

Bill No. CS for CS for SB 1824

Barcode 392138

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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4	04/25/2007 11:19 AM	.	
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11 Senators Margolis and Fasano moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 19, between lines 2 and 3,

15

16 insert:

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

19 817.545 Mortgage fraud.--

20 (1) For the purposes of the section, the term

21 "mortgage lending process" means the process through which a

22 person seeks or obtains a residential mortgage loan,

23 including, but not limited to, the solicitation, application

24 or origination, negotiation of terms, third-party provider

25 services, underwriting, signing and closing, and funding of

26 the loan. Documents involved in the mortgage lending process

27 include, but are not limited to, mortgages, deeds, surveys,

28 inspection reports, uniform residential loan applications, or

29 other loan applications; appraisal reports; HUD-1 settlement

30 statements; supporting personal documentation for loan

31 applications such as W-2 forms, verifications of income and

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1 employment, credit reports, bank statements, tax returns, and
2 payroll stubs; and any required disclosures.

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

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

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

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

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

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

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

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

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

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

15
16 (Redesignate subsequent sections.)

17
18

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

20 And the title is amended as follows:

21 On page 2, line 16, after the semicolon

22
23 insert:

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