

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 935	<b>FINAL HOUSE FLOOR ACTION:</b>		
<b>SUBJECT/SHORT TITLE</b>	Mortgage Regulation	112	Y's 0	N's
<b>SPONSOR(S):</b>	Commerce Committee; Nuñez	<b>GOVERNOR'S ACTION:</b>		Approved
<b>COMPANION BILLS:</b>	CS/SB 894			

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**SUMMARY ANALYSIS**

CS/HB 935 passed the House on February 21, 2018, as amended, and subsequently passed the Senate on March 1, 2018.

The Office of Financial Regulation (OFR) licenses and regulates various aspects of non-depository mortgage businesses, including mortgage loan originators, mortgage brokers, and mortgage lenders. Unless otherwise exempt, a person acting in such capacity must be licensed if the person takes part in making a "mortgage loan." For residential mortgage loans, licensure is required in order to extend the loan to a borrower who intends to use the loan proceeds primarily for personal, family, or household use; licensure is not required in order to extend the loan to a borrower who intends to use the loan proceeds for a business purpose.

The bill defines the term "business purpose loan" and prohibits any person from directly or indirectly misrepresenting a residential mortgage loan as a business purpose loan in any practice or transaction or course of business relating to the sale, purchase, negotiation, promotion, advertisement, or hypothecation (pledging collateral without delivery of title or possession) of mortgage loan transactions. A violation of this prohibition is punishable as a third-degree felony or as a first-degree felony if the total value of money and property unlawfully obtained exceeds \$50,000 and there are five or more victims.

Two current exemptions in ch. 494, F.S., permit an individual investor to make or acquire a mortgage loan with his or her own funds, or to sell such mortgage loan, without being licensed as a mortgage lender, so long as the individual does not "hold himself or herself out to the public as being in the mortgage lending business." The bill provides a definition for the phrase "hold himself or herself out to the public as being in the mortgage lending business."

The bill has no fiscal impact on local governments and an indeterminate fiscal impact on the private sector and the state.

The bill was approved by the Governor on March 21, 2018, ch. 2018-61, L.O.F., and will become effective on July 1, 2019.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Background: Federal Regulation of the Mortgage Industry**

##### *Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE Act)*

The SAFE Act<sup>1</sup> was enacted on July 30, 2008, and was designed to enhance consumer protection and reduce fraud through the setting of minimum standards for the licensing and registration of mortgage loan originators.<sup>2</sup> Mortgage loan originators who work for an insured depository institution (e.g., a bank or credit union) or its owned or controlled subsidiary that is regulated by a federal banking agency, or for an institution regulated by the Farm Credit Administration, must comply with federal registration requirements; all other mortgage loan originators are licensed by the states so long as minimum requirements for licensing and renewal are maintained.<sup>3</sup> Both federal registration and state licensing must be accomplished through the same online registration system, the Nationwide Mortgage Licensing System and Registry.<sup>4</sup>

The SAFE Act defines a “residential mortgage loan” as “any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling . . . or residential real estate upon which is constructed or intended to be constructed a dwelling . . . .”<sup>5</sup> Because the SAFE Act’s definition of “residential mortgage loan” includes the requirement that it be made “primarily for personal, family, or household use,” residential mortgage loans made for business purposes are excluded from the scope of the SAFE Act’s regulation.

##### *Truth in Lending Act (TILA) and Real Estate Settlement Procedures Act (RESPA)*

TILA’s regulations<sup>6</sup> are intended to:<sup>7</sup>

- Promote the informed use of consumer credit by requiring disclosures about its terms and cost;
- Ensure that consumers are provided with greater and more timely information on the nature and costs of the residential real estate settlement process; and
- Effect certain changes in the settlement process for residential real estate that will result in more effective advance disclosure to home buyers and sellers of settlement costs.

TILA affords consumers certain protections, including:

- Giving consumers the right to cancel certain credit transactions that involve a lien on a consumer's principal dwelling;<sup>8</sup>
- Requiring a maximum interest rate to be stated in variable-rate contracts secured by the

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<sup>1</sup> 12 U.S.C. §§ 5101 *et seq.*

<sup>2</sup> 12 C.F.R. § 1008.1(b).

<sup>3</sup> Nationwide Multistate Licensing System & Registry, *SAFE Mortgage Licensing Act of 2008*, <http://mortgage.nationwidelicingsystem.org/safe/Pages/default.aspx> (last visited Mar. 13, 2018); 12 C.F.R. §§ 1008.101 – 1008.203.

<sup>4</sup> Consumer Financial Protection Bureau, *CFPB Consumer Laws and Regulations: SAFE Act*, [http://files.consumerfinance.gov/f/201203\\_cfpb\\_update\\_SAFE\\_Act\\_Exam\\_Procedures.pdf](http://files.consumerfinance.gov/f/201203_cfpb_update_SAFE_Act_Exam_Procedures.pdf), at 1 (last visited Mar. 13, 2018).

<sup>5</sup> 12 C.F.R. § 1008.23. The term “dwelling” has the same meaning under ch. 494, F.S., and the federal SAFE Act, as both rely on the definition of “dwelling” that is provided in TILA. s. 494.001(24)(a), F.S., and 12 C.F.R. § 1008.23. *See also infra* note 24.

<sup>6</sup> 12 C.F.R. Part 1026.

<sup>7</sup> 12 C.F.R. § 1026.1(b).

<sup>8</sup> *Id.*

consumer's dwelling;<sup>9</sup>

- Imposing limitations on open-end credit plans secured by the consumer's dwelling and on "high-cost" mortgages secured by the consumer's principal dwelling;<sup>10</sup>
- Requiring that a loan estimate be provided within three business days from application; and<sup>11</sup>
- Requiring that a closing disclosure be provided to consumers three business days before loan consummation.<sup>12</sup>

RESPA's regulations<sup>13</sup> are intended to require certain timely disclosures regarding the nature and costs of the real estate settlement process. Due to the overlapping disclosure requirements in RESPA and TILA relating to most closed-end consumer credit transactions secured by real property, disclosures and forms for these types of transactions have been integrated and are governed by TILA regulations.<sup>14</sup>

Both TILA and RESPA exempt from their regulations a mortgage loan made "primarily for a business, commercial or agricultural purpose."<sup>15</sup> Therefore, TILA and RESPA do not cover "business purpose" mortgage loans but rather only "consumer purpose" mortgage loans. When determining whether credit is for consumer purposes, the creditor must evaluate all of the following factors:<sup>16</sup>

- 1) *Any statement obtained from the consumer describing the purpose of the proceeds.*
  - For example, a statement that the proceeds will be used for a vacation trip would indicate a consumer purpose.
  - If the loan has a mixed-purpose (e.g., proceeds will be used to buy a car that will be used for personal and business purposes), the lender must look to the primary purpose of the loan to decide whether disclosures are necessary. A statement of purpose from the consumer will help the lender make that decision.
  - A checked box indicating that the loan is for a business purpose, absent any documentation showing the intended use of the proceeds could be insufficient evidence that the loan did not have a consumer purpose.
- 2) *The consumer's primary occupation and how it relates to the use of the proceeds.* The higher the correlation between the consumer's occupation and the property purchased from the loan proceeds, the greater the likelihood that the loan has a business purpose. For example, proceeds used to purchase dental supplies for a dentist would indicate a business purpose.
- 3) *Personal management of the assets purchased from proceeds.* The lower the degree of the borrower's personal involvement in the management of the investment or enterprise purchased by the loan proceeds, the less likely the loan will have a business purpose. For example, money borrowed to purchase stock in an automobile company by an individual who does not work for that company would indicate a personal investment and a consumer purpose.

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Consumer Financial Protection Bureau, *CFPB Consumer Laws and Regulations: TILA*, [https://s3.amazonaws.com/files.consumerfinance.gov/f/201503\\_cfpb\\_truth-in-lending-act.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/201503_cfpb_truth-in-lending-act.pdf), at 4 (last visited Mar. 13, 2018).

<sup>12</sup> *Id.*

<sup>13</sup> 12 C.F.R. Part 1024.

<sup>14</sup> Consumer Financial Protection Bureau, *2013 Integrated Mortgage Disclosure Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)*, <https://www.consumerfinance.gov/policy-compliance/rulemaking/final-rules/2013-integrated-mortgage-disclosure-rule-under-real-estate-settlement-procedures-act-regulation-x-and-truth-lending-act-regulation-z/> (last visited Mar. 13, 2018).

<sup>15</sup> 12 C.F.R. § 1026.3(a).

<sup>16</sup> Consumer Financial Protection Bureau, *CFPB Consumer Laws and Regulations: TILA*, [https://s3.amazonaws.com/files.consumerfinance.gov/f/201503\\_cfpb\\_truth-in-lending-act.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/201503_cfpb_truth-in-lending-act.pdf), at 6-9 (last visited Mar. 13, 2018). RESPA states that "[p]ersons may rely on [TILA] in determining whether the [business purpose loan] exemption applies." 12 C.F.R. § 1024.5(b)(2).

- 4) *The size of the transaction.* The larger the size of the transaction, the more likely the loan will have a business purpose. For example, if the loan is for a \$5,000,000 real estate transaction, that might indicate a business purpose.
- 5) *The amount of income derived from the property acquired by the loan proceeds relative to the borrower's total income.* The lesser the income derived from the acquired property, the more likely the loan will have a consumer purpose. For example, if the borrower has an annual salary of \$100,000 and receives about \$500 in annual dividends from the acquired property, that would indicate a consumer purpose.

All five factors must be evaluated before the lender can conclude that TILA disclosures are not necessary. Normally, no one factor, by itself, is sufficient reason to determine the applicability of TILA. In any event, the financial institution may routinely furnish disclosures to the consumer. Disclosure under such circumstances does not control whether the transaction is covered, but can assure protection to the financial institution and compliance with the law.<sup>17</sup>

### **Background: State Regulation of Non-Depository Mortgage Business**

The Office of Financial Regulation (OFR) regulates banks, credit unions, other financial institutions, finance companies, and the securities industry.<sup>18</sup> The OFR's Division of Consumer Finance licenses and regulates various aspects of the non-depository financial services industries, including individuals and businesses engaged in the mortgage business.

Under ch. 494, F.S., the OFR licenses and regulates the following individuals and businesses engaged in the mortgage business outside of a depository financial institution:

- *Loan originator*<sup>19</sup> – An individual who, directly or indirectly, solicits or offers to solicit a mortgage loan, accepts or offers to accept an application for a mortgage loan, negotiates or offers to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiates or offers to negotiate the sale of an existing mortgage loan to a noninstitutional investor for compensation or gain. The term includes an individual who is required to be licensed as a loan originator under the S.A.F.E. Mortgage Licensing Act of 2008. The term does not include an employee of a mortgage broker or mortgage lender whose duties are limited to physically handling a completed application form or transmitting a completed application form to a lender on behalf of a prospective borrower.
- *Mortgage broker*<sup>20</sup> – A person conducting loan originator activities through one or more licensed loan originators employed by the mortgage broker or as independent contractors to the mortgage broker.
- *Mortgage lender*<sup>21</sup> – A person making a mortgage loan<sup>22</sup> or servicing a mortgage loan for others, or, for compensation or gain, directly or indirectly, selling or offering to sell a mortgage loan to a noninstitutional investor. A mortgage lender may act as a mortgage broker.<sup>22</sup>

The conditions requiring licensure as a mortgage loan originator, mortgage broker, or mortgage lender include whether a person takes part in making a "mortgage loan," which is defined as a:<sup>23</sup>

- Residential loan primarily for personal, family, or household use which is secured by a

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<sup>17</sup> *Id.*

<sup>18</sup> s. 20.121(3)(a)2., F.S.

<sup>19</sup> s. 494.001(17), F.S.

<sup>20</sup> s. 494.001(22), F.S.

<sup>21</sup> s. 494.001(23), F.S.

<sup>22</sup> s. 494.0073, F.S.

<sup>23</sup> s. 494.001(24), F.S.

mortgage, deed of trust, or other equivalent consensual security interest on a dwelling<sup>24</sup> for the purchase of residential real estate upon which a dwelling is to be constructed;

- Loan on commercial real property if the borrower is an individual or the lender is a noninstitutional investor; and
- Loan on improved real property consisting of five or more dwelling units if the borrower is an individual or the lender is a noninstitutional investor.

Because the definition of a residential mortgage loan in ch. 494, F.S., includes the requirement that it be made “primarily for personal, family, or household use,” then a person originating, brokering, or lending for a business purpose loan does not need to be licensed under ch. 494, F.S. The exclusion of business purpose residential mortgage loans under Florida law is consistent with the federal law that regulates mortgage loan originators (the SAFE Act) and the federal laws that regulate mortgage disclosures (TILA and RESPA).

In order to obtain licensure as a mortgage *loan originator*, an individual must:<sup>25</sup>

- Complete a 20-hour prelicensing class;<sup>26</sup>
- Pass a written test (cost: \$110);<sup>27</sup>
- Submit an application form;
- Submit a nonrefundable application fee of \$195 plus a \$20 nonrefundable fee for the Mortgage Guaranty Trust Fund;
- Submit fingerprints, the cost of which is borne by the applicant; and
- Authorize access to his or her credit report, the cost of which is borne by the applicant.

In order to obtain licensure as a *mortgage broker*, a person must:<sup>28</sup>

- Submit an application form, which must designate a qualified principal loan originator;
- Submit a nonrefundable application fee of \$425 plus a \$100 nonrefundable fee for the Mortgage Guaranty Trust Fund;
- Submit fingerprints for each of the applicant’s control persons, the cost of which is borne by the person subject to the background check; and
- Authorize access to the credit reports of each of the applicant’s control persons, the cost of which is borne by the applicant.

In order to obtain licensure as a *mortgage lender*, a person must:<sup>29</sup>

- Submit an application form, which must designate a qualified principal loan originator;
- Submit a nonrefundable application fee of \$500 plus a \$100 nonrefundable fee for the Mortgage Guaranty Trust Fund;
- Submit fingerprints for each of the applicant’s control persons, the cost of which is borne by the person subject to the background check;
- Submit a copy of the applicant’s financial audit report for the most recent fiscal year, which must document that the applicant has a net worth of at least \$63,000 if the applicant is not seeking a

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<sup>24</sup> A “dwelling” is a residential structure or mobile home which contains one to four family housing units, or individual units of condominiums or cooperatives. s. 494.001(24)(a), F.S.; 15 U.S.C. § 1602(w).

<sup>25</sup> s. 494.00312, F.S.

<sup>26</sup> The cost of prelicensing courses may vary by course provider, but one such course provider charges \$349 for the required 20-hour course. See MortgageEducation.com, *Mortgage Loan Originator Courses*, <https://www.mortgage-education.com/StatePage.aspx?StateCode=FL> (last visited Mar. 13, 2018).

<sup>27</sup> Nationwide Multistate Licensing System & Registry, *Uniform State Test (UST) Implementation Information*, <http://mortgage.nationwidelicensingsystem.org/profreq/testing/Pages/UniformStateTest.aspx> (last visited Mar. 13, 2018).

<sup>28</sup> s. 494.00321, F.S.

<sup>29</sup> s. 494.00611, F.S.

servicing endorsement, or at least \$250,000 if the applicant is seeking a servicing endorsement; and

- Authorize access to the credit reports of each of the applicant's control persons, the cost of which is borne by the applicant.

All of the above licenses must be renewed annually by December 31.<sup>30</sup> In order to renew:

- A mortgage *loan originator* license, an individual must submit a renewal form and a nonrefundable renewal fee of \$150 plus a \$20 nonrefundable fee for the Mortgage Guaranty Trust Fund; provide documentation of completion of at least eight hours of continuing education courses;<sup>31</sup> and authorize access to his or her credit report, the cost of which is borne by the licensee.<sup>32</sup>
- A *mortgage broker* license, a person must submit a renewal form and a nonrefundable renewal fee of \$375 plus a \$100 nonrefundable fee for the Mortgage Guaranty Trust Fund; submit fingerprints for any new control persons who have not been screened; and authorize access to the credit reports of each of the mortgage broker's control persons, the cost of which is borne by the licensee.<sup>33</sup>
- A *mortgage lender* license, a person must submit a renewal form and a nonrefundable renewal fee of \$475 plus a \$100 nonrefundable fee for the Mortgage Guaranty Trust Fund; submit fingerprints for any new control persons who have not been screened; submit proof that the mortgage lender continues to meet the applicable net worth requirement; and authorize access to the credit reports of each of the mortgage lender's control persons, the cost of which is borne by the licensee.<sup>34</sup>

The following persons are currently exempt from regulation under ch. 494, F.S.:<sup>35</sup>

- a) Any person operating exclusively as a registered loan originator<sup>36</sup> in accordance with the S.A.F.E. Mortgage Licensing Act of 2008.
- b) A depository institution, certain regulated subsidiaries that are owned and controlled by a depository institution, or institutions regulated by the Farm Credit Administration.
- c) The Federal National Mortgage Association; the Federal Home Loan Mortgage Corporation; any agency of the Federal Government; any state, county, or municipal government; or any quasi-governmental agency that acts in such capacity under the specific authority of the laws of any state or the United States.
- d) An attorney licensed in this state who negotiates the terms of a mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client.
- e) A person involved solely in the extension of credit relating to the purchase of a timeshare plan.
- f) A person who performs only real estate brokerage activities and is licensed or registered in this state under part I of ch. 475, F.S., unless the person is compensated by a lender, a mortgage broker, or other loan originator or by an agent of such lender, mortgage broker, or other loan originator.

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<sup>30</sup> ss. 494.00312(7), 494.00321(7), and 494.00611, F.S.

<sup>31</sup> The cost of continuing education courses may vary by course provider, but one such course provider charges \$129 for the required 8-hour course. See MortgageEducation.com, *Mortgage Loan Originator Courses*, <https://www.mortgage-education.com/StatePage.aspx?StateCode=FL> (last visited Mar. 13, 2018).

<sup>32</sup> s. 494.00313, F.S.

<sup>33</sup> s. 494.00322, F.S.

<sup>34</sup> s. 494.00612, F.S.

<sup>35</sup> s. 494.00115(1), F.S.

<sup>36</sup> A "registered loan originator" is "a loan originator who is employed by a depository institution, by a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or by an institution regulated by the Farm Credit Administration, and who is registered with and maintains a unique identifier through the [Nationwide Mortgage Licensing System and Registry]." s. 494.001(31), F.S. A registered loan originator must comply with federal registration requirements rather than the loan originator licensing requirements under ch. 494, F.S.

The following persons are currently exempt from the mortgage lender licensing requirements of ch. 494, F.S.:

- a) A person acting in a fiduciary capacity conferred by the authority of a court.
- b) A person who, as a seller of his or her own real property, receives one or more mortgages in a purchase money transaction.
- c) A person who acts solely under contract and as an agent for federal, state, or municipal agencies for the purpose of servicing mortgage loans.
- d) A person who makes only nonresidential mortgage loans and sells loans only to institutional investors.
- e) An individual making or acquiring a mortgage loan using his or her own funds for his or her own investment, and who does not hold himself or herself out to the public as being in the mortgage lending business.
- f) An individual selling a mortgage that was made or purchased with that individual's funds for his or her own investment, and who does not hold himself or herself out to the public as being in the mortgage lending business.

Each ch. 494, F.S., licensee is subject to:

- Certain requirements for the maintenance of books and records relating to the licensee's compliance with the chapter, with regard to expenses paid by the licensee on behalf of the borrower, and relating to its advertisements;<sup>37</sup>
- The OFR's investigation and examination authority; and<sup>38</sup>
- The OFR's enforcement authority such as injunctions, cease and desist orders, suspension or revocation of licensure, and administrative fines.<sup>39</sup>

Chapter 494, F.S., states that it is unlawful for any person to act as a loan originator, mortgage broker, or mortgage lender in this state without a current, active license.<sup>40</sup> The chapter also prohibits any person in any practice or transaction or course of business relating to the sale, purchase, negotiation, promotion, advertisement, or hypothecation of mortgage loan transactions, directly or indirectly to:<sup>41</sup>

- Knowingly or willingly employ any device, scheme, or artifice to defraud;
- Engage in any transaction, practice, or course of business which operates as a fraud upon any person in connection with the purchase or sale of any mortgage loan; or
- Obtain property by fraud, willful misrepresentation of a future act, or false promise.

Each of the above violations is punishable as a third-degree felony.<sup>42</sup> However, if the total value of money and property unlawfully obtained exceeds \$50,000 and there are five or more victims, the violation is punishable as a first-degree felony.<sup>43</sup>

### **Effect of the Bill**

The bill defines the term "business purpose loan" to mean a mortgage loan, the proceeds of which the borrower intends to use primarily for a business purpose and not primarily for a personal, family, or household purpose. In determining if the loan is for a business purpose, a person must refer to the official interpretation by the Consumer Financial Protection Bureau of 12 C.F.R. s. 1026.3(a). The bill prohibits any person from directly or indirectly misrepresenting a residential mortgage loan as a

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<sup>37</sup> ss. 494.0016 and 494.00165(2), F.S.

<sup>38</sup> s. 494.0012, F.S.

<sup>39</sup> ss. 494.0013, 494.0014, and 494.00255, F.S.

<sup>40</sup> s. 494.0025(1)-(3), F.S.

<sup>41</sup> s. 494.0025(4), F.S.

<sup>42</sup> s. 494.0018(1), F.S.

<sup>43</sup> s. 494.0018(2), F.S.

business purpose loan in any practice or transaction or course of business relating to the sale, purchase, negotiation, promotion, advertisement, or hypothecation<sup>44</sup> of mortgage loan transactions. A violation of this prohibition is punishable as a third-degree felony or as a first-degree felony if the total value of money and property unlawfully obtained exceeds \$50,000 and there are five or more victims.

Two current exemptions in ch. 494, F.S., permit an individual investor to make or acquire a mortgage loan with his or her own funds, or to sell such mortgage loan, without being licensed as a mortgage lender under ch. 494, F.S., so long as the individual does not “hold himself or herself out to the public as being in the mortgage lending business.” The bill specifies that the phrase “hold himself or herself out to the public as being in the mortgage lending business,” includes the following:

- Representing to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or promotional items, by any method, that such individual can or will perform the activities described in the definition of “mortgage lender.”
- Soliciting in a manner that would lead the intended audience to reasonably believe that such individual is in the business of performing the activities described in the definition of “mortgage lender.”
- Maintaining a commercial business establishment at which, or premises from which, such individual regularly performs the activities described in the definition of “mortgage lender” or regularly meets with current or prospective mortgage borrowers.
- Advertising, soliciting, or conducting business through the use of a name, trademark, service mark, trade name, Internet address, or logo that indicates or reasonably implies that the business being advertised, solicited, or conducted is of the kind or character of business transacted or conducted by a licensed mortgage lender or is likely to lead any person to believe that such business is that of a licensed mortgage lender.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
See Fiscal Comments.
2. Expenditures:  
See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
The bill does not appear to have an impact on local government revenues.
2. Expenditures:  
None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

### D. FISCAL COMMENTS:

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<sup>44</sup> Hypothecation means “[t]he pledging of something as security without delivery of title or possession.” *Hypothecation*, *Black’s Law Dictionary* (10th ed. 2014).



Persons who are currently involved in making residential mortgage loans for a business purpose and private investors who make, acquire, or sell a mortgage loan may choose to seek licensure under ch. 494, F.S., out of an abundance of caution. The addition of any new licensees will result in an increase in licensing and renewal fees received by the OFR and will have a corresponding impact on the responsibility of the OFR to provide regulatory oversight of the additional licensees. However, as it is unknown how many new licensees will result from the bill's passage, the fiscal impact on the private sector and the state is indeterminate.