

1 A bill to be entitled
 2 An act relating to prohibited practices in consumer
 3 debt collection; amending s. 559.72, F.S.; revising
 4 prohibited practices for a person attempting to
 5 collect consumer debt; making a technical change;
 6 reenacting ss. 559.565(2), 559.725(2), 559.77(1) and
 7 (2), 648.44(1)(o), and 817.7001(2)(b), F.S., relating
 8 to enforcement action against out-of-state consumer
 9 debt collector, consumer complaints and administrative
 10 duties, civil remedies, prohibitions and penalties,
 11 and definitions, respectively, to incorporate the
 12 amendment made to s. 559.72, F.S., in references
 13 thereto; providing an effective date.

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

16
 17 **Section 1. Section 559.72, Florida Statutes, is amended to**
 18 **read:**

19 559.72 Prohibited practices generally.—Unless otherwise
 20 authorized by law, in collecting consumer debts, a ~~no~~ person may
 21 not shall:

- 22 (1) Simulate in any manner a law enforcement officer or a
 23 representative of any governmental agency.
 24 (2) Use or threaten force or violence.
 25 (3) Tell a debtor who disputes a consumer debt that she or

26 | he or any person employing her or him will disclose to another,
27 | orally or in writing, directly or indirectly, information
28 | affecting the debtor's reputation for credit worthiness without
29 | also informing the debtor that the existence of the dispute will
30 | also be disclosed as required by subsection (6).

31 | (4) Communicate or threaten to communicate with a debtor's
32 | employer before obtaining final judgment against the debtor,
33 | unless the debtor gives her or his permission in writing to
34 | contact her or his employer or acknowledges in writing the
35 | existence of the debt after the debt has been placed for
36 | collection. However, this does not prohibit a person from
37 | telling the debtor that her or his employer will be contacted if
38 | a final judgment is obtained.

39 | (5) Disclose to a person other than the debtor or her or
40 | his family information affecting the debtor's reputation,
41 | whether or not for credit worthiness, with knowledge or reason
42 | to know that the other person does not have a legitimate
43 | business need for the information or that the information is
44 | false.

45 | (6) Disclose information concerning the existence of a
46 | debt known to be reasonably disputed by the debtor without
47 | disclosing that fact. If a disclosure is made before such
48 | dispute has been asserted and written notice is received from
49 | the debtor that any part of the debt is disputed, and if such
50 | dispute is reasonable, the person who made the original

51 disclosure must reveal upon the request of the debtor within 30
52 days the details of the dispute to each person to whom
53 disclosure of the debt without notice of the dispute was made
54 within the preceding 90 days.

55 (7) Willfully communicate with the debtor or any member of
56 her or his family with such frequency as can reasonably be
57 expected to harass the debtor or her or his family, or willfully
58 engage in other conduct which can reasonably be expected to
59 abuse or harass the debtor or any member of her or his family.

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

63 (9) Claim, attempt, or threaten to enforce a debt when
64 such person knows that the debt is not legitimate, or assert the
65 existence of some other legal right when such person knows that
66 the right does not exist.

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

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

74 (12) Orally communicate with a debtor in a manner that
75 gives the false impression or appearance that such person is or

76 | is associated with an attorney.

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

80 | (14) Publish or post, threaten to publish or post, or
81 | cause to be published or posted before the general public
82 | individual names or any list of names of debtors, commonly known
83 | as a deadbeat list, for the purpose of enforcing or attempting
84 | to enforce collection of consumer debts.

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

89 | (16) Mail any communication to a debtor in an envelope or
90 | postcard with words typed, written, or printed on the outside of
91 | the envelope or postcard calculated to embarrass the debtor. An
92 | example of this would be an envelope addressed to "Deadbeat,
93 | Jane Doe" or "Deadbeat, John Doe."

94 | (17) Communicate with the debtor by telephone call between
95 | the hours of 9 p.m. and 8 a.m. in the debtor's time zone without
96 | the prior consent of the debtor.

97 | (a) The person may presume that the time a telephone call
98 | is received conforms to the local time zone assigned to the area
99 | code of the number called, unless the person reasonably believes
100 | that the debtor's telephone is located in a different time zone.

101 (b) If, such as with toll-free numbers, an area code is
 102 not assigned to a specific geographic area, the person may
 103 presume that the time a telephone call is received conforms to
 104 the local time zone of the debtor's last known place of
 105 residence, unless the person reasonably believes that the
 106 debtor's telephone is located in a different time zone.

107 (18) Communicate with a debtor if the person knows that
 108 the debtor is represented by an attorney with respect to such
 109 debt and has knowledge of, or can readily ascertain, such
 110 attorney's name and address, unless the debtor's attorney fails
 111 to respond within 30 days to a communication from the person,
 112 unless the debtor's attorney consents to a direct communication
 113 with the debtor, or unless the debtor initiates the
 114 communication.

115 (19) Cause a debtor to be charged for communications by
 116 concealing the true purpose of the communication, including
 117 collect telephone calls and telegram fees.

118 **Section 2. For the purpose of incorporating the amendment**
 119 **made by this act to section 559.72, Florida Statutes, in a**
 120 **reference thereto, subsection (2) of section 559.565, Florida**
 121 **Statutes, is reenacted to read:**

122 559.565 Enforcement action against out-of-state consumer
 123 debt collector.—The remedies of this section are cumulative to
 124 other sanctions and enforcement provisions of this part for any
 125 violation by an out-of-state consumer debt collector, as defined

126 | in s. 559.55(11).

127 | (2) A person, whether or not exempt from registration
 128 | under this part, who violates s. 559.72 is subject to sanctions
 129 | the same as any other consumer debt collector, including
 130 | imposition of an administrative fine. The registration of a duly
 131 | registered out-of-state consumer debt collector is subject to
 132 | revocation or suspension in the same manner as the registration
 133 | of any other registrant under this part.

134 | **Section 3. For the purpose of incorporating the amendment**
 135 | **made by this act to section 559.72, Florida Statutes, in a**
 136 | **reference thereto, subsection (2) of section 559.725, Florida**
 137 | **Statutes, is reenacted to read:**

138 | 559.725 Consumer complaints; administrative duties.—

139 | (2) The office shall inform and furnish relevant
 140 | information to the appropriate regulatory body of the state or
 141 | the Federal Government, or The Florida Bar in the case of
 142 | attorneys, if a person has been named in a consumer complaint
 143 | pursuant to subsection (3) alleging violations of s. 559.72. The
 144 | Attorney General may take action against any person in violation
 145 | of this part.

146 | **Section 4. For the purpose of incorporating the amendment**
 147 | **made by this act to section 559.72, Florida Statutes, in**
 148 | **references thereto, subsections (1) and (2) of section 559.77,**
 149 | **Florida Statutes, are reenacted to read:**

150 | 559.77 Civil remedies.—

151 (1) A debtor may bring a civil action against a person
152 violating the provisions of s. 559.72 in the county in which the
153 alleged violator resides or has his or her principal place of
154 business or in the county where the alleged violation occurred.

155 (2) Any person who fails to comply with any provision of
156 s. 559.72 is liable for actual damages and for additional
157 statutory damages as the court may allow, but not exceeding
158 \$1,000, together with court costs and reasonable attorney's fees
159 incurred by the plaintiff. In determining the defendant's
160 liability for any additional statutory damages, the court shall
161 consider the nature of the defendant's noncompliance with s.
162 559.72, the frequency and persistence of the noncompliance, and
163 the extent to which the noncompliance was intentional. In a
164 class action lawsuit brought under this section, the court may
165 award additional statutory damages of up to \$1,000 for each
166 named plaintiff and an aggregate award of additional statutory
167 damages up to the lesser of \$500,000 or 1 percent of the
168 defendant's net worth for all remaining class members; however,
169 the aggregate award may not provide an individual class member
170 with additional statutory damages in excess of \$1,000. The court
171 may award punitive damages and may provide such equitable relief
172 as it deems necessary or proper, including enjoining the
173 defendant from further violations of this part. If the court
174 finds that the suit fails to raise a justiciable issue of law or
175 fact, the plaintiff is liable for court costs and reasonable

176 attorney's fees incurred by the defendant.

177 **Section 5. For the purpose of incorporating the amendment**
178 **made by this act to section 559.72, Florida Statutes, in a**
179 **reference thereto, paragraph (o) of subsection (1) of section**
180 **648.44, Florida Statutes, is reenacted to read:**

181 648.44 Prohibitions; penalty.—

182 (1) A bail bond agent or bail bond agency may not:

183 (o) Attempt to collect, through threat or coercion,
184 amounts due for the payment of any indebtedness related to the
185 issuance of a bail bond in violation of s. 559.72.

186 **Section 6. For the purpose of incorporating the amendment**
187 **made by this act to section 559.72, Florida Statutes, in a**
188 **reference thereto, paragraph (b) of subsection (2) of section**
189 **817.7001, Florida Statutes, is reenacted to read:**

190 817.7001 Definitions.—As used in this part:

191 (2)

192 (b) "Credit service organization" does not include:

193 1. Any person authorized to make loans or extensions of
194 credit under the laws of this state or the United States who is
195 subject to regulation and supervision by this state or the
196 United States or a lender approved by the United States
197 Secretary of Housing and Urban Development for participation in
198 any mortgage insurance program under the National Housing Act;

199 2. Any bank, savings bank, or savings and loan association
200 whose deposits or accounts are eligible for insurance by the

201 Federal Deposit Insurance Corporation or the Federal Savings and
202 Loan Insurance Corporation, or a subsidiary of such bank,
203 savings bank, or savings and loan association;

204 3. Any credit union, federal credit union, or out-of-state
205 credit union doing business in this state;

206 4. Any nonprofit organization exempt from taxation under
207 s. 501(c)(3) of the Internal Revenue Code;

208 5. Any person licensed as a real estate broker by this
209 state if the person is acting within the course and scope of
210 that license;

211 6. Any person collecting consumer claims pursuant to s.
212 559.72;

213 7. Any person licensed to practice law in this state if
214 the person renders services within the course and scope of his
215 or her practice as an attorney and does not engage in the credit
216 service business on a regular and continuing basis;

217 8. Any broker-dealer registered with the Securities and
218 Exchange Commission or the Commodity Futures Trading Commission
219 if the broker-dealer is acting within the course and scope of
220 that regulation; or

221 9. Any consumer reporting agency as defined in the Federal
222 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.

223 **Section 7.** This act shall take effect July 1, 2025.