

By Senator Bullard

39-00242-09

2009142__

1 A bill to be entitled
 2 An act relating to debtors and creditors; creating s.
 3 687.072, F.S.; requiring lenders or creditors to
 4 verify the identity of persons applying for a loan,
 5 credit card, or extension of credit; providing that
 6 knowing and willful use of personal identifying
 7 information of another individual creates a rebuttable
 8 presumption; providing for the forfeiture of any
 9 future indebtedness for failure to verify an
 10 applicant's identity; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 687.072, Florida Statutes, is created to
 15 read:

16 687.072 Applications for loans or extensions of credit.—Any
 17 lender or creditor licensed or chartered under the provisions of
 18 chapter 516, chapter 520, chapter 657, chapter 658, chapter 665,
 19 or part XV of chapter 627; any lender or creditor located in
 20 this state and licensed or chartered under the laws of the
 21 United States and authorized to conduct a lending business; or
 22 any lender or creditor lending through a licensee under ss.
 23 494.006-494.0077, authorized to issue loans, credit cards, or
 24 extensions of credit must verify the identity of the person
 25 applying for a loan of money, a credit card, or an extension of
 26 credit. A subsequent determination that a person who applied for
 27 a loan, credit card, or extension of credit knowingly and
 28 willfully used the personal identifying information of another
 29 individual creates a rebuttable presumption in any subsequent

39-00242-09

2009142__

30 collection action by the lender or creditor for indebtedness
31 that the lender or creditor failed to verify the identity of the
32 applicant and that, therefore, the individual whose personal
33 identifying information was used has no liability for the debt.

34 Section 2. This act shall take effect July 1, 2009.