

This list of actions considered to be abusive collection practices can be found in [Florida Statutes section 559.72](#). For your education as a consumer, I am listing the abuses here with short explanations in parentheses. My explanations are not law, and will not apply in every case, but hopefully will provide clarification.

“559.72 Prohibited practices generally. In collecting consumer debts, no person shall:

(1) Simulate in any manner a law enforcement officer or a representative of any governmental agency;”

(This means that the collector cannot claim that she or he is a police officer or government agent when she or he is not.)

“(2) Use or threaten force or violence;

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

(This means that a debt collector cannot disclose to anyone that you owe money without also disclosing that you dispute the debt and notifying you of their disclosures.)

“(4) Communicate or threaten to communicate with a debtor's employer prior to obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection, but this shall not prohibit a person from telling the debtor that her or his employer will be contacted if a final judgment is obtained;”

(If a debt collector contacts or tells you she/he will contact your employer without your written permission before a judgment is entered against you, the debt collector has violated the law.)

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

(The debt collector cannot disclose your debt unless there is a legitimate reason to do so.)

“(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made prior to such reasonable dispute having been asserted and written notice is received from the debtor that any part of the debt is disputed and if such dispute is reasonable, the person who made the original disclosure shall reveal upon the request of the debtor within 30 days the details of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days;”

(This builds on #3 above, requiring the collector to retroactively disclose your dispute of a debt to any entity to which they recently disclosed your debt.)

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

debtor or any member of her or his family;”

(The debt collector cannot harass you.)

“(8) Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family;

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

(The debt collector cannot claim you owe a debt when he/she knows you do not, i. e., the statute of limitations has run.)

“(10) Use a communication which simulates in any manner legal or judicial process or which gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law, when it is not;”

(The debt collector cannot send you a document that looks like it came from an attorney or the court when it did not.)

“(11) Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments which only attorneys are authorized to prepare;”

(The debt collector cannot hold her or himself out as an attorney in any way.)

“(12) Orally communicate with a debtor in such a manner as to give the false impression or appearance that such person is or is associated with an attorney;”

(Similar to 11.)

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

(Debt collector cannot advertise to sell your debt unless by court order or by legal assignment.)

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

(15) Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents when requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt;”

(The debt collector cannot hide or refuse to give you her/his name and the name of the company that employs her/him.)

“(16) Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor. An example of this would be an envelope addressed to ‘Deadbeat, Jane Doe’ or ‘Deadbeat, John Doe’;

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

(18) Communicate with a debtor if the person knows that the debtor is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address, unless the debtor's attorney fails to respond within a reasonable period of time to a communication from the person, unless the debtor's attorney consents to a direct communication with the debtor, or unless the debtor initiates the communication; or

(19) Cause charges to be made to any debtor for communications by concealment of the

true purpose of the communication, including collect telephone calls and telegram fees.”
(The debt collector cannot call you collect or do other acts for which you will be charged.)