

1 A bill to be entitled
 2 An act relating to debt relief services; amending s.
 3 817.801, F.S.; defining the term "debt relief
 4 services"; revising the definition of the term "debt
 5 management services"; amending s. 817.806, F.S.;
 6 authorizing the Attorney General to bring certain
 7 actions for violations of specified federal
 8 regulations of debt relief services; specifying that
 9 provisions for enforcement of violations involving
 10 credit counseling services or debt management services
 11 do not apply to debt relief services; providing an
 12 effective date.

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

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 16 Section 1. Subsection (5) of section 817.801, Florida
 17 Statutes, is renumbered as subsection (6), subsection (4) is
 18 amended, and a new subsection (5) is added to that section, to
 19 read:

20 817.801 Definitions.—As used in this part:

21 (4) "Debt management services" means services provided to
 22 a debtor by a credit counseling organization for a fee to:

23 (a) Effect the adjustment, compromise, or discharge of any
 24 unsecured account, note, or other indebtedness of the debtor;

25 and ~~or~~

26 (b) Receive from the debtor and disburse to a creditor any
 27 money or other thing of value.

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29 The term does not include debt relief services.

30 (5) "Debt relief service" has the same meaning as provided
 31 in 16 C.F.R. s. 310.2. The term does not include a debt
 32 management service in which any money or other thing of value is
 33 received from a debtor and disbursed to a creditor.

34 Section 2. Section 817.806, Florida Statutes, is amended
 35 to read:

36 817.806 Violations.—

37 (1)(a) Any person who violates any provision of this part
 38 commits an unfair or deceptive trade practice as defined in part
 39 II of chapter 501. Violators shall be subject to the penalties
 40 and remedies provided therein. Further, any consumer injured by
 41 a violation of this part may bring an action for recovery of
 42 damages. Judgment shall be entered for actual damages, but in no
 43 case less than the amount paid by the consumer to the credit
 44 counseling agency, plus reasonable attorney ~~attorney's~~ fees and
 45 costs.

46 ~~(b)(2)~~ Any person who violates any provision of this part
 47 commits a felony of the third degree, punishable as provided in
 48 s. 775.082 or s. 775.083.

49 (c) This subsection does not apply to debt relief
 50 services.

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51 (2) As authorized in 16 C.F.R. s. 310.7, the Attorney
52 General may bring an action under the federal Telemarketing and
53 Consumer Fraud and Abuse Prevention Act, 15 U.S.C. ss. 6101-
54 6108, against a debt relief services provider for violations of
55 debt relief services regulations in 16 C.F.R. part 310.

56 Section 3. This act shall take effect July 1, 2024.