

# PUBLICATION

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## Florida's Consumer Protection Statute Amended to Exclude Emails as Prohibited After-Hours Communications

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The Florida Consumer Collection Practices Act (FCCPA) – Florida's state-law version of the federal Fair Debt Collection Practices Act (FDCPA) – has long been the subject of consumer protection lawsuits, including, in recent years, more and more putative class actions. Of recent note has been the influx of lawsuits in which it has been alleged that debt collectors have violated the "quiet hours" outlined in the statute, specifically via emails sent after 9:00 p.m. or before 8:00 a.m. in the consumer's local time zone.

The Florida Legislature has now cut off that avenue of relief through the introduction and passage of Senate Bill 232 (SB 232), which was signed into law by Governor Ron DeSantis on May 16, 2025, and which effectively nullifies this potential avenue of relief for consumers and consumer protection law firms.

Specifically, SB 232 serves to amend Florida Statute § 559.72(17) to specifically carve out email communications as a violation of the statute's quiet hours. The revised section of the FCCPA now states that a creditor is prohibited to "communicate with the debtor between the hours of 9:00 p.m. and 8:00 a.m. in the debtor's time zone without the prior consent of the debtor. This subsection does not apply to an email communication that is sent to an email address and that otherwise complies with this section" (emphasis added to the amendment made by SB 232).

In commentary surrounding the bill, the Florida Legislature "acknowledges that Florida Statute § 559.72 was adopted before email communication became commonly used, and that the only specific communication explicitly contemplated in such subsection is telephone calls." SB 232 sought to "update and clarify prohibited practices in collecting debt to address email communication by excluding such communication from prohibited contact between the hours of 9:00 p.m. and 8:00 a.m. because such contact is less invasive and less disruptive than telephone calls."

The revised FCCPA via SB 232 should be a breath of fresh air for many creditors defending against FCCPA lawsuits throughout the state of Florida in which it had been alleged that a violation based upon an email was made, but the retroactive application of this amendment remains to be seen.

Should you have any questions about the FCCPA, SB 232, how it may impact your business, or its impact in relation to ongoing matters, please contact [Eve A. Cann](#) and [Matthew R. Feluren](#).