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1 A bill to be entitled

2 An act relating to ; providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Section 559.72, Florida Statutes, is amended to  
7 read:

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

10 (2) Use or threaten force or violence.

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

17 (4) Communicate or threaten to communicate with a debtor's  
18 employer before obtaining final judgment against the debtor,  
19 unless the debtor gives her or his permission in writing to  
20 contact her or his employer or acknowledges in writing the  
21 existence of the debt after the debt has been placed for  
22 collection. However, this does not prohibit a person from  
23 telling the debtor that her or his employer will be contacted if  
24 a final judgment is obtained.

25 (5) Disclose to a person other than the debtor or her or  
26 his family information affecting the debtor's reputation,  
27 whether or not for credit worthiness, with knowledge or reason  
28 to know that the other person does not have a legitimate  
29 business need for the information or that the information is

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30 false.

31 (6) Disclose information concerning the existence of a debt  
32 known to be reasonably disputed by the debtor without disclosing  
33 that fact. If a disclosure is made before such dispute has been  
34 asserted and written notice is received from the debtor that any  
35 part of the debt is disputed, and if such dispute is reasonable,  
36 the person who made the original disclosure must reveal upon the  
37 request of the debtor within 30 days the details of the dispute  
38 to each person to whom disclosure of the debt without notice of  
39 the dispute was made within the preceding 90 days.

40 (7) Willfully communicate with the debtor or any member of  
41 her or his family with such frequency as can reasonably be  
42 expected to harass the debtor or her or his family, or willfully  
43 engage in other conduct which can reasonably be expected to  
44 abuse or harass the debtor or any member of her or his family.

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

48 (9) Claim, attempt, or threaten to enforce a debt when such  
49 person knows that the debt is not legitimate, or assert the  
50 existence of some other legal right when such person knows that  
51 the right does not exist.

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

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

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

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

65 (14) Publish or post, threaten to publish or post, or cause  
66 to be published or posted before the general public individual  
67 names or any list of names of debtors, commonly known as a  
68 deadbeat list, for the purpose of enforcing or attempting to  
69 enforce collection of consumer debts.

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

74 (16) Mail any communication to a debtor in an envelope or  
75 postcard with words typed, written, or printed on the outside of  
76 the envelope or postcard calculated to embarrass the debtor. An  
77 example of this would be an envelope addressed to "Deadbeat,  
78 Jane Doe" or "Deadbeat, John Doe."

79 (17) Communicate with the debtor between the hours of 9  
80 p.m. and 8 a.m. in the debtor's time zone without the prior  
81 consent of the debtor.

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

86 (b) If, such as with toll-free numbers, an area code is not  
87 assigned to a specific geographic area, the person may presume

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88 that the time a telephone call is received conforms to the local  
89 time zone of the debtor's last known place of residence, unless  
90 the person reasonably believes that the debtor's telephone is  
91 located in a different time zone.

92 (18) Communicate with a debtor if the person knows that the  
93 debtor is represented by an attorney with respect to such debt  
94 and has knowledge of, or can readily ascertain, such attorney's  
95 name and address, unless the debtor's attorney fails to respond  
96 within 30 days to a communication from the person, unless the  
97 debtor's attorney consents to a direct communication with the  
98 debtor, or unless the debtor initiates the communication.

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

102 (20) Discriminate against, or target, any debtor on the  
103 basis of his or her political affiliation, ideology, viewpoint,  
104 or conduct.

105 Section 2. This act shall take effect upon becoming a law.