



# STATE OF FLORIDA

**BILL McCOLLUM**  
**ATTORNEY GENERAL**

November 3, 2009

The Honorable Jeff Atwater  
President, Florida Senate  
Room 409, The Capitol  
Tallahassee, FL 32399-1100

Dear President Atwater:

As you are aware, there have been many recent media reports regarding debt collectors and their practices in our state. With the current unemployment rate near 11 percent and more Floridians finding themselves falling behind on paying their bills, there is no surprise that this industry has seen a tremendous amount of growth.

Chapter 559 Part VI of the Florida Statutes currently sets forth the statutory procedure for collection practices by debt collectors. This section, known as the Florida Consumer Collection Practices Act, requires registration of debt collectors operating in this state, lists prohibited acts, lists state administrative duties and remedies, provides for enforcement against out-of-state debt collection agencies, provides for civil remedies for debtors, provides for judicial enforcement by state attorneys, and provides for criminal penalties.

The Office of the Attorney General is identified as the agency to be given information of a determined statutory violation when the debt collector is an out-of-state collection agency. My office is specifically authorized to take action on out-of-state consumer debt collectors including action in any federal district court of competent jurisdiction. I am asking the Legislature to increase the overall consumer protection aspects of this law in my role as an enforcing authority by the following:

- Add a new violations of act section to the statute with the specific “per se” language that: “A Violation of this Act shall be deemed an unfair and deceptive trade practice within the meaning of Part II of Chapter 501 Florida Statutes. In addition to any remedies provided herein, violations of this act shall be subject to the penalties and remedies provided in Chapter 501 Part II.”

President Jeff Atwater  
November 2, 2009  
Page 2

- Clarify in the section entitled “Enforcement action against out-of-state consumer debt collector”, that in addition to an action in federal district court as now expressly authorized, the Attorney General may bring an action against out-of-state consumer debt collectors in state court when appropriate, for violations of this act including injunctive relief on behalf of consumers.

These statutory changes will give my office a strong tool to take action on the bad actors in this industry and protect Floridians from debt collectors’ unsavory practices.

Thank you in advance for your consideration. I look forward to working with you on this important issue for the citizens of our great state.

Sincerely,



Bill McCollum

cc: Chairman Garrett Richter  
Senate Banking & Insurance Committee

Chairman Baxter Troutman  
House General Government Policy Council



# STATE OF FLORIDA

**BILL McCOLLUM**  
**ATTORNEY GENERAL**

November 3, 2009

The Honorable Larry Cretul  
Speaker, Florida House of Representatives  
Room 420, The Capitol  
Tallahassee, FL 32399-1300

Dear Speaker Cretul:

As you are aware, there have been many recent media reports regarding debt collectors and their practices in our state. With the current unemployment rate near 11 percent and more Floridians finding themselves falling behind on paying their bills, there is no surprise that this industry has seen a tremendous amount of growth.

Chapter 559 Part VI of the Florida Statutes currently sets forth the statutory procedure for collection practices by debt collectors. This section, known as the Florida Consumer Collection Practices Act, requires registration of debt collectors operating in this state, lists prohibited acts, lists state administrative duties and remedies, provides for enforcement against out-of-state debt collection agencies, provides for civil remedies for debtors, provides for judicial enforcement by state attorneys, and provides for criminal penalties.

The Office of the Attorney General is identified as the agency to be given information of a determined statutory violation when the debt collector is an out-of-state collection agency. My office is specifically authorized to take action on out-of-state consumer debt collectors including action in any federal district court of competent jurisdiction. I am asking the Legislature to increase the overall consumer protection aspects of this law in my role as an enforcing authority by the following:

- Add a new violations of act section to the statute with the specific “per se” language that: “A Violation of this Act shall be deemed an unfair and deceptive trade practice within the meaning of Part II of Chapter 501 Florida Statutes. In addition to any remedies provided herein, violations of this act shall be subject to the penalties and remedies provided in Chapter 501 Part II.”

Speaker Larry Cretul  
November 2, 2009  
Page 2

- Clarify in the section entitled “Enforcement action against out-of-state consumer debt collector”, that in addition to an action in federal district court as now expressly authorized, the Attorney General may bring an action against out-of-state consumer debt collectors in state court when appropriate, for violations of this act including injunctive relief on behalf of consumers.

These statutory changes will give my office a strong tool to take action on the bad actors in this industry and protect Floridians from debt collectors’ unsavory practices.

Thank you in advance for your consideration. I look forward to working with you on this important issue for the citizens of our great state.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill McCollum", written in a cursive style.

Bill McCollum

cc: Chairman Garrett Richter  
Senate Banking & Insurance Committee

Chairman Baxter Troutman  
House General Government Policy Council