

Bill No. CS for CS for SB 1824

Barcode 271208

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Comm: WD  
04/17/2007 12:03 PM

.  
. .  
. .  
. .  
. .  
. .

The Committee on General Government Appropriations (Bennett)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 19, between lines 2 and 3,

insert:

Section 13. Section 817.545, Florida Statutes, is  
created to read:

817.545 Mortgage fraud.--

(1) For the purposes of the section, the term  
"mortgage lending process" means the process through which a  
person seeks or obtains a residential mortgage loan,  
including, but not limited to, the solicitation, application  
or origination, negotiation of terms, third-party provider  
services, underwriting, signing and closing, and funding of  
the loan. Documents involved in the mortgage lending process  
include, but are not limited to, mortgages, deeds, surveys,  
inspection reports, uniform residential loan applications, or  
other loan applications; appraisal reports; HUD-1 settlement  
statements; supporting personal documentation for loan

Bill No. CS for CS for SB 1824

Barcode 271208

1 applications such as W-2 forms, verifications of income and  
2 employment, credit reports, bank statements, tax returns, and  
3 payroll stubs; and any required disclosures.

4 (2) A person commits the offense of mortgage fraud if,  
5 with the intent to defraud, the person knowingly:

6 (a) Makes any material misstatement,  
7 misrepresentation, or omission during the mortgage lending  
8 process with the intention that the misstatement,  
9 misrepresentation, or omission will be relied on by a mortgage  
10 lender, borrower, or any other person or entity involved in  
11 the mortgage lending process; however, omissions on a loan  
12 application regarding employment, income, or assets for a loan  
13 which does not require this information are not considered a  
14 material omission for purposes of this subsection.

15 (b) Uses or facilitates the use of any material  
16 misstatement, misrepresentation, or omission during the  
17 mortgage lending process with the intention that the material  
18 misstatement, misrepresentation, or omission will be relied on  
19 by a mortgage lender, borrower, or any other person or entity  
20 involved in the mortgage lending process; however, omissions  
21 on a loan application regarding employment, income, or assets  
22 for a loan which does not require this information are not  
23 considered a material omission for purposes of this  
24 subsection.

25 (c) Receives any proceeds or any other funds in  
26 connection with the mortgage lending process that the person  
27 knew resulted from a violation of paragraph (a) or paragraph  
28 (b).

29 (d) Files or causes to be filed with the clerk of the  
30 circuit court for any county of this state a document involved  
31 in the mortgage lending process which contains a material

Bill No. CS for CS for SB 1824

Barcode 271208

1 misstatement, misrepresentation, or omission.

2       (3) An offense of mortgage fraud may not be predicated  
3 solely upon information lawfully disclosed under federal  
4 disclosure laws, regulations, or interpretations related to  
5 the mortgage lending process.

6       (4) For the purpose of venue under this section, any  
7 violation of this section is considered to have been  
8 committed:

9           (a) In the county in which the real property is  
10 located; or

11           (b) In any county in which a material act was  
12 performed in furtherance of the violation.

13       (5) Any person who violates subsection (2) commits a  
14 felony of the third degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084.

16  
17 (Redesignate subsequent sections.)

18

19

20 ===== T I T L E    A M E N D M E N T =====

21 And the title is amended as follows:

22           On page 2, line 16, after the semicolon

23

24 insert:

25           creating s. 817.545, F.S.; defining the term  
26 "mortgage lending process"; specifying the  
27 elements of the offense of mortgage fraud;  
28 providing for venue with respect to the  
29 committed offense; providing that a person who  
30 commits the offense of mortgage fraud commits a  
31 felony of the third degree; providing criminal

Bill No. CS for CS for SB 1824

Barcode 271208

1 penalties;  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31