

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative Buchanan offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 817.803, Florida Statutes, is amended
 8 to read:

9 817.803 Exceptions. ~~Nothing in~~ This part does not apply
 10 ~~applies~~ to:

11 (1) Any debt management or credit counseling services
 12 provided in the practice of law in this state. ~~†~~

13 (2) Any person who engages in debt adjustment to adjust
 14 the indebtedness owed to such person. ~~† or~~

15 (3) Any of the following entities or their subsidiaries:

16 (a) The Federal National Mortgage Association. ~~†~~

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17 (b) The Federal Home Loan Mortgage Corporation.†

18 (c) The Florida Housing Finance Corporation, a public
19 corporation created in s. 420.504.†

20 (d) A bank, bank holding company, trust company, savings
21 and loan association, credit union, credit card bank, or savings
22 bank that is regulated and supervised by the Office of the
23 Comptroller of the Currency, the Office of Thrift Supervision,
24 the Federal Reserve, the Federal Deposit Insurance Corporation,
25 the National Credit Union Administration, the Office of
26 Financial Regulation of the Department of Financial Services, or
27 any state banking regulator.†

28 (e) A consumer reporting agency as defined in the Federal
29 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681y, as it
30 existed on April 5, 2004.†~~or~~

31 (f) Any subsidiary or affiliate of a bank holding company,
32 its employees and its exclusive agents acting under written
33 agreement.

34 (4) (a) Any telemarketer or seller who provides any debt
35 relief service within the scope of the Telemarketing and
36 Consumer Fraud and Abuse Prevention Act, 15 U.S.C. ss. 6101-
37 6108, and the Telemarketing Sales Rule, 16 C.F.R. part 310, and
38 who therefore is required to comply with such federal
39 regulation, if such telemarketer or seller does not receive from
40 the debtor and disburse to a creditor any money or other thing

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41 of value, in accordance with the definition of debt management
42 services under s. 817.801(4)(b).

43 (b) As used in this subsection, the terms "telemarketer,"
44 "seller," and "debt relief service" have the same meaning as in
45 16 C.F.R. s. 310.2.

46 Section 2. This act shall take effect July 1, 2024.

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

50 Remove lines 3-12 and insert:

51 s. 817.803, F.S.; providing an exception from specified
52 provisions for telemarketers and sellers who provide debt
53 relief services under certain circumstances; defining
54 terms; providing an effective date.