

By the Committees on Banking and Insurance; and Commerce and Tourism; and Senator Rodriguez

597-03073-25

2025232c2

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 WHEREAS, the Legislature acknowledges that s. 559.72(17),
16 Florida Statutes, was adopted before e-mail communication became
17 commonly used, and that the only specific communication
18 explicitly contemplated in such subsection is telephone calls,
19 and

20 WHEREAS, the Legislature intends to update and clarify
21 prohibited practices in collecting debt to address e-mail
22 communication by excluding such communication from prohibited
23 contact between the hours of 9:00 p.m. and 8:00 a.m. because
24 such contact is less invasive and less disruptive than telephone
25 calls, NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 559.72, Florida Statutes, is amended to

597-03073-25

2025232c2

30 read:

31 559.72 Prohibited practices generally.—In collecting
32 consumer debts, a ~~no~~ person may not shall:

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

35 (2) Use or threaten force or violence.

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

42 (4) Communicate or threaten to communicate with a debtor's
43 employer before obtaining final judgment against the debtor,
44 unless the debtor gives her or his permission in writing to
45 contact her or his employer or acknowledges in writing the
46 existence of the debt after the debt has been placed for
47 collection. However, this does not prohibit a person from
48 telling the debtor that her or his employer will be contacted if
49 a final judgment is obtained.

50 (5) Disclose to a person other than the debtor or her or
51 his family information affecting the debtor's reputation,
52 whether or not for credit worthiness, with knowledge or reason
53 to know that the other person does not have a legitimate
54 business need for the information or that the information is
55 false.

56 (6) Disclose information concerning the existence of a debt
57 known to be reasonably disputed by the debtor without disclosing
58 that fact. If a disclosure is made before such dispute has been

597-03073-25

2025232c2

59 asserted and written notice is received from the debtor that any
60 part of the debt is disputed, and if such dispute is reasonable,
61 the person who made the original disclosure must reveal upon the
62 request of the debtor within 30 days the details of the dispute
63 to each person to whom disclosure of the debt without notice of
64 the dispute was made within the preceding 90 days.

65 (7) Willfully communicate with the debtor or any member of
66 her or his family with such frequency as can reasonably be
67 expected to harass the debtor or her or his family, or willfully
68 engage in other conduct which can reasonably be expected to
69 abuse or harass the debtor or any member of her or his family.

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

73 (9) Claim, attempt, or threaten to enforce a debt when such
74 person knows that the debt is not legitimate, or assert the
75 existence of some other legal right when such person knows that
76 the right does not exist.

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

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

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

87 (13) Advertise or threaten to advertise for sale any debt

597-03073-25

2025232c2

88 as a means to enforce payment except under court order or when
89 acting as an assignee for the benefit of a creditor.

90 (14) Publish or post, threaten to publish or post, or cause
91 to be published or posted before the general public individual
92 names or any list of names of debtors, commonly known as a
93 deadbeat list, for the purpose of enforcing or attempting to
94 enforce collection of consumer debts.

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

99 (16) Mail any communication to a debtor in an envelope or
100 postcard with words typed, written, or printed on the outside of
101 the envelope or postcard calculated to embarrass the debtor. An
102 example of this would be an envelope addressed to "Deadbeat,
103 Jane Doe" or "Deadbeat, John Doe."

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

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

113 (b) If, such as with toll-free numbers, an area code is not
114 assigned to a specific geographic area, the person may presume
115 that the time a telephone call is received conforms to the local
116 time zone of the debtor's last known place of residence, unless

597-03073-25

2025232c2

117 the person reasonably believes that the debtor's telephone is
118 located in a different time zone.

119 (18) Communicate with a debtor if the person knows that the
120 debtor is represented by an attorney with respect to such debt
121 and has knowledge of, or can readily ascertain, such attorney's
122 name and address, unless the debtor's attorney fails to respond
123 within 30 days to a communication from the person, unless the
124 debtor's attorney consents to a direct communication with the
125 debtor, or unless the debtor initiates the communication.

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

129 Section 2. For the purpose of incorporating the amendment
130 made by this act to section 559.72, Florida Statutes, in a
131 reference thereto, subsection (2) of section 559.565, Florida
132 Statutes, is reenacted to read:

133 559.565 Enforcement action against out-of-state consumer
134 debt collector.—The remedies of this section are cumulative to
135 other sanctions and enforcement provisions of this part for any
136 violation by an out-of-state consumer debt collector, as defined
137 in s. 559.55(11).

138 (2) A person, whether or not exempt from registration under
139 this part, who violates s. 559.72 is subject to sanctions the
140 same as any other consumer debt collector, including imposition
141 of an administrative fine. The registration of a duly registered
142 out-of-state consumer debt collector is subject to revocation or
143 suspension in the same manner as the registration of any other
144 registrant under this part.

145 Section 3. For the purpose of incorporating the amendment

597-03073-25

2025232c2

146 made by this act to section 559.72, Florida Statutes, in a
147 reference thereto, subsection (2) of section 559.725, Florida
148 Statutes, is reenacted to read:

149 559.725 Consumer complaints; administrative duties.—

150 (2) The office shall inform and furnish relevant
151 information to the appropriate regulatory body of the state or
152 the Federal Government, or The Florida Bar in the case of
153 attorneys, if a person has been named in a consumer complaint
154 pursuant to subsection (3) alleging violations of s. 559.72. The
155 Attorney General may take action against any person in violation
156 of this part.

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

161 559.77 Civil remedies.—

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

166 (2) Any person who fails to comply with any provision of s.
167 559.72 is liable for actual damages and for additional statutory
168 damages as the court may allow, but not exceeding \$1,000,
169 together with court costs and reasonable attorney's fees
170 incurred by the plaintiff. In determining the defendant's
171 liability for any additional statutory damages, the court shall
172 consider the nature of the defendant's noncompliance with s.
173 559.72, the frequency and persistence of the noncompliance, and
174 the extent to which the noncompliance was intentional. In a

597-03073-25

2025232c2

175 class action lawsuit brought under this section, the court may
176 award additional statutory damages of up to \$1,000 for each
177 named plaintiff and an aggregate award of additional statutory
178 damages up to the lesser of \$500,000 or 1 percent of the
179 defendant's net worth for all remaining class members; however,
180 the aggregate award may not provide an individual class member
181 with additional statutory damages in excess of \$1,000. The court
182 may award punitive damages and may provide such equitable relief
183 as it deems necessary or proper, including enjoining the
184 defendant from further violations of this part. If the court
185 finds that the suit fails to raise a justiciable issue of law or
186 fact, the plaintiff is liable for court costs and reasonable
187 attorney's fees incurred by the defendant.

188 Section 5. For the purpose of incorporating the amendment
189 made by this act to section 559.72, Florida Statutes, in a
190 reference thereto, paragraph (o) of subsection (1) of section
191 648.44, Florida Statutes, is reenacted to read:

192 648.44 Prohibitions; penalty.—

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

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

197 Section 6. For the purpose of incorporating the amendment
198 made by this act to section 559.72, Florida Statutes, in a
199 reference thereto, paragraph (b) of subsection (2) of section
200 817.7001, Florida Statutes, is reenacted to read:

201 817.7001 Definitions.—As used in this part:

202 (2)

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

597-03073-25

2025232c2

- 204 1. Any person authorized to make loans or extensions of
205 credit under the laws of this state or the United States who is
206 subject to regulation and supervision by this state or the
207 United States or a lender approved by the United States
208 Secretary of Housing and Urban Development for participation in
209 any mortgage insurance program under the National Housing Act;
- 210 2. Any bank, savings bank, or savings and loan association
211 whose deposits or accounts are eligible for insurance by the
212 Federal Deposit Insurance Corporation or the Federal Savings and
213 Loan Insurance Corporation, or a subsidiary of such bank,
214 savings bank, or savings and loan association;
- 215 3. Any credit union, federal credit union, or out-of-state
216 credit union doing business in this state;
- 217 4. Any nonprofit organization exempt from taxation under s.
218 501(c)(3) of the Internal Revenue Code;
- 219 5. Any person licensed as a real estate broker by this
220 state if the person is acting within the course and scope of
221 that license;
- 222 6. Any person collecting consumer claims pursuant to s.
223 559.72;
- 224 7. Any person licensed to practice law in this state if the
225 person renders services within the course and scope of his or
226 her practice as an attorney and does not engage in the credit
227 service business on a regular and continuing basis;
- 228 8. Any broker-dealer registered with the Securities and
229 Exchange Commission or the Commodity Futures Trading Commission
230 if the broker-dealer is acting within the course and scope of
231 that regulation; or
- 232 9. Any consumer reporting agency as defined in the Federal

597-03073-25

2025232c2

233 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.

234 Section 7. This act shall take effect upon becoming law.