

By the Committee on Commerce and Tourism; and Senator Rodriguez

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1 A bill to be entitled
2 An act relating to debt collection; amending s.
3 559.72, F.S.; revising prohibited practices for a
4 person attempting to collect consumer debt; providing
5 applicability; making a technical change; reenacting
6 ss. 559.565(2), 559.725(2), 559.77(1) and (2),
7 648.44(1)(o), and 817.7001(2)(b), F.S., relating to
8 enforcement action against an 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

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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 debt
46 known to be reasonably disputed by the debtor without disclosing
47 that fact. If a disclosure is made before such dispute has been
48 asserted and written notice is received from the debtor that any
49 part of the debt is disputed, and if such dispute is reasonable,
50 the person who made the original disclosure must reveal upon the
51 request of the debtor within 30 days the details of the dispute
52 to each person to whom disclosure of the debt without notice of
53 the dispute was made within the preceding 90 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115 (19) Cause a debtor to be charged for communications by
116 concealing the true purpose of the communication, including

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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 under
128 this part, who violates s. 559.72 is subject to sanctions the
129 same as any other consumer debt collector, including imposition
130 of an administrative fine. The registration of a duly registered
131 out-of-state consumer debt collector is subject to revocation or
132 suspension in the same manner as the registration of any other
133 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.

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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 s.
156 559.72 is liable for actual damages and for additional statutory
157 damages as the court may allow, but not exceeding \$1,000,
158 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

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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, amounts
184 due for the payment of any indebtedness related to the issuance
185 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;

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- 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 s.
207 501(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 the
214 person renders services within the course and scope of his or
215 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.