

By Senator Bullard

39-00080-11

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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 the knowing and willful use of personal identifying
7 information of another individual creates a rebuttable
8 presumption; providing for the forfeiture of the right
9 to collect an indebtedness for failure to verify an
10 applicant's identity; providing an effective date.

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

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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 chapter 516,
18 chapter 520, chapter 657, chapter 658, chapter 665, or part XV
19 of chapter 627; any lender or creditor located in this state and
20 licensed or chartered under the laws of the United States and
21 authorized to conduct a lending business; or any lender or
22 creditor lending through a licensee under part III of chapter
23 494 or authorized to issue loans, credit cards, or extensions of
24 credit must verify the identity of the person applying for a
25 loan of money, a credit card, or an extension of credit. A
26 subsequent determination that a person who applied for a loan,
27 credit card, or extension of credit knowingly and willfully used
28 the personal identifying information of another individual
29 creates a rebuttable presumption in any subsequent collection

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30 action by the lender or creditor for indebtedness that the
31 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, 2011.