

CHAPTER 2024-128

Committee Substitute for House Bill No. 1031

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.;

(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 Comptroller of the Currency, the Office of Thrift Supervision, the Federal Reserve, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of Financial Regulation of the Department of Financial Services, or any state banking regulator.;

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

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

(4)(a) Any telemarketer or seller who provides any debt relief service within the scope of the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. ss. 6101-6108, and the Telemarketing Sales Rule, 16 C.F.R. part 310, and who therefore is required to comply with such federal regulation, if such telemarketer or seller does not receive from the debtor

and disburse to a creditor any money or other thing of value, in accordance with the definition of debt management services under s. 817.801(4)(b).

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

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

Approved by the Governor April 26, 2024.

Filed in Office Secretary of State April 26, 2024.