

By the Committee on Banking and Insurance; and Senator Rodriguez

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1 A bill to be entitled  
2 An act relating to contacting consumer debtors;  
3 creating s. 559.721, F.S.; prohibiting creditors from  
4 contacting debtors regarding specified types of debt  
5 under certain circumstances, to conform to federal  
6 regulations; amending s. 559.725, F.S.; requiring the  
7 Office of Financial Regulation of the Financial  
8 Services Commission to inform and furnish relevant  
9 information to the appropriate regulatory body of the  
10 state, the Federal Government, or The Florida Bar if a  
11 person has been named in a certain consumer complaint  
12 alleging specified violations of law; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 559.721, Florida Statutes, is created to  
18 read:

19 559.721 Prohibitions on contacting debtors who are victims  
20 of certain crimes.—In collecting consumer debts, a consumer  
21 collection agency may not:

22 (1) Contact a debtor regarding a debt that arises from  
23 documented human trafficking and economic abuse.

24 (a) Documented human trafficking and economic abuse occur  
25 when:

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

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

33       a. The debtor was the victim of human trafficking as  
34 documented in a police report, or there has been a determination  
35 that the debtor should receive relocation assistance under s.  
36 960.196;

37       b. As a result of human trafficking, the debtor was  
38 compelled to incur debt or was provided credit that the debtor  
39 would not otherwise have incurred in the absence of the abuse,  
40 including instances in which the debtor's identity has been  
41 stolen; and

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

45       (b) The prohibition in this subsection applies:

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

48       2. Indefinitely, if the perpetrator has been convicted of a  
49 crime relating to human trafficking as alleged in the police  
50 report.

51       (2) Contact a debtor regarding debts that arose when the  
52 debtor was in foster care. This prohibition applies after the  
53 debtor provides the consumer collection agency with a signed  
54 affidavit, swearing under penalty of perjury that the following  
55 are true:

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

58       (b) The debt that is the subject of the consumer collection

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59 agency contact with the debtor was incurred during the time when  
60 the debtor was in foster care.

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

63 559.725 Consumer complaints; administrative duties.—

64 (2) The office shall inform and furnish relevant  
65 information to the appropriate regulatory body of the state or  
66 the Federal Government, or The Florida Bar in the case of  
67 attorneys, if a person has been named in a consumer complaint  
68 pursuant to subsection (3) alleging violations of s. 559.72 or  
69 s. 559.721. The Attorney General may take action against any  
70 person in violation of this part.

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