part
20 shall be payable to the office. The office shall maintain an
21 appropriate record and deposit the fine into the Regulatory
22 Trust Fund of the office.

23 (8) An administrative action by the office to impose
24 revocation, suspension, or a fine must be brought within 5
25 years after the date of the last violation upon which the
26 action is founded.

27 (9) The remedies under this part are in addition to
28 remedies otherwise available for the same conduct under state
29 or local law.

30 Section 15. Section 559.735, Florida Statutes, is
31 created to read:

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1 559.735 Administrative guidelines.--In imposing any
 2 administrative remedy or penalty provided for in the code, the
 3 office shall take into account the appropriateness of the
 4 penalty with respect to the amount of financial resources and
 5 good faith of the person charged, the gravity of the
 6 violation, the history of previous violations, and such other
 7 matters as justice may require.

8 Section 16. Subsections (1), (2), and (5) of section
 9 559.77, Florida Statutes, are amended to read:

10 559.77 Civil remedies.--

11 (1) A debtor may bring a civil action against a
 12 consumer collection agency person violating the provisions of
 13 s. 559.72(1) in a court of competent jurisdiction of the
 14 county in which the alleged violator resides or has his or her
 15 principal place of business or in the county wherein the
 16 alleged violation occurred.

17 (2) Upon adverse adjudication, the defendant shall be
 18 liable for actual damages and for additional statutory damages
 19 of up to \$1,000, together with court costs and reasonable
 20 attorney's fees incurred by the plaintiff. In determining the
 21 defendant's liability for any additional statutory damages,
 22 the court shall consider the nature of the defendant's
 23 noncompliance with s. 559.72(1), the frequency and persistence
 24 of such noncompliance, and the extent to which such
 25 noncompliance was intentional. In any class action lawsuit
 26 brought under this section, the court may award additional
 27 statutory damages of up to \$1,000 for each named plaintiff and
 28 an aggregate award of additional statutory damages not to
 29 exceed the lesser of \$500,000 or 1 percent of the defendant's
 30 net worth for all remaining class members, but in no event may
 31 this aggregate award provide an individual class member with

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1 additional statutory damages in excess of \$1,000. The court
 2 may, in its discretion, award punitive damages and may provide
 3 such equitable relief as it deems necessary or proper,
 4 including enjoining the defendant from further violations of
 5 this part. If the court finds that the suit fails to raise a
 6 justiciable issue of law or fact, the plaintiff shall be
 7 liable for court costs and reasonable attorney's fees incurred
 8 by the defendant. Nothing in this section prohibits the
 9 defendant or plaintiff from using the procedures under s.
 10 768.79 or Rule 1.442 of the Florida Rules of Civil Procedure.

11 (5) In applying and construing this section, due
 12 consideration and great weight shall be given to the
 13 interpretations of the Federal Trade Commission and the
 14 federal courts relating to the federal Fair Debt Collection
 15 Practices Act and the Federal Trade Commission Act. If there
 16 is an inconsistency between this part and an interpretation of
 17 the federal acts, the provision that is more protective of the
 18 consumer or debtor shall prevail unless the more protective
 19 interpretation conflicts with the case law opinions of the
 20 state and federal courts of this state or the opinions of the
 21 Eleventh Circuit Court of Appeals.

22 Section 17. Section 559.785, Florida Statutes, is
 23 amended to read:

24 559.785 Criminal penalty.--

25 (1) It is ~~shall be~~ a felony misdemeanor of the third
 26 ~~first~~ degree, punishable as provided in s. 775.082, ~~or s.~~
 27 775.083, or s. 775.084, for any person not exempt from
 28 registering as provided in this part to:

29 (a) Operate or solicit business as a consumer
 30 collection agency ~~engage in collecting consumer debts~~ in this
 31 state without first registering with the office; ~~or to~~

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1 (b) Register or attempt to register by means of fraud,
2 misrepresentation, or concealment;

3 (c) Engage in any consumer debt collection activity
4 after suspension or revocation of the registrant's
5 registration under s. 559.730(1); or

6 (d) Engage in any consumer debt collection activity
7 while under a temporary or permanent injunction issued under
8 s. 559.78.

9 (2) Each of the following acts constitutes a
10 misdemeanor of the second degree, punishable as provided in s.
11 775.082 or s. 775.083:

12 (a) Relocating a business as a consumer collection
13 agency or operating under any name other than that designated
14 in the registration, unless written notification is given to
15 the office and to the surety or sureties on the original bond.

16 (b) Assigning or attempting to assign a registration
17 under this part.

18 (3) The office may refer evidence concerning a
19 violation of this part, or of any rule or order, to any
20 criminal prosecutorial agency that may, with or without the
21 reference and in addition to any other action it might
22 commence, bring an action against any person to enjoin,
23 restrain, and prevent the commission of any prohibited act or
24 practice.

25 Section 18. Section 559.786, Florida Statutes, is
26 created to read:

27 559.786 Annual report.--The Office of Financial
28 Regulation shall submit a report on January 1, 2006, and
29 biannually thereafter, to the President of the Senate and the
30 Speaker of the House of Representatives containing findings
31 and conclusions concerning the effectiveness of the consumer

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1 and commercial collection practices acts in preventing fraud,
 2 abuse, and other unlawful activity associated with the
 3 collection of commercial and consumer debts. The report shall
 4 include a summary of the type and number of complaints
 5 received by the office or the Division of Consumer Services of
 6 the Department of Financial Services. The summary shall
 7 identify the nature and number of the various kinds of
 8 complaints received. The report may further contain
 9 legislative recommendations concerning the efficacy of the
 10 consumer and commercial practices act.

11 Section 19. Sections 559.547, 559.563, and 559.565,
 12 Florida Statutes, are repealed.

13 Section 20. For the 2005-2006 fiscal year, five
 14 positions are authorized and the sum of \$366,614 is
 15 appropriated from the Regulatory Trust Fund to the Office of
 16 Financial Regulation for the purpose of enforcing this act.
 17 The five positions shall consist of four examiners and one
 18 registration analyst.

19 Section 21. This act shall take effect July 1, 2005.

20
 21

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

27 A bill to be entitled
 28 An act relating to commercial and consumer
 29 collection practices; amending s. 559.543,
 30 F.S.; providing a definition; amending s.
 31 559.544, F.S.; deleting provisions requiring

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1 registration as a commercial collection agency;
2 specifying nonapplication of certain
3 registration requirements to certain persons or
4 entities; amending s. 559.545, F.S.; revising
5 requirements and procedures for application for
6 registration as a commercial collection agency;
7 authorizing the Financial Services Commission
8 to adopt rules; providing for fees; providing
9 for amendments to and changes in registrations;
10 authorizing the Office of Financial Regulation
11 to deny registrations under certain
12 circumstances; amending s. 559.546, F.S.;
13 providing requirements and procedures for
14 issuance of a corporate surety bond; creating
15 ss. 559.5471, 559.5473, 559.5474, 559.5475,
16 559.5476, 559.5477, and 559.5479, F.S.;
17 specifying powers and duties of the Office of
18 Financial Regulation; providing procedures;
19 providing for disposition of fees; authorizing
20 the office to adopt rules; authorizing the
21 office to issue subpoenas; providing
22 requirements, procedures, and limitations;
23 authorizing the office to assess certain
24 investigation costs and expenses; authorizing
25 the office to bring certain actions for
26 injunctions to restrain certain violations;
27 providing requirements and procedures;
28 authorizing the office to issue certain cease
29 and desist orders and take certain corrective
30 actions for certain violations; authorizing the
31 office to seek orders of restitution of certain

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1 funds; providing for admissibility of certain
2 documents and materials of the office as
3 evidence; requiring registrants to maintain
4 certain records; providing requirements and
5 procedures for maintaining such records;
6 authorizing the office to adopt rules;
7 authorizing the office to revoke or suspend
8 registrations for certain activities by a
9 registrant; providing requirements and
10 procedures for termination of a registration;
11 authorizing the office to impose administrative
12 fines; providing requirements and limitations;
13 providing guidelines for imposing
14 administrative remedies or penalties; providing
15 administrative guidelines for administrative
16 penalties and remedies; amending s. 559.55,
17 F.S.; revising definitions; providing
18 additional definitions; amending s. 559.552,
19 F.S.; revising provisions specifying the
20 relationship of state and federal laws;
21 providing construction; amending s. 559.553,
22 F.S.; deleting provisions requiring
23 registration as a consumer collection agency;
24 specifying nonapplication of certain
25 registration requirements to certain persons or
26 entities; providing a definition; amending s.
27 559.555, F.S.; revising requirements and
28 procedures for application for registration as
29 a consumer collection agency; authorizing the
30 Financial Services Commission to adopt rules;
31 providing for fees; providing for amendments to

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1 and changes in registrations; authorizing the
2 Office of Financial Regulation to deny
3 registrations under certain circumstances;
4 creating s. 559.556, F.S.; providing
5 requirements and procedures for issuance of a
6 corporate surety bond; amending s. 559.72,
7 F.S.; specifying prohibited activities in
8 collecting consumer debts; providing
9 requirements for debt collectors communicating
10 with certain persons; providing prohibitions
11 and limitations; providing notification
12 requirements; prohibiting false, deceptive or
13 misleading representations by a debt collector;
14 prohibiting unfair or unconscionable means of
15 collecting debts; requiring debt collectors to
16 provide certain notice to consumers in
17 connection with collecting a debt; specifying
18 required information; providing procedures and
19 requirements for disputing a debt; providing
20 procedures and requirements for payments on
21 multiple debts; providing requirements for debt
22 collectors bringing legal actions on a debt;
23 prohibiting designing, compiling, and
24 furnishing certain misleading forms; providing
25 for liability for certain violations; amending
26 s. 559.725, F.S.; revising provisions providing
27 requirements and procedures for consumer
28 complaints; creating ss. 559.726, 559.7262,
29 559.7263, 559.7264, and 559.7265, F.S.;
30 specifying powers and duties of the Office of
31 Financial Regulation; providing procedures;

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1 providing for disposition of fees; authorizing
2 the office to adopt rules; authorizing the
3 office to issue subpoenas; providing
4 requirements, procedures, and limitations;
5 authorizing the office to assess certain
6 investigation costs and expenses; authorizing
7 the office to bring certain actions for
8 injunctions to restrain certain violations;
9 providing requirements and procedures;
10 authorizing the office to issue certain cease
11 and desist orders and take certain corrective
12 actions for certain violations; authorizing the
13 office to seek orders of restitution of certain
14 funds; providing for admissibility of certain
15 documents and materials of the office as
16 evidence; requiring registrants to maintain
17 certain records; providing requirements and
18 procedures for maintaining such records;
19 authorizing the office to adopt rules; amending
20 s. 559.730, F.S.; authorizing the office to
21 revoke or suspend registrations for certain
22 activities by a registrant; providing
23 requirements and procedures for termination of
24 a registration; authorizing the office to
25 impose administrative fines; providing
26 requirements and limitations; creating s.
27 559.735, F.S.; providing guidelines for
28 imposing administrative remedies or penalties;
29 amending s. 559.77, F.S.; specifying
30 application of certain provisions of law;
31 providing for priority of application; amending

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1 s. 559.785, F.S.; increasing criminal penalties
2 for certain activities; specifying a criminal
3 penalty for certain activities; authorizing the
4 office to refer certain evidence to certain
5 agencies for certain purposes; creating s.
6 559.786, F.S.; requiring the office to submit
7 an annual report; specifying contents;
8 repealing ss. 559.547 and 559.563, F.S.,
9 relating to void registrations; repealing s.
10 559.565, F.S., relating to enforcement actions
11 against out-of-state consumer debt collectors;
12 providing an appropriation; providing an
13 effective date.

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