

1 A bill to be entitled
 2 An act relating to contacting consumer debtors;
 3 creating s. 559.721, F.S.; prohibiting contacting
 4 debtors in certain situations; providing requirements
 5 for different types of debtor; specifying the length
 6 of each prohibition; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 559.721, Florida Statutes, is created
 11 to read:

12 559.721 Prohibitions on contacting debtors.—In collecting
 13 consumer debts, no person shall:

14 (1) Contact a debtor regarding a debt that arises from
 15 documented domestic and economic abuse.

16 (a) Documented domestic and economic abuse occurs when
 17 both of the following apply:

18 1. The debtor has alleged in a police report that the
 19 debtor has been the victim of domestic violence by a specific
 20 perpetrator who is one of the following:

21 a. A current or former spouse;

22 b. A person with whom the debtor has a child in common;

23 c. A person with whom the debtor is or was in a dating
 24 relationship; or

25 d. A current or former resident of the debtor's household;

26 and

27 2. The debtor provides the person with a signed affidavit,

28 swearing that the following are true:

29 a. The debtor was the victim of domestic violence by a

30 specified perpetrator as documented in a police report.

31 b. As a result of threats of domestic violence from the

32 perpetrator, the debtor was compelled to incur debt or was

33 provided credit that the debtor would not otherwise have

34 incurred in the absence of the threat of violence.

35 c. The debt that is the subject of the person's contact

36 with the debtor is a debt incurred solely because of the threat

37 of domestic violence.

38 (b) The prohibition in this subsection applies:

39 1. For 2 years after the affidavit in subparagraph (a)2.

40 is provided to the person; or

41 2. Indefinitely if the perpetrator has been convicted of a

42 crime relating to domestic violence arising from the conduct

43 referenced in the police report.

44 (2) Contact a debtor regarding a debt that arises from

45 documented elder and economic abuse.

46 (a) Documented elder and economic abuse occurs when both

47 of the following apply:

48 1. The debtor, or a person with fiduciary responsibility

49 over the debtor, has alleged in a police report that the debtor

50 has been the victim of elder abuse by a specified alleged

51 perpetrator; and

52 2. The debtor, or a person with fiduciary responsibility
53 over the debtor, provides the person with a signed affidavit,
54 swearing that the following are true:

55 a. The debtor was the victim of elder abuse as documented
56 in a police report.

57 b. As a result of alleged elder abuse, the debtor was
58 compelled to incur debt or was provided credit that the debtor
59 would not otherwise have incurred in the absence of the abuse or
60 exploitation, including, but not limited to, the debtor's
61 identity being stolen.

62 c. The debt that is the subject of the person's contact
63 with the debtor is a debt incurred solely because of elder
64 abuse.

65 (b) The prohibition in this subsection applies:

66 1. For 2 years after the affidavit under subparagraph
67 (a)2. is provided to the person; or

68 2. Indefinitely if the perpetrator has been convicted of a
69 crime relating to elder abuse arising from the conduct
70 referenced in the police report.

71 (3) Contact a debtor regarding a debt that arises from
72 documented human trafficking and economic abuse.

73 (a) Documented human trafficking and economic abuse occurs
74 when the following apply:

75 1. It is alleged in a police report that at least one

76 incident of human trafficking has occurred in which the debtor
 77 is listed as a victim or the debtor received relocation
 78 assistance under s. 960.199; and

79 2. The debtor provides the person with a signed affidavit,
 80 swearing that the following are true:

81 a. The debtor was the victim of human trafficking as
 82 documented in a police report or there has been a determination
 83 that the debtor should receive relocation assistance under s.
 84 960.199.

85 b. As a result of human trafficking, the debtor was
 86 compelled to incur debt or was provided credit that the debtor
 87 would not otherwise have incurred in the absence of the abuse or
 88 exploitation, including instances in which the debtor's identity
 89 has been stolen.

90 c. The debt that is the subject of the person's contact
 91 with the debtor is debt incurred solely because of human
 92 trafficking.

93 (b) The prohibition in this subsection shall apply:

94 1. For 2 years after the affidavit under subparagraph
 95 (a)2. is provided to the person; or

96 2. Indefinitely if the perpetrator has been convicted of a
 97 crime relating to human trafficking as alleged in the police
 98 report or if the debtor has received relocation assistance under
 99 s. 960.196.

100 (4) Contact a debtor regarding debts that arise from

101 documented identity theft.

102 (a) Documented identity theft occurs when the following
103 apply:

104 1. The debtor produces a Federal Trade Commission identity
105 theft report indicating that the debtor is the victim of
106 identity theft; and

107 2. The debtor provides the person with a signed affidavit,
108 swearing that the following are true:

109 a. The debtor was the victim of identity theft as
110 documented in the Federal Trade Commission identity theft
111 report.

112 b. As a result of identity theft, the debt was incurred in
113 the debtor's name but in no way benefited the debtor.

114 c. The debt that is the subject of the person's contact
115 with the debtor is debt incurred solely because of identity
116 theft.

117 (b) The prohibition in this subsection applies
118 indefinitely.

119 (5)(a) Contact a debtor upon receiving notice that the
120 debtor is protected by an injunction for protection against
121 exploitation of a vulnerable adult, under s. 825.1035.

122 (b) The prohibition in this subsection applies
123 indefinitely.

124 (6) Contact a debtor who has been the recipient of
125 relocation assistance under s. 960.196 if the debtor provides

HB 1153

2022

126 the person with a signed affidavit under paragraph (a).

127 (a) The affidavit must swear that the following are true:

128 1. The debtor was the recipient of relocation assistance
129 under s. 960.196.

130 2. As a result of the threat of sexual abuse that was a
131 contributing factor to the awarding of relocation assistance
132 under s. 960.196, the debtor was compelled to incur debt or was
133 provided credit that the debtor would not otherwise have
134 incurred in the absence of the abuse or exploitation, including
135 instances in which the debtor's identity has been stolen.

136 3. The debt that is the subject of the person's contact
137 with the debtor is debt incurred solely because of the threat of
138 sexual abuse.

139 (b) The prohibition in this subsection applies
140 indefinitely.

141 Section 2. This act shall take effect July 1, 2022.