

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 147 (2025)

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WITHDRAWN	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>	

Committee/Subcommittee hearing bill: Commerce Committee
Representative Gossett-Seidman offered the following:

Amendment (with title amendment)

Remove lines 19-109 and insert:

559.72 Prohibited practices generally.—In collecting
consumer debts, a ne person may not shall:

(1) Simulate in any manner a law enforcement officer or a
representative of any governmental agency.

(2) Use or threaten force or violence.

(3) Tell a debtor who disputes a consumer debt that she or
he or any person employing her or him will disclose to another,
orally or in writing, directly or indirectly, information
affecting the debtor's reputation for credit worthiness without
also informing the debtor that the existence of the dispute will
also be disclosed as required by subsection (6).

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17 (4) Communicate or threaten to communicate with a debtor's
18 employer before obtaining final judgment against the debtor,
19 unless the debtor gives her or his permission in writing to
20 contact her or his employer or acknowledges in writing the
21 existence of the debt after the debt has been placed for
22 collection. However, this does not prohibit a person from
23 telling the debtor that her or his employer will be contacted if
24 a final judgment is obtained.

25 (5) Disclose to a person other than the debtor or her or
26 his family information affecting the debtor's reputation,
27 whether or not for credit worthiness, with knowledge or reason
28 to know that the other person does not have a legitimate
29 business need for the information or that the information is
30 false.

31 (6) Disclose information concerning the existence of a
32 debt known to be reasonably disputed by the debtor without
33 disclosing that fact. If a disclosure is made before such
34 dispute has been asserted and written notice is received from
35 the debtor that any part of the debt is disputed, and if such
36 dispute is reasonable, the person who made the original
37 disclosure must reveal upon the request of the debtor within 30
38 days the details of the dispute to each person to whom
39 disclosure of the debt without notice of the dispute was made
40 within the preceding 90 days.

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41 (7) Willfully communicate with the debtor or any member of
42 her or his family with such frequency as can reasonably be
43 expected to harass the debtor or her or his family, or willfully
44 engage in other conduct which can reasonably be expected to
45 abuse or harass the debtor or any member of her or his family.

46 (8) Use profane, obscene, vulgar, or willfully abusive
47 language in communicating with the debtor or any member of her
48 or his family.

49 (9) Claim, attempt, or threaten to enforce a debt when
50 such person knows that the debt is not legitimate, or assert the
51 existence of some other legal right when such person knows that
52 the right does not exist.

53 (10) Use a communication that simulates in any manner
54 legal or judicial process or that gives the appearance of being
55 authorized, issued, or approved by a government, governmental
56 agency, or attorney at law, when it is not.

57 (11) Communicate with a debtor under the guise of an
58 attorney by using the stationery of an attorney or forms or
59 instruments that only attorneys are authorized to prepare.

60 (12) Orally communicate with a debtor in a manner that
61 gives the false impression or appearance that such person is or
62 is associated with an attorney.

63 (13) Advertise or threaten to advertise for sale any debt
64 as a means to enforce payment except under court order or when
65 acting as an assignee for the benefit of a creditor.

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66 (14) Publish or post, threaten to publish or post, or
67 cause to be published or posted before the general public
68 individual names or any list of names of debtors, commonly known
69 as a deadbeat list, for the purpose of enforcing or attempting
70 to enforce collection of consumer debts.

71 (15) Refuse to provide adequate identification of herself
72 or himself or her or his employer or other entity whom she or he
73 represents if requested to do so by a debtor from whom she or he
74 is collecting or attempting to collect a consumer debt.

75 (16) Mail any communication to a debtor in an envelope or
76 postcard with words typed, written, or printed on the outside of
77 the envelope or postcard calculated to embarrass the debtor. An
78 example of this would be an envelope addressed to "Deadbeat,
79 Jane Doe" or "Deadbeat, John Doe."

80 (17) Communicate with the debtor between the hours of 9
81 p.m. and 8 a.m. in the debtor's time zone without the prior
82 consent of the debtor. This subsection does not apply to an e-
83 mail communication that is sent to an e-mail address and that
84 otherwise complies with this section.

85 (a) The person may presume that the time a telephone call
86 is received conforms to the local time zone assigned to the area
87 code of the number called, unless the person reasonably believes
88 that the debtor's telephone is located in a different time zone.

89 (b) If, such as with toll-free numbers, an area code is
90 not assigned to a specific geographic area, the person may

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91 presume that the time a telephone call is received conforms to
92 the local time zone of the debtor's last known place of
93 residence, unless the person reasonably believes that the
94 debtor's telephone is located in a different time zone.

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

97 Remove lines 5-13 and insert:

98 collect consumer debt; providing applicability; making
99 a technical change; reenacting ss. 559.565(2),
100 559.725(2), 559.77(1) and (2), 648.44(1)(o), and
101 817.7001(2)(b), F.S., relating to enforcement action
102 against an out-of-state consumer debt collector,
103 consumer complaints and administrative duties, civil
104 remedies, prohibitions and penalties, and definitions,
105 respectively, to incorporate the amendment made to s.
106 559.72, F.S., in references thereto; providing an
107 effective date.

108
109 WHEREAS, the Legislature acknowledges that s. 559.72(17),
110 Florida Statutes, was adopted before e-mail communication became
111 commonly used, and that the only specific communication
112 explicitly contemplated in such subsection is telephone calls,
113 and

114 WHEREAS, the Legislature intends to update and clarify
115 prohibited practices in collecting debt to address e-mail

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116 | communication by excluding such communication from
117 | prohibited contact between the hours of 9:00 p.m. and 8:00
118 | a.m. because such contact is less invasive and less
119 | disruptive than telephone calls, NOW, THEREFORE,
120 |