

ENROLLED

CS/HB 1031

2024 Legislature

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An act relating to debt relief services; amending s. 817.803, F.S.; providing an exception from specified provisions for telemarketers and sellers who provide debt relief services under certain circumstances; defining terms; providing an effective date.

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

Section 1. Section 817.803, Florida Statutes, is amended to read:

817.803 Exceptions. ~~Nothing in This part~~ does not apply ~~applies~~ to:

- (1) Any debt management or credit counseling services provided in the practice of law in this state. †
- (2) Any person who engages in debt adjustment to adjust the indebtedness owed to such person. † ~~or~~
- (3) Any of the following entities or their subsidiaries:
 - (a) The Federal National Mortgage Association. †
 - (b) The Federal Home Loan Mortgage Corporation. †
 - (c) The Florida Housing Finance Corporation, a public corporation created in s. 420.504. †
 - (d) A bank, bank holding company, trust company, savings and loan association, credit union, credit card bank, or savings bank that is regulated and supervised by the Office of the

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26 | Comptroller of the Currency, the Office of Thrift Supervision,
 27 | the Federal Reserve, the Federal Deposit Insurance Corporation,
 28 | the National Credit Union Administration, the Office of
 29 | Financial Regulation of the Department of Financial Services, or
 30 | any state banking regulator.~~†~~

31 | (e) A consumer reporting agency as defined in the Federal
 32 | Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681y, as it
 33 | existed on April 5, 2004.~~†~~~~or~~

34 | (f) Any subsidiary or affiliate of a bank holding company,
 35 | its employees and its exclusive agents acting under written
 36 | agreement.

37 | (4)(a) Any telemarketer or seller who provides any debt
 38 | relief service within the scope of the Telemarketing and
 39 | Consumer Fraud and Abuse Prevention Act, 15 U.S.C. ss. 6101-
 40 | 6108, and the Telemarketing Sales Rule, 16 C.F.R. part 310, and
 41 | who therefore is required to comply with such federal
 42 | regulation, if such telemarketer or seller does not receive from
 43 | the debtor and disburse to a creditor any money or other thing
 44 | of value, in accordance with the definition of debt management
 45 | services under s. 817.801(4)(b).

46 | (b) As used in this subsection, the terms "debt relief
 47 | service," "seller," and "telemarketer" have the same meaning as
 48 | in 16 C.F.R. s. 310.2.

49 | Section 2. This act shall take effect July 1, 2024.