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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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	.	

The Committee on Banking and Insurance (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 559.72, Florida Statutes, is amended to read:

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.



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11 (2) Use or threaten force or violence.

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

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

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

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



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40 the dispute was made within the preceding 90 days.

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 such
50 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 legal
54 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.

66 (14) Publish or post, threaten to publish or post, or cause
67 to be published or posted before the general public individual
68 names or any list of names of debtors, commonly known as a



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69 deadbeat list, for the purpose of enforcing or attempting to
70 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 not
90 assigned to a specific geographic area, the person may presume
91 that the time a telephone call is received conforms to the local
92 time zone of the debtor's last known place of residence, unless
93 the person reasonably believes that the debtor's telephone is
94 located in a different time zone.

95 (18) Communicate with a debtor if the person knows that the
96 debtor is represented by an attorney with respect to such debt
97 and has knowledge of, or can readily ascertain, such attorney's



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98 name and address, unless the debtor's attorney fails to respond
99 within 30 days to a communication from the person, unless the
100 debtor's attorney consents to a direct communication with the
101 debtor, or unless the debtor initiates the communication.

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

105 Section 2. For the purpose of incorporating the amendment
106 made by this act to section 559.72, Florida Statutes, in a
107 reference thereto, subsection (2) of section 559.565, Florida
108 Statutes, is reenacted to read:

109 559.565 Enforcement action against out-of-state consumer
110 debt collector.—The remedies of this section are cumulative to
111 other sanctions and enforcement provisions of this part for any
112 violation by an out-of-state consumer debt collector, as defined
113 in s. 559.55(11).

114 (2) A person, whether or not exempt from registration under
115 this part, who violates s. 559.72 is subject to sanctions the
116 same as any other consumer debt collector, including imposition
117 of an administrative fine. The registration of a duly registered
118 out-of-state consumer debt collector is subject to revocation or
119 suspension in the same manner as the registration of any other
120 registrant under this part.

121 Section 3. 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 559.725, Florida
124 Statutes, is reenacted to read:

125 559.725 Consumer complaints; administrative duties.—

126 (2) The office shall inform and furnish relevant



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127 information to the appropriate regulatory body of the state or
128 the Federal Government, or The Florida Bar in the case of
129 attorneys, if a person has been named in a consumer complaint
130 pursuant to subsection (3) alleging violations of s. 559.72. The
131 Attorney General may take action against any person in violation
132 of this part.

133 Section 4. For the purpose of incorporating the amendment
134 made by this act to section 559.72, Florida Statutes, in
135 references thereto, subsections (1) and (2) of section 559.77,
136 Florida Statutes, are reenacted to read:

137 559.77 Civil remedies.—

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

142 (2) Any person who fails to comply with any provision of s.
143 559.72 is liable for actual damages and for additional statutory
144 damages as the court may allow, but not exceeding \$1,000,
145 together with court costs and reasonable attorney's fees
146 incurred by the plaintiff. In determining the defendant's
147 liability for any additional statutory damages, the court shall
148 consider the nature of the defendant's noncompliance with s.
149 559.72, the frequency and persistence of the noncompliance, and
150 the extent to which the noncompliance was intentional. In a
151 class action lawsuit brought under this section, the court may
152 award additional statutory damages of up to \$1,000 for each
153 named plaintiff and an aggregate award of additional statutory
154 damages up to the lesser of \$500,000 or 1 percent of the
155 defendant's net worth for all remaining class members; however,



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156 the aggregate award may not provide an individual class member
157 with additional statutory damages in excess of \$1,000. The court
158 may award punitive damages and may provide such equitable relief
159 as it deems necessary or proper, including enjoining the
160 defendant from further violations of this part. If the court
161 finds that the suit fails to raise a justiciable issue of law or
162 fact, the plaintiff is liable for court costs and reasonable
163 attorney's fees incurred by the defendant.

164 Section 5. For the purpose of incorporating the amendment
165 made by this act to section 559.72, Florida Statutes, in a
166 reference thereto, paragraph (o) of subsection (1) of section
167 648.44, Florida Statutes, is reenacted to read:

168 648.44 Prohibitions; penalty.—

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

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

173 Section 6. For the purpose of incorporating the amendment
174 made by this act to section 559.72, Florida Statutes, in a
175 reference thereto, paragraph (b) of subsection (2) of section
176 817.7001, Florida Statutes, is reenacted to read:

177 817.7001 Definitions.—As used in this part:

178 (2)

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

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



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- 185 any mortgage insurance program under the National Housing Act;
186 2. Any bank, savings bank, or savings and loan association
187 whose deposits or accounts are eligible for insurance by the
188 Federal Deposit Insurance Corporation or the Federal Savings and
189 Loan Insurance Corporation, or a subsidiary of such bank,
190 savings bank, or savings and loan association;
191 3. Any credit union, federal credit union, or out-of-state
192 credit union doing business in this state;
193 4. Any nonprofit organization exempt from taxation under s.
194 501(c)(3) of the Internal Revenue Code;
195 5. Any person licensed as a real estate broker by this
196 state if the person is acting within the course and scope of
197 that license;
198 6. Any person collecting consumer claims pursuant to s.
199 559.72;
200 7. Any person licensed to practice law in this state if the
201 person renders services within the course and scope of his or
202 her practice as an attorney and does not engage in the credit
203 service business on a regular and continuing basis;
204 8. Any broker-dealer registered with the Securities and
205 Exchange Commission or the Commodity Futures Trading Commission
206 if the broker-dealer is acting within the course and scope of
207 that regulation; or
208 9. Any consumer reporting agency as defined in the Federal
209 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.
210 Section 7. This act shall take effect upon becoming law.

211
212 ===== T I T L E A M E N D M E N T =====
213 And the title is amended as follows:



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214 Delete everything before the enacting clause
215 and insert:

216 A bill to be entitled
217 An act relating to debt collection; amending s.
218 559.72, F.S.; revising prohibited practices for a
219 person attempting to collect consumer debt; providing
220 applicability; making a technical change; reenacting
221 ss. 559.565(2), 559.725(2), 559.77(1) and (2),
222 648.44(1)(o), and 817.7001(2)(b), F.S., relating to
223 enforcement action against an out-of-state consumer
224 debt collector, consumer complaints and administrative
225 duties, civil remedies, prohibitions and penalties,
226 and definitions, respectively, to incorporate the
227 amendment made to s. 559.72, F.S., in references
228 thereto; providing an effective date.

229
230 WHEREAS, the Legislature acknowledges that s. 559.72(17),
231 Florida Statutes, was adopted before e-mail communication became
232 commonly used, and that the only specific communication
233 explicitly contemplated in such subsection is telephone calls,
234 and

235 WHEREAS, the Legislature intends to update and clarify
236 prohibited practices in collecting debt to address e-mail
237 communication by excluding such communication from prohibited
238 contact between the hours of 9:00 p.m. and 8:00 a.m. because
239 such contact is less invasive and less disruptive than telephone
240 calls, NOW, THEREFORE,