By Senator Calatayud

1A bill to be entitled2An act relating to debt relief services; amending s.3817.801, F.S.; revising the definition of the term4"debt management services"; defining the term "debt5relief service"; amending s. 817.806, F.S.; specifying6that provisions for enforcement of violations7involving credit counseling services or debt8management services do not apply to debt relief9service; authorizing the Attorney General to bring10certain actions for violations of specified federal11regulations of debt relief services; providing an12effective date.1314Be It Enacted by the Legislature of the State of Florida:1516Section 1. Present subsection (5) of section 817.801,17Florida Statutes, is redesignated as subsection (6), a new18subsection (5) is added to that section, and subsection (4) of19that section is amended, to read:20&17.801 DefinitionsAs used in this part:21(4) "Debt management services" means services provided to a22debtor by a credit counseling organization for a fee to:23(a) Effect the adjustment, compromise, or discharge of any24unsecured account, note, or other indebtedness of the debtor;25and eff26(b) Receive from the debtor and disburse to a creditor any27money or other thing of value.		38-01025-24 20241074
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29 <u>The term does not include debt relief services.</u>	29	The term does not include debt relief services.

Page 1 of 2

CODING: Words stricken are deletions; words underlined are additions.

	38-01025-24 20241074
30	
31	in 16 C.F.R. s. 310.2. The term does not include a debt
32	management service in which any money or other thing of value is
33	received from a debtor and disbursed to a creditor.
34	Section 2. Section 817.806, Florida Statutes, is amended to
35	read:
36	817.806 Violations
37	(1) <u>(a)</u> Any person who violates any provision of this part
38	commits an unfair or deceptive trade practice as defined in part
39	II of chapter 501. Violators shall be subject to the penalties
40	and remedies provided therein. Further, any consumer injured by
41	a violation of this part may bring an action for recovery of
42	damages. Judgment shall be entered for actual damages, but in no
43	case less than the amount paid by the consumer to the credit
44	counseling agency, plus reasonable <u>attorney</u> attorney's fees and
45	costs.
46	<u>(b)</u> Any person who violates any provision of this part
47	commits a felony of the third degree, punishable as provided in
48	s. 775.082 or s. 775.083.
49	(c) This subsection does not apply to debt relief services.
50	(2) As authorized in 16 C.F.R. s. 310.7, the Attorney
51	General may bring an action under the federal Telemarketing and
52	Consumer Fraud and Abuse Prevention Act, 15 U.S.C. ss. 6101-
53	6108, against a debt relief services provider for violations of
54	debt relief services regulations in 16 C.F.R. part 310.
55	Section 3. This act shall take effect July 1, 2024.

Page 2 of 2

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