



789210

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2023	.	
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The Committee on Banking and Insurance (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

559.721 Prohibitions on contacting debtors who are victims of certain crimes.—In collecting consumer debts, a consumer collection agency may not:

(1) Contact a debtor regarding a debt that arises from



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11 documented human trafficking and economic abuse.

12 (a) Documented human trafficking and economic abuse occur
13 when:

14 1. Official documentation as defined in s. 943.0583 shows
15 at least one incident of human trafficking has occurred in which
16 the debtor is listed as a victim or in which the debtor received
17 relocation assistance under s. 960.196; and

18 2. The debtor provides the consumer collection agency with
19 a signed affidavit, swearing under penalty of perjury that the
20 following are true:

21 a. The debtor was the victim of human trafficking as
22 documented in a police report, or there has been a determination
23 that the debtor should receive relocation assistance under s.
24 960.196;

25 b. As a result of human trafficking, the debtor was
26 compelled to incur debt or was provided credit that the debtor
27 would not otherwise have incurred in the absence of the abuse,
28 including instances in which the debtor's identity has been
29 stolen; and

30 c. The debt that is the subject of the consumer collection
31 agency contact with the debtor was incurred solely because of
32 and during the period of human trafficking.

33 (b) The prohibition in this subsection applies:

34 1. For 1 year after the affidavit under subparagraph (a)2.
35 is provided to the consumer collection agency; or

36 2. Indefinitely, if the perpetrator has been convicted of a
37 crime relating to human trafficking as alleged in the police
38 report.

39 (2) Contact a debtor regarding debts that arose when the



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40 debtor was in foster care. This prohibition applies after the
41 debtor provides the consumer collection agency with a signed
42 affidavit, swearing under penalty of perjury that the following
43 are true:

44 (a) The debtor was in foster care as defined in s. 39.01;
45 and

46 (b) The debt that is the subject of the consumer collection
47 agency contact with the debtor was incurred during the time when
48 the debtor was in foster care.

49 Section 2. Subsection (2) of section 559.725, Florida
50 Statutes, is amended to read:

51 559.725 Consumer complaints; administrative duties.—

52 (2) The office shall inform and furnish relevant
53 information to the appropriate regulatory body of the state or
54 the Federal Government, or The Florida Bar in the case of
55 attorneys, if a person has been named in a consumer complaint
56 pursuant to subsection (3) alleging violations of s. 559.72 or
57 s. 559.721. The Attorney General may take action against any
58 person in violation of this part.

59 Section 3. This act shall take effect July 1, 2023.

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause
64 and insert:

65 A bill to be entitled
66 An act relating to contacting consumer debtors;
67 creating s. 559.721, F.S.; prohibiting creditors from
68 contacting debtors regarding specified types of debt



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69 under certain circumstances, to conform to federal
70 regulations; amending s. 559.725, F.S.; requiring the
71 Office of Financial Regulation of the Financial
72 Services Commission to inform and furnish relevant
73 information to the appropriate regulatory body of the
74 state, the Federal Government, or The Florida Bar if a
75 person has been named in a certain consumer complaint
76 alleging specified violations of law; providing an
77 effective date.