

ENROLLED

HB 193

2018 Legislature

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2 An act relating to mortgage brokering; amending s.  
3 494.00115, F.S.; providing an exemption from  
4 regulation under parts I and II of ch. 494, F.S., for  
5 certain securities dealers, investment advisors, and  
6 associated persons; providing requirements for certain  
7 solicitations and referrals; providing an effective  
8 date.

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

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12 Section 1. Subsections (2) and (3) of section 494.00115,  
13 Florida Statutes, are renumbered as subsections (3) and (4),  
14 respectively, and a new subsection (2) is added to that section  
15 to read:

16 494.00115 Exemptions.—

17 (2) (a) A securities dealer, an investment advisor, or an  
18 associated person registered under s. 517.12 is exempt from  
19 regulation under this part and part II of this chapter if such  
20 person, in the normal course of conducting securities business  
21 with a corporate or an individual client:

22 1. Solicits or offers to solicit a mortgage loan from a  
23 securities client or refers a securities client to an entity  
24 exempt under paragraph (1) (b), a licensed mortgage broker, a  
25 licensed mortgage lender, or a registered loan originator; and

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26        2. Does not accept or offer to accept an application for a  
27 mortgage loan, negotiate or offer to negotiate the terms or  
28 conditions of a new or existing mortgage loan on behalf of a  
29 borrower or lender, or negotiate or offer to negotiate the sale  
30 of an existing mortgage loan to a noninstitutional investor for  
31 compensation or gain.

32        (b) Any solicitation or referral made pursuant to this  
33 subsection must comply with chapter 517; the federal Real Estate  
34 Settlement Procedures Act, 12 U.S.C. ss. 2601 et seq.; and any  
35 applicable federal law or general law of this state.

36        Section 2. This act shall take effect July 1, 2018.