

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 technical changes;  
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 via a communication sent  
95 and received, as provided in s. 668.50(15), between the hours of  
96 9 p.m. and 8 a.m. in the debtor's time zone without the prior  
97 consent of the debtor. The prohibition contained in this  
98 subsection does not apply to an e-mail communication.

99 ~~(a)~~ The person may presume that the time a ~~telephone call~~  
100 communication is received conforms to the local time zone

101 assigned to the record address ~~area code~~ of the debtor number  
102 ~~called~~, unless the person reasonably believes that the debtor's  
103 telephone is located in a different time zone.

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

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

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

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

125 559.565 Enforcement action against out-of-state consumer

126 debt collector.—The remedies of this section are cumulative to  
127 other sanctions and enforcement provisions of this part for any  
128 violation by an out-of-state consumer debt collector, as defined  
129 in s. 559.55(11).

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

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

141 559.725 Consumer complaints; administrative duties.—

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

149 **Section 4. For the purpose of incorporating the amendment**  
150 **made by this act to section 559.72, Florida Statutes, in**

151 **references thereto, subsections (1) and (2) of section 559.77,**  
152 **Florida Statutes, are reenacted to read:**

153       559.77 Civil remedies.—

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

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

defendant from further violations of this part. If the court finds that the suit fails to raise a justiciable issue of law or fact, the plaintiff is liable for court costs and reasonable attorney's fees incurred by the defendant.

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

648.44 Prohibitions; penalty.—

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

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

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

817.7001 Definitions.—As used in this part:

(2)

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

1. Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States Secretary of Housing and Urban Development for participation in



any mortgage insurance program under the National Housing Act;

2. Any bank, savings bank, or savings and loan association whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or a subsidiary of such bank, savings bank, or savings and loan association;

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

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

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

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

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

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

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

CS/HB 147

2025

226 |       **Section 7.**   This act shall take effect upon becoming law. |