

By Senator Calatayud

38-01025-24

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1 A bill to be entitled
2 An act relating to debt relief services; amending s.
3 817.801, F.S.; revising the definition of the term
4 "debt management services"; defining the term "debt
5 relief service"; amending s. 817.806, F.S.; specifying
6 that provisions for enforcement of violations
7 involving credit counseling services or debt
8 management services do not apply to debt relief
9 services; authorizing the Attorney General to bring
10 certain actions for violations of specified federal
11 regulations of 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. Present subsection (5) of section 817.801,
17 Florida Statutes, is redesignated as subsection (6), a new
18 subsection (5) is added to that section, and subsection (4) of
19 that section is amended, to read:

20 817.801 Definitions.—As used in this part:

21 (4) "Debt management services" means services provided to a
22 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.

28
29 The term does not include debt relief services.

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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 to
35 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 services.

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

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