



218212

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2010	.	
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The Committee on Banking and Insurance (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 480 - 512

and insert:

(Substantial rewording of section. See

s. 559.565, F.S., for present text.)

559.565 Additional enforcement remedies.—The remedies provided in this section are cumulative to other enforcement and sanctions provided under this part for any violation of this part by a consumer collection agency or a debt collector.

(1) A consumer collection agency that is required to be registered under this part that collects or attempts to collect



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13 consumer debts without being registered, or a debt collector who
14 violates s. 559.72(1)(n), is subject to an administrative fine
15 of up to \$25,000, plus reasonable attorney fees and court costs,
16 in any successful action by the state to collect such fine.

17 (2) A violation of this part is actionable by the Attorney
18 General as a violation of the Florida Deceptive and Unfair Trade
19 Practices Act and such violations are subject to the enforcement
20 remedies and penalties under part II of Chapter 501. The
21 Attorney General may recover attorney's fees and costs resulting
22 from such actions.

23
24 Delete lines 1017 - 1023.

25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete lines 25 - 60

29 and insert:

30 relating to void registrations; amending s. 559.565,
31 F.S.; increasing the fine against an unregistered
32 consumer collection agency and adding a fine against
33 certain debt collectors; providing that a violation of
34 provisions relating to consumer protection agencies
35 and debt collectors is actionable by the Attorney
36 General under the Florida Deceptive and Unfair Trade
37 Practices Act; providing for attorney's fees and
38 costs; creating s. 559.566, F.S.; specifying how a
39 debt collector may communicate with a consumer;
40 amending s. 559.715, F.S.; conforming provisions to
41 changes made by the act; amending s. 559.72, F.S.;



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42 revising prohibited acts, including violations of
43 communication procedures; specifying acts of
44 harassment; prohibiting a debt collector from acting
45 as a debt collector unless such person is an employee
46 or control person of a registered agency; adding
47 violations relating to prior criminal acts and failure
48 to conform with registration requirements; amending s.
49 559.725, F.S.; revising provisions relating to
50 consumer complaints about a consumer collection
51 agency; creating s. 559.726, F.S.; providing for the
52 issuance of subpoenas by the office; creating s.
53 559.727, F.S.; authorizing the office to issue cease
54 and desist orders; amending s. 559.730, F.S.; revising
55 provisions relating to administrative remedies;
56 increasing the maximum penalty; authorizing the office
57 to adopt rules relating to penalty guidelines;
58 deleting the 2-year limitation on bringing an
59 administrative action; amending s. 559.77, F.S.;
60 revising provisions relating to civil remedies;
61 revising the beginning date for a statute of
62 limitation; amending s. 559.78, F.S.; revising
63 provisions relating to judicial enforcement; amending
64 s. 559.785, F.S.; providing criminal penalties for
65 failure to obtain licensure;