

1 A bill to be entitled

2 An act relating to loan originators, mortgage brokers,
3 and mortgage lenders; amending s. 494.001, F.S.;
4 providing and revising definitions; amending s.
5 494.0012, F.S.; authorizing the Office of Financial
6 Regulation to conduct joint or concurrent examinations
7 of licensees; amending s. 494.00255, F.S.; providing
8 that violating specified rules is grounds for
9 disciplinary action; repealing s. 494.0028, F.S.,
10 relating to arbitration of disputes involving certain
11 agreements; amending ss. 494.00313 and 494.00322,
12 F.S.; providing for change in license status if a
13 licensed loan originator or mortgage broker fails to
14 provide a proper application for license renewal for
15 the following year by specified dates; amending s.
16 494.0036, F.S.; providing guidelines for renewal of a
17 mortgage broker branch office license; providing for
18 change in license status if a licensed branch office
19 fails to provide a proper application for license
20 renewal for the following year by specified dates;
21 amending s. 494.0038, F.S.; deleting certain
22 requirements regarding loan origination and
23 disclosure; amending s. 494.004, F.S.; deleting a
24 requirement that a licensee provide certain notice to
25 a borrower in mortgage loan transactions; authorizing
26 the Financial Services Commission to adopt rules

27 | prescribing the time by which a mortgage broker must
28 | file a report of condition; amending s. 494.0042,
29 | F.S.; conforming a cross-reference; repealing s.
30 | 494.00421, F.S., relating to required disclosures to
31 | borrowers in mortgage broker agreements by mortgage
32 | brokers receiving loan origination fees; amending s.
33 | 494.00611, F.S.; revising a cross-reference; amending
34 | s. 494.00612, F.S.; providing for change in license
35 | status if a licensed mortgage lender fails to provide
36 | a proper application for license renewal for the
37 | following year by specified dates; amending s.
38 | 494.0066, F.S.; providing guidelines for renewal of a
39 | mortgage lender branch office license; providing for
40 | change in license status if a licensed branch office
41 | fails to provide a proper application for license
42 | renewal for the following year by specified dates;
43 | amending s. 494.0067, F.S.; deleting requirements that
44 | a mortgage lender provide an applicant for a mortgage
45 | loan a good faith estimate of costs and written
46 | disclosures related to adjustable rate mortgages;
47 | deleting requirement that mortgage lender provide
48 | notice of material changes in terms of a mortgage loan
49 | to a borrower in mortgage loan transactions; revising
50 | period during which mortgage lenders may service loans
51 | without meeting certain requirements; authorizing the
52 | commission to adopt rules prescribing the time by

53 which a mortgage lender must file a report of
 54 condition; repealing s. 494.0068, F.S., relating to
 55 required disclosures to borrowers by mortgage lenders
 56 before the borrower accepts certain fees; amending s.
 57 494.007, F.S.; deleting the requirement that a
 58 mortgage lender disclose a certain fee and whether the
 59 fee is refundable; amending s. 494.0073, F.S.;
 60 conforming a cross-reference; repealing part IV of
 61 chapter 494, F.S., relating to the Florida Fair
 62 Lending Act; repealing s. 494.008, F.S., relating to
 63 conditions for mortgage loans of specified amounts
 64 secured by vacant land; providing an effective date.

65
 66 Be It Enacted by the Legislature of the State of Florida:

67
 68 Section 1. Subsections (12) through (36) of section
 69 494.001, Florida Statutes, are renumbered as subsections (13)
 70 through (37), respectively, a new subsection (12) is added, and
 71 present subsection (15) of that section is amended, to read:

72 494.001 Definitions.—As used in ss. 494.001-494.0077, the
 73 term:

74 (12) "Indirect owner" means, with respect to direct owners
 75 and other indirect owners in a multilayered organization:

76 (a) For an owner that is a corporation, each of its
 77 shareholders that beneficially owns, has the right to vote, or
 78 has the power to sell or direct the sale of, 25 percent or more

79 of voting security of the corporation.

80 (b) For an owner that is a partnership, each general
 81 partner and each limited or special partner that has the right
 82 to receive upon dissolution, or has contributed, 25 percent or
 83 more of the partnership's capital.

84 (c) For an owner that is a trust, the trust and each
 85 trustee.

86 (d) For an owner that is a limited liability company:

87 1. Each member that has the right to receive upon
 88 dissolution, or that has contributed, 25 percent or more of the
 89 limited liability company's capital; and

90 2. If managed by elected managers or appointed managers,
 91 each elected or appointed manager.

92 (e) For an indirect owner, each parent owner of 25 percent
 93 or more of its subsidiary.

94 ~~(16)-(15)~~ "Loan origination fee" means the total
 95 compensation from any source received by a mortgage broker
 96 acting as a loan originator. ~~Any payment for processing mortgage~~
 97 ~~loan applications must be included in the fee and must be paid~~
 98 ~~to the mortgage broker.~~

99 Section 2. Subsection (4) is added to section 494.0012,
 100 Florida Statutes, to read:

101 494.0012 Investigations; complaints; examinations.—

102 (4) To reduce the burden on persons subject to this
 103 chapter, the office may conduct a joint or concurrent
 104 examination with a state or federal regulatory agency and may

105 furnish a copy of all examinations to an appropriate regulator
 106 if the regulator agrees to abide by the confidentiality
 107 provisions in chapter 119 and this chapter. The office may also
 108 accept an examination from an appropriate regulator.

109 Section 3. Paragraph (y) is added to subsection (1) of
 110 section 494.00255, Florida Statutes, to read:

111 494.00255 Administrative penalties and fines; license
 112 violations.—

113 (1) Each of the following acts constitutes a ground for
 114 which the disciplinary actions specified in subsection (2) may
 115 be taken against a person licensed or required to be licensed
 116 under part II or part III of this chapter:

117 (y) Having been found in violation of the Nationwide
 118 Mortgage Licensing System Rules of Conduct in connection with a
 119 prelicensing examination.

120 Section 4. Section 494.0028, Florida Statutes, is
 121 repealed.

122 Section 5. Subsection (3) is added to section 494.00313,
 123 Florida Statutes, to read:

124 494.00313 Loan originator license renewal.—

125 (3) If a person licensed under this chapter fails to file
 126 a proper application for license renewal for the following year,
 127 including the proper application fee, on or before December 31
 128 and files an application after December 31 but before the last
 129 day of February, his or her license status shall be changed to
 130 "failed to renew." A reinstatement fee of \$150 shall be charged

131 outside of the registry. The license may not be reinstated until
132 the required information is completed and fees are paid. If the
133 licensee fails to complete the required information and pay all
134 necessary fees by the last day of February, the license status
135 shall be changed to "terminated/expired."

136 Section 6. Subsection (3) is added to section 494.00322,
137 Florida Statutes, to read:

138 494.00322 Mortgage broker license renewal.—

139 (3) If an entity licensed under this chapter fails to file
140 a proper application for license renewal for the following year,
141 including the proper application fee, on or before December 31
142 and files an application after December 31 but before the last
143 day of February, the entity's license status shall be changed to
144 "failed to renew." A reinstatement fee of \$250 shall be charged
145 outside of the registry. The license may not be reinstated until
146 the required information is completed and fees are paid. If the
147 licensee fails to complete the required information and pay all
148 necessary fees by the last day of February, the license status
149 shall be changed to "terminated/expired."

150 Section 7. Subsection (3) of section 494.0036, Florida
151 Statutes, is amended, and subsections (4) and (5) are added to
152 that section, to read:

153 494.0036 Mortgage broker branch office license.—

154 (3) A branch office license must be renewed annually at
155 the time of renewing the mortgage broker license under s.
156 494.00322. A nonrefundable branch renewal fee of \$225 per branch

157 office must be submitted at the time of renewal. To renew a
158 branch office license, a mortgage broker must:

159 (a) Submit a completed license renewal form as prescribed
160 by commission rule.

161 (b) Submit a nonrefundable renewal fee.

162 (c) Submit any additional information or documentation
163 requested by the office and required by rule concerning the
164 licensee. Additional information may include documents that may
165 provide the office with the appropriate information to determine
166 eligibility for license renewal.

167 (4) The office may not renew a branch office license
168 unless the branch office continues to meet the minimum
169 requirements for initial licensure under this section and
170 adopted rule.

171 (5) If a branch office licensed under this chapter fails
172 to file a proper application for license renewal for the
173 following year, including the proper application fee, on or
174 before December 31 and files an application after December 31
175 but before the last day of February, the branch office's license
176 status shall be changed to "failed to renew." A reinstatement
177 fee of \$225 shall be charged outside of the registry. The
178 license may not be reinstated until the required information is
179 completed and fees are paid. If the licensee fails to complete
180 the required information and pay all necessary fees by the last
181 day of February, the license status shall be changed to
182 "terminated/expired."

183 Section 8. Section 494.0038, Florida Statutes, is amended
 184 to read:

185 494.0038 ~~Loan origination and Mortgage broker fees and~~
 186 ~~disclosures.-~~

187 ~~(1) A loan origination fee may not be paid except pursuant~~
 188 ~~to a written mortgage broker agreement between the mortgage~~
 189 ~~broker and the borrower which is signed and dated by the~~
 190 ~~principal loan originator or branch manager, and the borrower.~~
 191 ~~The unique registry identifier of each loan originator~~
 192 ~~responsible for providing loan originator services must be~~
 193 ~~printed on the mortgage broker agreement.~~

194 ~~(a) The written mortgage broker agreement must describe~~
 195 ~~the services to be provided by the mortgage broker and specify~~
 196 ~~the amount and terms of the loan origination fee that the~~
 197 ~~mortgage broker is to receive.~~

198 ~~1. Except for application and third-party fees, all fees~~
 199 ~~received by a mortgage broker from a borrower must be identified~~
 200 ~~as a loan origination fee.~~

201 ~~2. All fees on the mortgage broker agreement must be~~
 202 ~~disclosed in dollar amounts.~~

203 ~~3. All loan origination fees must be paid to a mortgage~~
 204 ~~broker.~~

205 ~~(b) The agreement must be executed within 3 business days~~
 206 ~~after a mortgage loan application is accepted if the borrower is~~
 207 ~~present when the mortgage loan application is accepted. If the~~
 208 ~~borrower is not present, the licensee shall forward the~~

209 ~~agreement to the borrower within 3 business days after the~~
210 ~~licensee's acceptance of the application and the licensee bears~~
211 ~~the burden of proving that the borrower received and approved~~
212 ~~the agreement.~~

213 ~~(2) If the mortgage broker is to receive any payment of~~
214 ~~any kind from the mortgage lender, the maximum total dollar~~
215 ~~amount of the payment must be disclosed to the borrower in the~~
216 ~~written mortgage broker agreement as described in paragraph~~
217 ~~(1) (a). The commission may prescribe by rule an acceptable form~~
218 ~~for disclosure of brokerage fees received from the lender. The~~
219 ~~agreement must state the nature of the relationship with the~~
220 ~~lender, describe how compensation is paid by the lender, and~~
221 ~~describe how the mortgage interest rate affects the compensation~~
222 ~~paid to the mortgage broker.~~

223 ~~(a) The exact amount of any payment of any kind by the~~
224 ~~lender to the mortgage broker must be disclosed in writing to~~
225 ~~the borrower within 3 business days after the mortgage broker is~~
226 ~~made aware of the exact amount of the payment from the lender~~
227 ~~but not less than 3 business days before the execution of the~~
228 ~~closing or settlement statement. The licensee bears the burden~~
229 ~~of proving such notification was provided to the borrower.~~
230 ~~Notification is waived if the exact amount of the payment is~~
231 ~~accurately disclosed in the written mortgage broker agreement.~~

232 ~~(b) The commission may prescribe by rule the form of~~
233 ~~disclosure of brokerage fees.~~

234 ~~(3) At the time a written mortgage broker agreement is~~

235 ~~signed by the borrower or forwarded to the borrower for~~
236 ~~signature, or at the time the mortgage broker business accepts~~
237 ~~an application fee, credit report fee, property appraisal fee,~~
238 ~~or any other third-party fee, but at least 3 business days~~
239 ~~before execution of the closing or settlement statement, the~~
240 ~~mortgage broker shall disclose in writing to any applicant for a~~
241 ~~mortgage loan the following information:~~

242 ~~(a) That the mortgage broker may not make mortgage loans~~
243 ~~or commitments. The mortgage broker may make a commitment and~~
244 ~~may furnish a lock-in of the rate and program on behalf of the~~
245 ~~lender if the mortgage broker has obtained a written commitment~~
246 ~~or lock-in for the loan from the lender on behalf of the~~
247 ~~borrower for the loan. The commitment must be in the same form~~
248 ~~and substance as issued by the lender.~~

249 ~~(b) That the mortgage broker cannot guarantee acceptance~~
250 ~~into any particular loan program or promise any specific loan~~
251 ~~terms or conditions.~~

252 ~~(c) A good faith estimate that discloses settlement~~
253 ~~charges and loan terms.~~

254 ~~1. Any amount collected in excess of the actual cost shall~~
255 ~~be returned within 60 days after rejection, withdrawal, or~~
256 ~~closing.~~

257 ~~2. At the time a good faith estimate is provided to the~~
258 ~~borrower, the loan originator must identify in writing an~~
259 ~~itemized list that provides the recipient of all payments~~
260 ~~charged the borrower, which, except for all fees to be received~~

261 ~~by the mortgage broker, may be disclosed in generic terms, such~~
262 ~~as, but not limited to, paid to lender, appraiser, officials,~~
263 ~~title company, or any other third party service provider. This~~
264 ~~requirement does not supplant or is not a substitute for the~~
265 ~~written mortgage broker agreement described in subsection (1).~~
266 ~~The disclosure required under this subparagraph must be signed~~
267 ~~and dated by the borrower.~~

268 ~~(4) The disclosures required by this subsection must be~~
269 ~~furnished in writing at the time an adjustable rate mortgage~~
270 ~~loan is offered to the borrower and whenever the terms of the~~
271 ~~adjustable rate mortgage loan offered materially change prior to~~
272 ~~closing. The mortgage broker shall furnish the disclosures~~
273 ~~relating to adjustable rate mortgages in a format prescribed by~~
274 ~~ss. 226.18 and 226.19 of Regulation Z of the Board of Governors~~
275 ~~of the Federal Reserve System, as amended; its commentary, as~~
276 ~~amended; and the federal Truth in Lending Act, 15 U.S.C. ss.~~
277 ~~1601 et seq., as amended; together with the Consumer Handbook on~~
278 ~~Adjustable Rate Mortgages, as amended; published by the Federal~~
279 ~~Reserve Board and the Federal Home Loan Bank Board. The licensee~~
280 ~~bears the burden of proving such disclosures were provided to~~
281 ~~the borrower.~~

282 ~~(5) If the mortgage broker agreement includes a~~
283 ~~nonrefundable application fee, the following requirements are~~
284 ~~applicable:~~

285 ~~(a) The amount of the application fee, which must be~~
286 ~~clearly denominated as such, must be clearly disclosed.~~

287 ~~(b) The specific services that will be performed in~~
 288 ~~consideration for the application fee must be disclosed.~~

289 ~~(c) The application fee must be reasonably related to the~~
 290 ~~services to be performed and may not be based upon a percentage~~
 291 ~~of the principal amount of the loan or the amount financed.~~

292 ~~(6) A mortgage broker may not accept any fee in connection~~
 293 ~~with a mortgage loan other than an application fee, credit~~
 294 ~~report fee, property appraisal fee, or other third-party fee~~
 295 ~~before obtaining a written commitment from a qualified lender.~~

296 (1)~~(7)~~ Any third-party fee entrusted to a mortgage broker
 297 must immediately, upon receipt, be placed into a segregated
 298 account with a financial institution located in the state the
 299 accounts of which are insured by the Federal Government. Such
 300 funds shall be held in trust for the payor and shall be kept in
 301 the account until disbursement. Such funds may be placed in one
 302 account if adequate accounting measures are taken to identify
 303 the source of the funds.

304 (2)~~(8)~~ A mortgage broker may not pay a commission to any
 305 person not licensed pursuant to this chapter.

306 (3)~~(9)~~ This section does not prohibit a mortgage broker
 307 from offering products and services, in addition to those
 308 offered in conjunction with the loan origination process, for a
 309 fee or commission.

310 Section 9. Subsections (2) and (3) of section 494.004,
 311 Florida Statutes, are amended to read:

312 494.004 Requirements of licensees.—

313 ~~(2) In every mortgage loan transaction, each licensee~~
314 ~~under this part must notify a borrower of any material changes~~
315 ~~in the terms of a mortgage loan previously offered to the~~
316 ~~borrower within 3 business days after being made aware of such~~
317 ~~changes by the mortgage lender but at least 3 business days~~
318 ~~before the signing of the settlement or closing statement. The~~
319 ~~licensee bears the burden of proving such notification was~~
320 ~~provided and accepted by the borrower. A borrower may waive the~~
321 ~~right to receive notice of a material change if the borrower~~
322 ~~determines that the extension of credit is needed to meet a bona~~
323 ~~fide personal financial emergency and the right to receive~~
324 ~~notice would delay the closing of the mortgage loan. The~~
325 ~~imminent sale of the borrower's home at foreclosure during the~~
326 ~~3-day period before the signing of the settlement or closing~~
327 ~~statement is an example of a bona fide personal financial~~
328 ~~emergency. In order to waive the borrower's right to receive~~
329 ~~notice, the borrower must provide the licensee with a dated~~
330 ~~written statement that describes the personal financial~~
331 ~~emergency, waives the right to receive the notice, bears the~~
332 ~~borrower's signature, and is not on a printed form prepared by~~
333 ~~the licensee for the purpose of such a waiver.~~

334 (2)(3) Each mortgage broker shall submit to the registry
335 reports of condition, which must be in such form and shall
336 contain such information as the registry may require. The
337 commission may adopt rules prescribing the time by which a
338 mortgage broker must file a report of condition. For purposes of

339 this section, the report of condition is synonymous with the
 340 registry's Mortgage Call Report.

341 Section 10. Subsection (3) of section 494.0042, Florida
 342 Statutes, is amended to read:

343 494.0042 Loan origination fees.—

344 (3) At the time of accepting a mortgage loan application,
 345 a mortgage broker may receive from the borrower a nonrefundable
 346 application fee. If the mortgage loan is funded, the
 347 nonrefundable application fee shall be credited against the
 348 amount owed as a result of the loan being funded. A person may
 349 not receive any form of compensation for acting as a loan
 350 originator other than a nonrefundable application fee, a fee
 351 based on the mortgage amount being funded, ~~or a fee which~~
 352 ~~complies with s. 494.00421.~~

353 Section 11. Section 494.00421, Florida Statutes, is
 354 repealed.

355 Section 12. Paragraph (b) of subsection (2) of section
 356 494.00611, Florida Statutes, is amended to read:

357 494.00611 Mortgage lender license.—

358 (2) In order to apply for a mortgage lender license, an
 359 applicant must:

360 (b) Designate a qualified principal loan originator who
 361 meets the requirements of s. 494.00665 ~~494.0035~~ on the
 362 application form.

363 Section 13. Subsection (3) is added to section 494.00612,
 364 Florida Statutes, to read:

365 494.00612 Mortgage lender license renewal.—

366 (3) If an entity licensed under this chapter fails to file
 367 a proper application for license renewal for the following year,
 368 including the proper application fee, on or before December 31
 369 and files an application after December 31 but before the last
 370 day of February, the entity's license status shall be changed to
 371 "failed to renew." A reinstatement fee of \$475 shall be charged
 372 outside of the registry. The license may not be reinstated until
 373 the required information is completed and fees are paid. If the
 374 licensee fails to complete the required information and pay all
 375 necessary fees by the last day of February, the license status
 376 shall be changed to "terminated/expired."

377 Section 14. Subsection (3) of section 494.0066, Florida
 378 Statutes, is amended, and subsections (4) and (5) are added to
 379 that section, to read:

380 494.0066 Branch offices.—

381 (3) A branch office license must be renewed at the time of
 382 renewing the mortgage lender license. A nonrefundable fee of
 383 \$225 per branch office must be submitted at the time of renewal.
 384 To renew a branch office license, a mortgage lender must:

385 (a) Submit a completed license renewal form as prescribed
 386 by commission rule.

387 (b) Submit a nonrefundable renewal fee.

388 (c) Submit any additional information or documentation
 389 requested by the office and required by rule concerning the
 390 licensee. Additional information may include documents that may

391 provide the office with the appropriate information to determine
392 eligibility for license renewal.

393 (4) The office may not renew a branch office license
394 unless the branch office continues to meet the minimum
395 requirements for initial licensure under this section and
396 adopted rule.

397 (5) If a branch office licensed under this chapter fails
398 to file a proper application for license renewal for the
399 following year, including the proper application fee, on or
400 before December 31 and files an application after December 31
401 but before the last day of February, the branch office's license
402 status shall be changed to "failed to renew." A reinstatement
403 fee of \$225 shall be charged outside of the registry. The
404 license may not be reinstated until the required information is
405 completed and fees are paid. If the licensee fails to complete
406 the required information and pay all necessary fees by the last
407 day of February, the license status shall be changed to
408 "terminated/expired."

409 Section 15. Subsections (8) through (13) of section
410 494.0067, Florida Statutes, are amended to read:

411 494.0067 Requirements of mortgage lenders.—

412 ~~(8) Each mortgage lender shall provide an applicant for a~~
413 ~~mortgage loan a good faith estimate of the costs the applicant~~
414 ~~can reasonably expect to pay in obtaining a mortgage loan. The~~
415 ~~good faith estimate of costs must be mailed or delivered to the~~
416 ~~applicant within 3 business days after the licensee receives a~~

417 ~~written loan application from the applicant. The estimate of~~
418 ~~costs may be provided to the applicant by a person other than~~
419 ~~the licensee making the loan. The good faith estimate must~~
420 ~~identify the recipient of all payments charged to the borrower~~
421 ~~and, except for all fees to be received by the mortgage broker~~
422 ~~and the mortgage lender, may be disclosed in generic terms, such~~
423 ~~as, but not limited to, paid to appraiser, officials, title~~
424 ~~company, or any other third-party service provider. The licensee~~
425 ~~bears the burden of proving such disclosures were provided to~~
426 ~~the borrower. The commission may adopt rules that set forth the~~
427 ~~disclosure requirements of this section.~~

428 ~~(9) The disclosures in this subsection must be furnished~~
429 ~~in writing at the time an adjustable rate mortgage loan is~~
430 ~~offered to the borrower and whenever the terms of the adjustable~~
431 ~~rate mortgage loan offered have a material change prior to~~
432 ~~closing. The lender shall furnish the disclosures relating to~~
433 ~~adjustable rate mortgages in a format prescribed by ss. 226.18~~
434 ~~and 226.19 of Regulation Z of the Board of Governors of the~~
435 ~~Federal Reserve System, as amended; its commentary, as amended;~~
436 ~~and the federal Truth in Lending Act, 15 U.S.C. ss. 1601 et~~
437 ~~seq., as amended; together with the Consumer Handbook on~~
438 ~~Adjustable Rate Mortgages, as amended; published by the Federal~~
439 ~~Reserve Board and the Federal Home Loan Bank Board. The licensee~~
440 ~~bears the burden of proving such disclosures were provided to~~
441 ~~the borrower.~~

442 ~~(10) In every mortgage loan transaction, each mortgage~~

443 ~~lender shall notify a borrower of any material changes in the~~
444 ~~terms of a mortgage loan previously offered to the borrower~~
445 ~~within 3 business days after being made aware of such changes by~~
446 ~~the lender but at least 3 business days before signing the~~
447 ~~settlement or closing statement. The licensee bears the burden~~
448 ~~of proving such notification was provided and accepted by the~~
449 ~~borrower. A borrower may waive the right to receive notice of a~~
450 ~~material change if the borrower determines that the extension of~~
451 ~~credit is needed to meet a bona fide personal financial~~
452 ~~emergency and the right to receive notice would delay the~~
453 ~~closing of the mortgage loan. The imminent sale of the~~
454 ~~borrower's home at foreclosure during the 3-day period before~~
455 ~~the signing of the settlement or closing statement constitutes~~
456 ~~an example of a bona fide personal financial emergency. In order~~
457 ~~to waive the borrower's right to receive notice, the borrower~~
458 ~~must provide the licensee with a dated written statement that~~
459 ~~describes the personal financial emergency, waives the right to~~
460 ~~receive the notice, bears the borrower's signature, and is not~~
461 ~~on a printed form prepared by the licensee for the purpose of~~
462 ~~such a waiver.~~

463 (8)~~(11)~~ A mortgage lender may close loans in its own name
464 but may not service the loan for more than 6 4 months unless the
465 lender has a servicing endorsement. Only a mortgage lender who
466 continuously maintains a net worth of at least \$250,000 may
467 obtain a servicing endorsement.

468 (9)~~(12)~~ A mortgage lender must report to the office the

469 failure to meet the applicable net worth requirements of s.
470 494.00611 within 2 days after the mortgage lender's knowledge of
471 such failure or after the mortgage lender should have known of
472 such failure.

473 ~~(10)-(13)~~ Each mortgage lender shall submit to the registry
474 reports of condition which are in a form and which contain such
475 information as the registry may require. The commission may
476 adopt rules prescribing the time by which a mortgage lender must
477 file a report of condition. For purposes of this section, the
478 report of condition is synonymous with the registry's Mortgage
479 Call Report.

480 Section 16. Section 494.0068, Florida Statutes, is
481 repealed.

482 Section 17. Paragraphs (c), (d), and (e) of subsection (1)
483 of section 494.007, Florida Statutes, are amended to read:

484 494.007 Commitment process.—

485 (1) If a commitment is issued, the mortgage lender shall
486 disclose in writing:

487 (c) If the interest rate or other terms are subject to
488 change before expiration of the commitment:

489 1. The basis, index, or method, if any, which will be used
490 to determine the rate at closing. Such basis, index, or method
491 shall be established and disclosed with direct reference to the
492 movement of an interest rate index or of a national or regional
493 index that is available to and verifiable by the borrower and
494 beyond the control of the lender; or

495 2. The following statement, in at least 10-point bold
 496 type: "The interest rate will be the rate established by the
 497 lender in its discretion as its prevailing rate . . . days
 498 before closing."; and

499 ~~(d) The amount of the commitment fee, if any, and whether~~
 500 ~~and under what circumstances the commitment fee is refundable;~~
 501 ~~and~~

502 (d)(e) The time, if any, within which the commitment must
 503 be accepted by the borrower.

504 Section 18. Section 494.0073, Florida Statutes, is amended
 505 to read:

506 494.0073 Mortgage lender when acting as a mortgage
 507 broker.—The provisions of this part do not prohibit a mortgage
 508 lender from acting as a mortgage broker. However, in mortgage
 509 transactions in which a mortgage lender acts as a mortgage
 510 broker, the provisions of ss. 494.0038, ~~494.004(2)~~, 494.0042,
 511 and 494.0043(1), (2), and (3) apply.

512 Section 19. Part IV of chapter 494, Florida Statutes,
 513 consisting of ss. 494.0078, 494.0079, 494.00791, 494.00792,
 514 494.00793, 494.00794, 494.00795, 494.00796, and 494.00797, is
 515 repealed.

516 Section 20. Section 494.008, Florida Statutes, is
 517 repealed.

518 Section 21. This act shall take effect July 1, 2014.