

**Office of Financial Regulation  
Division of Consumer Finance  
FORM OFR-559-103, Disciplinary Guidelines for Consumer Collection Agencies  
Incorporated by Reference in Rule 69V-180.100, F.A.C., Effective: 09/09/2015**

<b>Violation #</b>	<b>Statute</b>	<b>Violation Description Summary</b>	<b>1st Occurrence</b>	<b>2nd Occurrence</b>	<b>3rd &amp; Subsequent Occurrences</b>
(1)	559.5551(1)	Failure to report to the Office a conviction of, or plea of nolo contendere to, regardless of adjudication, a crime or administrative violation that involves fraud, dishonesty, breach of trust, money laundering, or any other act of moral turpitude, in any jurisdiction, by the registrant or any control person within 30 days after the date of conviction, entry of a plea of nolo contendere, or final administrative action.	Fine: C Revocation	N/A	N/A
(2)	559.5551(2)	Failure to report to the Office a conviction of, or plea of nolo contendere to, regardless of adjudication, a felony committed by the registrant or any control person within 30 days after the date of conviction or the date the plea of nolo contendere is entered.	Fine: C Revocation	N/A	N/A
(3)	559.5551(3)	Failure to report a change to the information contained in an initial application form or an amendment to the application within 30 days after the change is effective.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(4)	559.5551(4)	Failure to report to the Office the addition or subtraction of a control person or a change in the form of business organization within 30 days following the change on Form OFR-559-001, Application for Registration as Consumer Collection Agency..	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(5)	559.72(1)	Simulate in any manner a law enforcement officer or a representative of any governmental agency.	Fine: A	Fine: B	Fine: C Revocation
(6)	559.72(2)	Use or threaten force or violence.	Fine: B	Fine: C	Fine: C

Fine A = \$1,000 - \$3500; Fine B = \$3,500 - \$7500; Fine C = \$7,500 - \$10,000  
Suspension A = 3 to 10 days; Suspension B = 10 to 20 days; Suspension C = 20 to 30 days; Suspension D = up to 90 days  
Statutory authority: Section 559.730, Florida Statutes

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				Revocation	Revocation
(7)	559.72(3)	Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed.	Fine: A	Fine: B	Fine: C Revocation
(8)	559.72(4)	Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor.	Fine: A	Fine: B	Fine: C Revocation
(9)	559.72(5)	Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.	Fine: A	Fine: B	Fine: C Revocation
(10)	559.72(6)	Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact or failed to notify within 30 days the details of the dispute to each person to whom disclosure was made.	Fine: A	Fine: B	Fine: C Revocation
(11)	559.72(7)	Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.	Fine: A	Fine: B	Fine: C Revocation

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(12)	559.72(8)	Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family.	Fine: A	Fine: B	Fine: C Revocation
(13)	559.72(9)	Claim, attempt, or threaten to enforce a debt when such person knows that the debt is not legitimate or assert the existence of some other legal right when such person knows that the right does not exist.	Fine: B	Fine: C Revocation	Fine: C Revocation
(14)	559.72(10)	Use a communication that simulates in any manner legal or judicial process or that gives the appearance of being authorized, issued or approved by a government, governmental agency, or attorney at law, when it is not.	Fine: A	Fine: B	Fine: C Revocation
(15)	559.72(11)	Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments that only attorneys are authorized to prepare.	Fine: B	Fine: C	Fine: C Revocation
(16)	559.72(12)	Orally communicate with a debtor in a manner that gives the false impression or appearance that such person is or is associated with an attorney.	Fine: A	Fine: B	Fine: C Revocation
(17)	559.72(13)	Advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor.	Fine: B	Fine: C Revocation	Fine: C Revocation
(18)	559.72(13)	Threaten to advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor.	Fine: A	Fine: B	Fine: C Revocation
(19)	559.72(14)	Publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection	Fine: B	Fine: C Revocation	Fine: C Revocation

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		of consumer debts.			
(20)	559.72(14)	Threaten to publish or post before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts.	Fine: A	Fine: B	Fine: C Revocation
(21)	559.72(15)	Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents if requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt.	Fine: A	Fine: B	Fine: C Revocation
(22)	559.72(16)	Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor.	Fine: B	Fine: C	Fine: C Revocation
(23)	559.72(17)	Communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor.	Fine: A	Fine: B	Fine: C Revocation
(24)	559.72(18)	Communicate with a debtor if the person knows that the debtor is represented by an attorney with respect to such debt.	Fine: A	Fine: B	Fine: C Revocation
(25)	559.72(19)	Cause a debtor to be charged for communications by concealing the true purpose of the communication.	Fine: A	Fine: B	Fine: C Revocation
(26)	559.725(6)	Failure to provide a written response to a consumer complaint within 45 days of written request.	\$150 per day	\$200 per day	\$250 per day
(27)	559.730(1)(a)	Failure to disburse funds in accordance with agreements.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C

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(28)	559.730(1)(b)	Fraud, misrepresentation, deceit, negligence, or incompetence in a collection transaction.	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation
(29)	559.730(1)(c)	Commission of fraud, misrepresentation, concealment, or dishonest dealing by trick, scheme, or device; culpable negligence; breach of trust in a business transaction in any state, nation, or territory; or aiding, assisting, or conspiring with another person engaged in such misconduct and in furtherance thereof.	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation
(30)	559.730(1)(d)	Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a felony or crime involving fraud, dishonesty, breach of trust, money laundering, or act of moral turpitude.	Refer to rule: 69V-180.032	Refer to rule: 69V-180.032	Refer to rule: 69V-180.032
(31)	559.730(1)(e)	Having a final judgment entered against the registrant in a civil action upon grounds of fraud, embezzlement, misrepresentation, or deceit.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(32)	559.730(1)(f)	Being the subject of a decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by a court of competent jurisdiction or an administrative law judge, or by a state or federal agency, involving a violation of a federal or state law relating to debt collection or a rule or regulation adopted under such law.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation

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(33)	559.730(1)(g)	Having a license or registration, or the equivalent, to practice a profession or occupation denied, suspended, or revoked, or otherwise acted against, including the denial of a registration or license by a registration or licensing authority of this state or another state, territory, or country.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(34)	559.730(1)(h)	Acting as a consumer collection agency without a current registration issued under this part.	\$1,000 per day	\$1,000 per day	\$1,000 per day
(35)	559.730(1)(i)	A material misstatement or omission of fact on an initial or amended registration application.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(36)	559.730(1)(j)	Payment to the office for a registration or permit with a check or electronic transmission of funds, which is dishonored by the applicant's or registrant's financial institution.	Fine: A Suspension: D Revocation	Fine: B Suspension: D Revocation	Fine: C Suspension: D Revocation
(37)	559.730(1)(k)	Failure to comply with, or a violation of, any provision of this part, or any rule or order made or issued pursuant to this part.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(38)	559.730(1)(l)	Failure to maintain, preserve, and keep available for examination all books, accounts, or other documents required by this part and the rules of the commission.	Fine: A Suspension: D Revocation	Fine: B Suspension: D Revocation	Fine: C Suspension: D Revocation
(39)	559.730(1)(m)	Refusal to permit an investigation or examination of books and records, or refusal to comply with an office subpoena or subpoena duces tecum.	Fine: B Suspension: B Revocation	Fine: C Revocation	Revocation
(40)	559.730(1)(n)	Failure to timely pay a fee, charge, or fine imposed or assessed pursuant to this part and the rules of the	Fine: A	Fine: B	Fine: C

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		commission.	Suspension: A Revocation	Suspension: B Revocation	Suspension: C Revocation
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