

Committee Substitute for
Committee Substitute for Senate Bill No. 1824

An act relating to mortgages; amending s. 494.001, F.S.; revising definitions; amending s. 494.0014, F.S.; authorizing the Office of Financial Regulation to impose fines; amending s. 494.0029, F.S.; authorizing the office to take certain adverse actions on permits of certain mortgage business schools; providing additional requirements for such schools; amending s. 494.00295, F.S.; providing an additional professional continuing education requirement; authorizing the office to offer professional continuing education programs; specifying requirements for electronically transmitted and distance education courses; amending s. 494.0033, F.S.; revising mortgage broker license applicant requirements; authorizing an additional fee for reviewing mortgage broker's license tests; providing for review of the testing process; amending s. 494.0038, F.S.; providing additional disclosure requirements for mortgage brokerage businesses; amending s. 494.004, F.S.; specifying an additional notification requirement for mortgage broker licensees; authorizing a borrower to waive notification under certain circumstances; providing waiver requirements; amending s. 494.0041, F.S.; specifying additional acts constituting grounds for certain disciplinary actions; providing for fines and penalties; amending s. 494.0064, F.S.; providing additional requirements for renewals of mortgage lender's licenses; amending s. 494.0067, F.S.; providing additional requirements for mortgage lender licensees; providing disclosure and notification requirements; authorizing a borrower to waive notification under certain circumstances; providing waiver requirements; amending s. 494.0072, F.S.; specifying additional acts constituting grounds for certain disciplinary actions; providing fines and penalties; amending s. 494.0073, F.S.; providing for application of certain provisions to mortgage brokerage businesses; providing for adoption of rules by the Financial Services Commission; creating s. 817.545, F.S.; defining the term "mortgage lending process"; specifying the elements of the offense of mortgage fraud; providing for venue with respect to the committed offense; providing that a person who commits the offense of mortgage fraud commits a felony of the third degree; providing criminal penalties; providing an effective date.

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

Section 1. Subsection (2) of section 494.001, Florida Statutes, is amended, and subsections (32), (33), and (34) are added to that section, to read:

494.001 Definitions.—As used in ss. 494.001-494.0077, the term:

(2) "Act as a loan originator" means being employed by a mortgage lender or correspondent mortgage lender, for compensation or gain or in the expectation of compensation or gain, to negotiate, ~~or offer to negotiate,~~ or assist

any licensed or exempt entity in negotiating the making of a mortgage loan, including, but not limited to, working with a licensed or exempt entity to structure a loan or discussing terms and conditions necessary for the delivery of a loan product. A natural person whose activities are ministerial and clerical, which may include quoting available interest rates ~~or loan terms and conditions~~, is not acting as a loan originator.

(32) “Mortgage loan application” means a submission of a borrower’s financial information in anticipation of a credit decision, whether written or computer-generated, relating to a mortgage loan. If the submission does not state or identify a specific property, the submission is an application for a prequalification and not an application for a mortgage loan under this part. The subsequent addition of an identified property to the submission converts the submission to an application for a mortgage loan.

(33) “Mortgage brokerage fee” means the total compensation to be received by a mortgage brokerage business for acting as a mortgage broker.

(34) “Business day” means any calendar day except Sunday or a legal holiday.

Section 2. Section 494.0014, Florida Statutes, is amended to read:

494.0014 Cease and desist orders; administrative fines; refund orders.—

(1) The office has the power to issue and serve upon any person an order to cease and desist and to take corrective action whenever it has reason to believe the person is violating, has violated, or is about to violate any provision of ss. 494.001-494.0077, any rule or order issued under ss. 494.001-494.0077, or any written agreement between the person and the office. All procedural matters relating to issuance and enforcement of such a cease and desist order are governed by the Administrative Procedure Act.

(2) The office has the power to order the refund of any fee directly or indirectly assessed and charged on a mortgage loan transaction which is unauthorized or exceeds the maximum fee specifically authorized in ss. 494.001-494.0077.

(3) The office may prohibit the association by a mortgage broker business, or the employment by a mortgage lender or correspondent mortgage lender, of any person who has engaged in a pattern of misconduct while an associate of a mortgage brokerage business or an employee of a mortgage lender or correspondent mortgage lender. For the purpose of this subsection, the term “pattern of misconduct” means the commission of three or more violations of ss. 494.001-494.0077 or the provisions of chapter 494 in effect prior to October 1, 1991, during any 1-year period or any criminal conviction for violating ss. 494.001-494.0077 or the provisions of chapter 494 in effect prior to October 1, 1991.

(4) The office may impose upon any person who makes or brokers a loan, or any mortgage business school, a fine for violations of any provision of ss. 494.001-494.00295 or any rule or order issued under ss. 494.001-494.00295 in an amount not exceeding \$5,000 for each separate count or offense.

Section 3. Paragraph (f) is added to subsection (1) and paragraphs (g) and (h) are added to subsection (2) of section 494.0029, Florida Statutes, to read:

494.0029 Mortgage business schools.—

(1)

(f) In addition to the remedies set forth in s. 494.0014, the office may revoke, suspend, or place on probation the permit of any mortgage business school that fails to meet the requirements of this section, subject to all reasonable conditions that the office specifies.

(2)

(g) A school permitted under this section must conduct classes on the basis of a 50-minute classroom hour in accordance with the requirements of this chapter and commission rules.

(h) Each school permitted under this section is responsible for developing procedures to confirm, and for actually confirming, the identity of each student attending any course offering.

Section 4. Section 494.00295, Florida Statutes, is amended to read:

494.00295 Professional continuing education.—

(1) Mortgage brokers, and the principal representatives and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to s. 494.0065, must successfully complete at least 14 hours of professional continuing education covering primary and subordinate mortgage financing transactions and the provisions of this chapter during the 2-year period immediately preceding the renewal deadline for a mortgage broker, mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to s. 494.0065. A minimum of 4 hours shall cover the provisions of this chapter and the rules adopted under this chapter. At the time of license renewal, a licensee must certify to the office that the professional continuing education requirements of this section have been met. Licensees shall maintain records documenting compliance with this subsection for a period of 4 years. The requirements for professional continuing education are waived for the license renewal of a mortgage broker who has completed the 24-hour prelicensing classroom education requirement of s. 494.0033(3) within 90 days of ~~for~~ the biennial license period immediately following the period in which the person became licensed as a mortgage broker. The requirements for professional continuing education for a principal representative are waived for the license renewal of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to s. 494.0065 for the biennial license period immediately following the period in which the principal representative completed the 24 hours of classroom education and passed a written test in order to qualify to be a principal representative.

(2) Professional continuing education programs must contribute directly to the professional competency of the participants, may only be offered by permitted mortgage business schools, the office, or entities specifically ex-

empted from permitting as mortgage business schools, and may include electronically transmitted or distance education courses.

(3)(a) All electronically transmitted courses shall require that the time spent attending electronically transmitted professional education courses is equal to the number of qualifying hours awarded to participants for course attendance. Before allowing a course participant to complete a course and receive a certificate of course completion, the course provider shall ensure that the course participant has:

1. Logged the required number of hours for the particular timed module.
2. Completed a test that comprehensively covers the course content for the particular timed module.
3. Correctly answered all test questions for the particular timed module.

(b) All distance education course participants shall successfully complete a test that comprehensively covers course content in order to receive a certificate of course completion. Distance education providers shall not provide answers to test questions to course participants and shall not issue a certificate of course completion to any course participant who has failed to correctly answer at least 75 percent of the total test questions. The test must consist of at least 100 questions.

(4)(3) The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this section, including rules governing qualifying hours for professional continuing education programs and standards for electronically transmitted or distance education courses, including course completion requirements.

Section 5. Paragraphs (a) and (b) of subsection (2) of section 494.0033, Florida Statutes, are amended to read:

494.0033 Mortgage broker's license.—

(2) Each initial application for a mortgage broker's license must be in the form prescribed by rule of the commission. The commission may require each applicant to provide any information reasonably necessary to make a determination of the applicant's eligibility for licensure. The office shall issue an initial license to any natural person who:

(a) Is at least 18 years of age and has a high school diploma or its equivalent.

(b) Has passed a written test adopted and administered by the office, or has passed an electronic test adopted and administered by the office or a third party approved by the office, which is designed to determine competency in primary and subordinate mortgage financing transactions as well as to test knowledge of ss. 494.001-494.0077 and the rules adopted pursuant thereto. The commission may prescribe by rule an additional fee that may not exceed \$100 for the electronic version of the mortgage broker test. The commission may waive by rule the examination requirement for any person

who has passed a test approved by the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators, or the United States Department of Housing and Urban Development if the test covers primary and subordinate mortgage financing transactions. The commission may adopt rules prescribing an additional fee that may not exceed \$50 for an applicant to review his or her completed and graded mortgage broker test. The commission may adopt rules regarding the administration of the testing process, including, but not limited to, procedures relating to pretest registration, test security, scoring, content, result notification, retest procedures and fees, postexamination review, and challenge provisions.

The commission may require by rule information concerning any such applicant or person, including, but not limited to, his or her full name and any other names by which he or she may have been known, age, social security number, qualifications and educational and business history, and disciplinary and criminal history.

Section 6. Section 494.0038, Florida Statutes, is amended to read:

494.0038 Mortgage broker disclosures.—

(1)(a)1. A person may not receive a mortgage brokerage fee for acting as a mortgage brokerage business except pursuant to a written mortgage brokerage agreement between the mortgage brokerage business and the borrower which is signed and dated by the business and the borrower.

2. The written mortgage brokerage agreement must describe the services to be provided by the mortgage brokerage business and specify the amount and terms of the mortgage brokerage fee that the mortgage brokerage business is to receive. The written mortgage brokerage agreement must be executed within 3 business days after a mortgage loan application is accepted if the borrower is present when the application is accepted. If the borrower is not present when such an application is accepted, the licensee shall forward the written mortgage brokerage agreement to the borrower within 3 business days after the licensee's acceptance of the application and the licensee bears the burden of proving that the borrower received and approved the written mortgage brokerage agreement.

(b)1. If the mortgage brokerage business is to receive any payment of any kind from the lender, the maximum total dollar amount of the payment must be disclosed to the borrower in the written mortgage brokerage agreement as described in paragraph (a). The commission may prescribe by rule an acceptable form for disclosure of brokerage fees received from the lender. The mortgage brokerage agreement must state the nature of the relationship with the lender, describe how compensation is paid by the lender, and describe how the mortgage interest rate affects the compensation paid to the mortgage brokerage business. If any of the rates, points, fees, and other terms quoted by or on behalf of the lender are to be received by the mortgage brokerage business, such fact shall be specifically disclosed to the borrower.

2. The exact amount of any payment of any kind by the lender to the mortgage brokerage business must be disclosed in writing to the borrower

within 3 business days after the mortgage brokerage business is made aware of the exact amount of the payment from the lender but not less than 3 business days before the execution of the closing or settlement statement. The licensee bears the burden of proving such notification was provided to the borrower. If the mortgage brokerage fee is for brokering a loan for a particular program under which the brokerage fee varies according to the terms of the loan, the brokerage fee may be disclosed as a range of fees at the time of application. The mortgage broker shall, in such instance, disclose the nature of the fee arrangement to the borrower, and the exact amount of the fee must be disclosed at settlement or closing.

(c) The commission may prescribe by rule the form of disclosure of brokerage fees.

(2) At the time a written mortgage brokerage agreement is executed by the borrower or forwarded to the borrower for execution, or at the time the mortgage brokerage business accepts an application fee, credit report fee, property appraisal fee, or any other third-party fee, but not less than 3 business days before execution of the closing or settlement statement, the mortgage brokerage business shall disclose in writing to any applicant for a mortgage loan the following information:

(a) That such mortgage brokerage business may not make mortgage loans or commitments. The mortgage brokerage business may make a commitment and may furnish a lock-in of the rate and program on behalf of the lender when the mortgage brokerage business has obtained a written commitment or lock-in for the loan from the lender on behalf of the borrower for the loan. The commitment must be in the same form and substance as issued by the lender.

(b) That such mortgage brokerage business cannot guarantee acceptance into any particular loan program or promise any specific loan terms or conditions.

(c) A good faith estimate, signed and dated by the borrower, which discloses of the total amount of each of the fees which the borrower may reasonably expect to pay if the loan is closed, including, but not limited to, fees earned by the mortgage brokerage business, lender fees, third-party fees, and official fees, together with credit report fee, property appraisal fee, or any other third-party fee and the terms and conditions for obtaining a refund of such fees, if any. Any amount collected in excess of the actual cost shall be returned within 60 days after rejection, withdrawal, or closing. The good faith estimate must identify the recipient of all payments charged the borrower and, except for all fees to be received by the mortgage brokerage business, may be disclosed in generic terms, such as, but not limited to, paid to lender, appraiser, officials, title company, or any other third-party service provider. This requirement does not supplant or is not a substitute for the written mortgage brokerage agreement described in subsection (1).

(3) The disclosures required by this subsection must be furnished in writing at the time an adjustable rate mortgage loan is offered to the borrower and whenever the terms of the adjustable rate mortgage loan offered materially change prior to closing. The broker shall furnish the disclosures

relating to adjustable rate mortgages in a format prescribed by ss. 226.18 and 226.19 of Regulation Z of the Board of Governors of the Federal Reserve System, as amended, its commentary, as amended, and the federal Truth in Lending Act, 15 U.S.C. ss. 1601 et seq., as amended, together with the Consumer Handbook on Adjustable Rate Mortgages, as amended, published by the Federal Reserve Board and the Federal Home Loan Bank Board. The licensee bears the burden of proving such disclosures were provided to the borrower.

(4)(3) If the mortgage brokerage agreement includes a nonrefundable application fee, the following requirements are applicable:

(a) The amount of the application fee, which must be clearly denominated as such, shall be clearly disclosed.

(b) The specific services that will be performed in consideration for the application fee shall be disclosed.

(c) The application fee must be reasonably related to the services to be performed and may not be based upon a percentage of the principal amount of the loan or the amount financed.

(5)(4) A mortgage brokerage business may not accept any fee in connection with a mortgage loan other than an application fee, credit report fee, property appraisal fee, or other third-party fee prior to obtaining a written commitment from a qualified lender.

(6)(5) Any third-party fee entrusted to a mortgage brokerage business shall immediately, upon receipt, be placed into a segregated account with a financial institution located in the state the accounts of which are insured by the Federal Government. Such funds shall be held in trust for the payor and shall be kept in the account until disbursement. Such funds may be placed in one account if adequate accounting measures are taken to identify the source of the funds.

(7)(6) All mortgage brokerage fees shall be paid to a mortgage brokerage business licensee.

(8)(7) This section does not prohibit a mortgage brokerage business from offering products and services, in addition to those offered in conjunction with the loan origination process, for a fee or commission.

Section 7. Subsection (8) is added to section 494.004, Florida Statutes, to read:

494.004 Requirements of licensees.—

(8)(a) In every mortgage loan transaction, each licensee under ss. 494.003-494.0043 shall notify a borrower of any material changes in the terms of a mortgage loan previously offered to the borrower within 3 business days after being made aware of such changes by the lender but not less than 3 business days before the signing of the settlement or closing statement. The licensee bears the burden of proving such notification was provided and accepted by the borrower.

(b) A borrower may waive the right to receive notice of a material change that is granted under paragraph (a) if the borrower determines that the extension of credit is needed to meet a bona fide personal financial emergency and the right to receive notice would delay the closing of the mortgage loan. The imminent sale of the borrower's home at foreclosure during the 3-day period before the signing of settlement or closing statement constitutes an example of a bona fide personal financial emergency. In order to waive the borrower's right to receive notice not less than 3 business days before the signing of the settlement or closing statement of any such material change, the borrower must provide the licensee with a dated written statement that describes the personal financial emergency, waives the right to receive the notice, bears the borrower's signature, and is not on a printed form prepared by the licensee for the purpose of such a waiver.

Section 8. Paragraph (v) is added to subsection (2) of section 494.0041, Florida Statutes, to read:

494.0041 Administrative penalties and fines; license violations.—

(2) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (1) may be taken:

(v) In any mortgage transaction, violating any provision of the federal Real Estate Settlement Procedure Act, as amended, 12 U.S.C. ss. 2601 et seq., the federal Truth In Lending Act, as amended, 15 U.S.C. ss. 1601 et seq., or any regulations adopted under such acts.

Section 9. Subsection (1) of section 494.0064, Florida Statutes, is amended to read:

494.0064 Renewal of mortgage lender's license; branch office license renewal.—

(1)(a) The office shall renew a mortgage lender license upon receipt of a completed renewal form, certification from the licensee that the licensee currently meets the minimum net worth requirements of s. 494.0061 or s. 494.0065, certification from the licensee that during the preceding 2 years the licensee's principal representative and loan originators have completed the professional continuing education requirements of s. 494.00295, and the nonrefundable renewal fee of \$575. The office shall renew a correspondent lender license upon receipt of a completed renewal form, certification from the licensee that the licensee currently meets the minimum net worth requirements of s. 494.0062, certification from the licensee that during the preceding 2 years the licensee's principal representative and loan originators have completed the professional continuing education requirements of s. 494.00295, and a nonrefundable renewal fee of \$475. Each licensee shall pay at the time of renewal a nonrefundable fee of \$325 for the renewal of each branch office license.

~~(b) A licensee shall also submit, as part of the renewal form, certification that during the preceding 2 years the licensee's principal representative and loan originators have completed the professional continuing education requirements of s. 494.00295.~~

Section 10. Subsection (8) and paragraph (a) of subsection (10) of section 494.0067, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

494.0067 Requirements of licensees under ss. 494.006-494.0077.—

(8) Each licensee under ss. 494.006-494.0077 shall provide an applicant for a mortgage loan a good faith estimate of the costs the applicant can reasonably expect to pay in obtaining a mortgage loan. The good faith estimate of costs shall be mailed or delivered to the applicant within a reasonable time after the licensee receives a written loan application from the applicant. The estimate of costs may be provided to the applicant by a person other than the licensee making the loan. The good faith estimate must identify the recipient of all payments charged to the borrower and, except for all fees to be received by the mortgage brokerage business and the mortgage lender or correspondent mortgage lender, may be disclosed in generic terms, such as, but not limited to, paid to appraiser, officials, title company, or any other third-party service provider. The licensee bears the burden of proving such disclosures were provided to the borrower. The commission may adopt rules that set forth the disclosure requirements of this section.

(10)(a) Each mortgage lender or correspondent mortgage lender licensee shall require the principal representative and all loan originators, not currently licensed as mortgage brokers pursuant to s. 494.0033, who perform services for the licensee to complete 14 hours of professional continuing education during each biennial license period. The education shall cover primary and subordinate mortgage financing transactions and the provisions of this chapter and the rules adopted under this chapter.

(11) The disclosures in this subsection must be furnished in writing at the time an adjustable rate mortgage loan is offered to the borrower and whenever the terms of the adjustable rate mortgage loan offered have a material change prior to closing. The lender shall furnish the disclosures relating to adjustable rate mortgages in a format prescribed by ss. 226.18 and 226.19 of Regulation Z of the Board of Governors of the Federal Reserve System, as amended, its commentary, as amended, and the federal Truth in Lending Act, 15 U.S.C. ss. 1601 et seq., as amended, together with the Consumer Handbook on Adjustable Rate Mortgages, as amended, published by the Federal Reserve Board and the Federal Home Loan Bank Board. The licensee bears the burden of proving such disclosures were provided to the borrower.

(12)(a) In every mortgage loan transaction, each licensee under ss. 494.006-494.0077 shall notify a borrower of any material changes in the terms of a mortgage loan previously offered to the borrower within 3 business days after being made aware of such changes by the lender but not less than 3 business days before the signing of the settlement or closing statement. The licensee bears the burden of proving such notification was provided and accepted by the borrower.

(b) A borrower may waive the right to receive notice of a material change that is granted under paragraph (a) if the borrower determines that the

extension of credit is needed to meet a bona fide personal financial emergency and the right to receive notice would delay the closing of the mortgage loan. The imminent sale of the borrower's home at foreclosure during the 3-day period before the signing of settlement or closing statement constitutes an example of a bona fide personal financial emergency. In order to waive the borrower's right to receive notice not less than 3 business days before the signing of the settlement or closing statement of any such material change, the borrower must provide the licensee with a dated written statement that describes the personal financial emergency, waives the right to receive the notice, bears the borrower's signature, and is not on a printed form prepared by the licensee for the purpose of such a waiver.

Section 11. Paragraph (v) is added to subsection (2) of section 494.0072, Florida Statutes, subsection (3) of that section is amended, and subsection (5) is added to that section, to read:

494.0072 Administrative penalties and fines; license violations.—

(2) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (1) may be taken:

(v) In any mortgage transaction, violating any provision of the federal Real Estate Settlement Procedure Act, as amended, 12 U.S.C. ss. 2601 et seq., the federal Truth In Lending Act, as amended, 15 U.S.C. ss. 1601 et seq., or any regulations adopted under such acts.

(3) A mortgage lender or correspondent mortgage lender is subject to the disciplinary actions specified in subsection (1) if any officer, member, director, control person, joint venturer, or ultimate equitable owner of a 10-percent or greater interest in the mortgage lender or correspondent mortgage lender, associate, or employee of the mortgage lender or correspondent mortgage lender violates or has violated any provision of subsection (2).

(5) A principal representative of a mortgage lender or correspondent mortgage lender is subject to the disciplinary actions specified in subsection (1) for violations of subsection (2) by associates or employees in the course of an association or employment with the correspondent mortgage lender or the mortgage lender. The principal representative is only subject to suspension or revocation for associate or employee actions if there is a pattern of repeated violations by associates or employees or if the principal broker or principal representative had knowledge of the violations.

Section 12. Section 494.0073, Florida Statutes, is amended to read:

494.0073 Mortgage lender or correspondent mortgage lender when acting as a mortgage brokerage business.—Sections 494.006-494.0077 do not prohibit a mortgage lender or correspondent mortgage lender from acting as a mortgage brokerage business. However, in mortgage transactions in which a mortgage lender or correspondent mortgage lender acts as a mortgage brokerage business, the provisions of ss. 494.0038, 494.0042, 494.004(8), and 494.0043(1), (2), and (3) apply.

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

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

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

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

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

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

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

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

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

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

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

Section 14. This act shall take effect October 1, 2007.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.