

1 A bill to be entitled
 2 An act relating to mortgage lending; amending s.
 3 494.001, F.S.; revising the definition of the term
 4 "mortgage loan"; amending s. 494.00115, F.S.;
 5 requiring the Financial Services Commission to define
 6 the term "hold himself or herself out to the public"
 7 by rule; providing an effective date.

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

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 11 Section 1. Subsection (24) of section 494.001, Florida
 12 Statutes, is amended to read:
 13 494.001 Definitions.—As used in this chapter, the term:
 14 (24) "Mortgage loan" means any:
 15 (a) Residential loan ~~primarily for personal, family, or~~
 16 ~~household use~~ which is secured by a mortgage, deed of trust, or
 17 other equivalent consensual security interest on a dwelling, as
 18 defined in s. 103(w) ~~103(v)~~ of the federal Truth in Lending Act,
 19 or for the purchase of residential real estate upon which a
 20 dwelling is to be constructed;
 21 (b) Loan on commercial real property if the borrower is an
 22 individual or the lender is a noninstitutional investor; or
 23 (c) Loan on improved real property consisting of five or
 24 more dwelling units if the borrower is an individual or the
 25 lender is a noninstitutional investor.

26 Section 2. Subsection (2) of section 494.00115, Florida
 27 Statutes, is amended to read:

28 494.00115 Exemptions.—

29 (2) The following persons are exempt from regulation under
 30 part III of this chapter:

31 (a) A person acting in a fiduciary capacity conferred by
 32 the authority of a court.

33 (b) A person who, as a seller of his or her own real
 34 property, receives one or more mortgages in a purchase money
 35 transaction.

36 (c) A person who acts solely under contract and as an
 37 agent for federal, state, or municipal agencies for the purpose
 38 of servicing mortgage loans.

39 (d) A person who makes only nonresidential mortgage loans
 40 and sells loans only to institutional investors.

41 (e) An individual making or acquiring a mortgage loan
 42 using his or her own funds for his or her own investment, and
 43 who does not hold himself or herself out to the public as being
 44 in the mortgage lending business.

45 (f) An individual selling a mortgage that was made or
 46 purchased with that individual's funds for his or her own
 47 investment, and who does not hold himself or herself out to the
 48 public as being in the mortgage lending business.

49
 50 The commission shall define by rule the term "hold himself or

HB 1081

2017

51 | herself out to the public" as it is used in this subsection.

52 | Section 3. This act shall take effect July 1, 2017.