

By the Committee on Banking and Insurance; and Senator Calatayud

597-02366-24

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1 A bill to be entitled
2 An act relating to debt relief services; amending s.
3 817.803, F.S.; providing an exception from specified
4 provisions for telemarketers and sellers who provide
5 debt relief services under certain circumstances;
6 defining terms; providing an effective date.

7

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

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10 Section 1. Section 817.803, Florida Statutes, is amended to
11 read:

12 817.803 Exceptions. ~~Nothing in~~ This part does not apply
13 applies to:

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

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

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

19 (a) The Federal National Mortgage Association. †

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

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

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

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30 any state banking regulator.~~†~~

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

34 (f) Any subsidiary or affiliate of a bank holding company,
35 its employees and its exclusive agents acting under written
36 agreement.

37 (4) (a) Any telemarketer or seller who provides any debt
38 relief service within the scope of the Telemarketing and
39 Consumer Fraud and Abuse Prevention Act, 15 U.S.C. ss. 6101-
40 6108, and the Telemarketing Sales Rule, 16 C.F.R. part 310, and
41 who therefore is required to comply with such federal
42 regulation, if such telemarketer or seller does not receive from
43 the debtor and disburse to a creditor any money or other thing
44 of value, in accordance with the definition of debt management
45 services under s. 817.801(4) (b).

46 (b) As used in this subsection, the terms "telemarketer,"
47 "seller," and "debt relief service" have the same meaning as in
48 16 C.F.R. s. 310.2.

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