

Bill No. CS for CS for SB 304

Barcode 113326

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Crist) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 84, between lines 21 and 22,

insert:

Section 54. Subsection (5) is added to section 817.801, Florida Statutes, to read:

817.801 Definitions.--As used in this part:

(5) "Creditor contribution" means any sum that a creditor agrees to contribute to a credit counseling agency, whether directly or by set-off to amounts otherwise payable to the creditor on behalf of debtors, provided that a creditor contribution may not reduce any sums to be credited to the account of a debtor making a payment to the credit counseling agency for further payment to the creditor.

Section 55. Section 817.802, Florida Statutes, is amended to read:

817.802 Unlawful fees and costs.--

(1) It is unlawful for any person, while engaging in

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1 debt management services or credit counseling services, to  
 2 charge or accept from a debtor residing in this state,  
 3 directly or indirectly, a fee or contribution greater than \$50  
 4 for the initial setup or initial consultation. Subsequently,  
 5 the person may not charge or accept a fee or contribution from  
 6 a debtor residing in this state greater than \$120 per year for  
 7 additional consultations or, alternatively, if debt management  
 8 services as defined in s. 817.801(2)(b) are provided, the  
 9 person may charge the greater of 15 percent of the amount paid  
 10 monthly by the debtor to the person or \$25 per month, not to  
 11 exceed a total of \$50 per month ~~7.5 percent of the amount paid~~  
 12 ~~monthly by the debtor to the person or \$35 per month.~~

13 (2) ~~No provision of~~ This section does not prohibit  
 14 ~~prohibits~~ any person, while engaging in debt management or  
 15 credit counseling services, from imposing upon and receiving  
 16 from a debtor a reasonable and separate charge or fee for  
 17 insufficient funds transactions.

18 Section 56. Paragraph (a) of subsection (1) of section  
 19 817.804, Florida Statutes, is amended to read:

20 817.804 Requirements; disclosure and financial  
 21 reporting.--

22 (1) Any person engaged in debt management services or  
 23 credit counseling services shall:

24 (a) Obtain from a certified public accountant licensed  
 25 under s. 473.308 an annual audit that shall include ~~of~~ all  
 26 accounts of such person in which the funds of debtors are  
 27 deposited and from which payments are made to creditors on  
 28 behalf of debtors.

29 Section 57. Section 817.805, Florida Statutes, is  
 30 amended to read:

31 817.805 Disbursement of funds.--Any person engaged in

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1 | debt management or credit counseling services shall disburse  
2 | to the appropriate creditors all funds received from a debtor,  
3 | less any fees permitted by s. 817.802 and any creditor  
4 | contributions, within 30 days after receipt of such funds.  
5 | Further, any person engaged in such services shall maintain a  
6 | separate trust account for the receipt of any funds from  
7 | debtors ~~each debtor~~ and the disbursement of such funds on  
8 | behalf of such debtors ~~debtor~~.

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10 | (Redesignate subsequent sections.)

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13 | ===== T I T L E    A M E N D M E N T =====

14 | And the title is amended as follows:

15 |        On page 9, line 22, after the semicolon,

16 |

17 | insert:

18 |        amending s. 817.801, F.S.; defining the term  
19 |        "creditor contribution"; amending s. 817.802,  
20 |        F.S.; revising the amount of money that a  
21 |        person who engages in debt management or credit  
22 |        counseling services can charge a debtor  
23 |        residing in this state for such services;  
24 |        amending s. 817.804, F.S.; requiring a person  
25 |        engaged in debt management or credit counseling  
26 |        services to obtain an annual audit that  
27 |        includes all accounts of such person in which  
28 |        funds of debtors are deposited and from which  
29 |        payments are made to the creditors; amending s.  
30 |        817.805, F.S.; requiring a person engaged in  
31 |        debt management or credit counseling services

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1           to disburse to the creditors all funds from a  
2           debtor, less fees and any creditor  
3           contributions;

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