

## **CS/CS/CS/SB 2086 — Consumer Debt Collection**

by General Government Appropriations Committee; Commerce Committee; Banking and Insurance Committee; and Senator Richter

Part VI of chapter 559, Florida Statutes, governs the regulation of consumer debt collection agencies. The Office of Financial Regulation (OFR) is responsible for the registration and regulation of consumer debt collection agencies. The Attorney General is authorized to initiate actions in any federal court against out-of-state consumer collection agencies for violations of this part. This bill provides the following regulatory and enforcement changes.

- Streamlines the existing statutory authority for the regulation of consumer debt collection agencies into one agency, by transferring duties related to the registry and referral of complaints from the Department of Financial Services to the OFR.
- Provides that a violation of Part VI, ch. 559, F.S., is actionable by the Attorney General, including consumer complaints.
- Increases administrative fines for violations, currently capped at \$1,000, to \$10,000. It would allow the OFR to impose significant economic sanctions on unscrupulous consumer collection agencies.
- Provides the OFR with broad, discretionary authority in promptly investigating the books and records of a consumer collection agency. Investigations would be based on the nature and severity of an alleged violation rather than the accumulation of five unresolved sworn complaints.

If approved by the Governor, these provisions take effect October 1, 2010.

*Vote: Senate 37-0; House 114-0*