

**AGENDA  
FINANCIAL SERVICES COMMISSION  
OFFICE OF FINANCIAL REGULATION**

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**May 23, 2017**

**MEMBERS**

Governor Rick Scott Attorney  
General Pam Bondi  
Chief Financial Officer Jeff Atwater  
Commissioner Adam Putnam

**Contact: Jamie Mongiovi**  
**Director of Communications & Governmental Relations (OFR)**  
**(850) 410-9601**

9:00 A.M.  
LL-03, The Capitol  
Tallahassee, Florida

<b>ITEM</b>	<b>SUBJECT</b>	<b>RECOMMENDATION</b>
1.	Florida Office of Financial Regulation Report to the Financial Services Commission <ul style="list-style-type: none"><li>• Annual Report: QTR 4/ FY 2015-16 – QTR 3/ FY 2016-17 (April 1, 2016 – March 31, 2017)</li><li>• Leadership Assessment</li></ul> (ATTACHMENT 1)	FOR APPROVAL



2017

# Florida Office of Financial Regulation

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## FINANCIAL SERVICES COMMISSION REPORT

ANNUAL REPORT: QTR 4/ FY 2015-16 – QTR 3/ FY 2016-17

(APRIL 1, 2016 – MARCH 31, 2017)

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LEADERSHIP ASSESSMENT

## OFR Performance Measures

Number	Objective	Weight	Range	(April 1, 2016 - March 31, 2017)	Score	Weighted Score
1	Percentage of state financial institutions examined within the last 18 and 36 months, as required by S. 655.045, F.S.	20%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	1.00
2	Percentage of money services businesses examined within statutory timeframes per S. 560.109, F.S.	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	0.50
3	Percentage of securities registration applications processed within 90 days, as required by S. 120.60, F.S.	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	0.50
4	Percentage of finance license applications processed within 90 days, as required by S. 120.60, F.S.	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	0.50
5	Average number of days from receipt of application to date of approval	10%	5 = 5 days or less 4 = 6-9 days 3 = 10-13 days 2 = 14-19 days 1 = 20 days or more	5 days	5	0.50
6	Average days to approve mortgage lender licenses	10%	5 = Less than 30 days 4 = 30-39 days 3 = 40-49 days 2 = 50-59 days 1 = 60 days or more	25 days	5	0.50
7	Percentage of financial institutions rating OFR high-performing	5%	5 = 95 - 100% 4 = 90 - 94% 3 = 85 - 89% 2 = 80 - 84% 1 = 79% and below	98%	5	0.25
8	Average days to issue deficiency letters to investment adviser applicants in the Division of Securities	5%	5 = 7 days or less 4 = 8-10 days 3 = 11-13 days 2 = 14-16 days 1 = 17 days or more	12 days	3	0.15
<b>Total</b>		<b>80%</b>				<b>3.90</b>

Weighted Average Scale	
Significantly Exceeds Expectations	4.6 and above
Exceeds Expectations	3.6 - 4.5
Meets Expectations	2.6 - 3.5
Does Not Meet Expectations	1.6 - 2.5
Fails Expectations	1.5 and below

# Florida Office of Financial Regulation

## Subjective Leadership Assessment

Commissioner Drew J. Breakspear

### 1. How do you define success in your agency?

As Commissioner of the Florida Office of Financial Regulation, I believe this agency exemplifies success by smart, efficient, and effective regulation of the financial services industry. Success is always a composite of objective (measurable) and subjective (non-measurable) factors.

Looking at the OFR, we have two distinct customer bases. First, we have businesses that make up the financial services industry. Second, we serve the people of Florida. The OFR works with the financial services industry through licensing and examination efforts. These programs are built to ensure that regulated entities provide exemplary services and deliver them to Floridians.

One of our measurable successes is helping businesses and individuals get licensed quickly so they can get to work, and provide services and products to the people of Florida. The OFR accomplishes licensure in an average of five days.

Ensuring financial services are delivered to Floridians and meeting their expectations is a success; however, this success is not easily measurable. When Floridians have concerns or complaints, we try our best to resolve their problems and ensure that businesses are responsive to their needs. We believe this demonstrates success.

### 2. What services does your agency provide that are most undervalued?

We are behind the scenes of most financial services used by Floridians, and there are multiple undervalued services that we provide. First, on the business side, issuing licenses quickly is often overlooked. Our licensing staff are considered unsung heroes – by keeping bad actors out, they ensure that individuals meet the standards of licensure and help maintain the integrity of the financial services industry.

Another undervalued service is the expert regulatory efforts of our examiners, which contribute to the health of the financial marketplace. Often the focus of regulators and consumers is the small percentage of businesses that present regulatory concern or cause a vast number of customer complaints, rather than those that abide by the law and rule requirements, benefiting all in the financial ecosystem.

Lastly, aspects of our duties that are not easily measurable, but are extremely valuable, would include consumer protection and outreach. Educating consumers about potential fraud and other initiatives can have a significant impact, including the early take down of an investment fraud, closing a Ponzi scheme, halting unlicensed activity, and preventing advance fees schemes or other criminal acts. Educating

consumers through consumer alerts, media outreach and awareness efforts is invaluable to Floridians and their influence is essentially unmeasurable. Awareness and outreach contribute greatly to prevention, but these are difficult to quantify.

**3. What outcomes do you plan to accomplish as agency head as it relates to your short-term and long-term priorities?**

Last year during my leadership assessment, we raised the issue of employee retention as a foremost initiative for the OFR. This continues to be a priority for the upcoming year and the long term. During the past year, the OFR has rolled out employee initiatives that feature new employee welcome letters and packages, and an OFR employee guidebook to assist with the onboarding process. Since that time, we have launched OFR-focused employee orientation events that take place bimonthly. In order to improve engagement between OFR managers and their staff, the agency facilitated a successful managers' training in fall 2016. We received very positive feedback from all who attended. We plan to deliver similar programs in the future.

Legislation is always a priority. In the 2017 Legislative Session, the agency passed two bills: one to update the international banking statute and one to protect the personal identifying information of the OFR's nonsworn investigators and their families.

Collaboration is also a priority. The international banking bill is a great example of the result of collaboration with industry. Our collaboration with other regulatory agencies allows us to maximize our resources. An example is our participation in the Conference of State Bank Supervisors Emerging Payments Task Force, which is studying the development of FinTech products and preparing a framework of regulation to provide this industry the opportunity to grow and develop while protecting consumers.

Another long-term priority is continuing the development of a risk management focus. In this arena, we are exploring the creation of surveillance units in each of our divisions. Generally, surveillance entails gathering and monitoring data to inform strategic decision making as it relates to examinations and enforcement. The surveillance units will be built to provide new methods of monitoring the businesses we regulate so that we can spot trends, allowing us to inform the industry of problems and protect consumers. Additionally, the analysis of the Check Cashing Database is an example of using data to better identify unusual patterns of activity and take action.

I am supportive of continuously looking for operational efficiencies. As I mentioned, we have demonstrated success in this area by reducing the average number of days for businesses to obtain a license from 22 days to 5 days. In setting the OFR's priorities, our expectation and plan is always to deliver smart, efficient, and effective regulation of the financial services industry while protecting Floridians.

**a. Do your resources align with your priorities in order to achieve those outcomes?**

OFR budget resources align with our priorities. An ongoing challenge is filling open positions and developing staff skills to meet requirements and challenges. Employee recruitment, training, development and retention remain significant challenges.

Industry and market trends can influence our need for resources. Process improvements can help us absorb some industry growth, but changes in federal or state legislation or a market downturn can have an impact on our resources and cause them to be stretched. The agency needs to have staff resources adequate to respond to these changes as they can occur rapidly and yet the training timeline for staff is steep.

**b. How do your priorities align with the agency’s legislative proposals and legislative budget requests?**

During the 2017 Legislative Session, we passed two bills. House Bill 435 relates to updating the international banking statute. House Bill 243 exempts our investigators’ personal identifying information from public record.

Both 2017 bills align perfectly with our priorities. The update of the international banking code reflects operational effectiveness through modernization. The bill improved our statutes, some of which are 40 years old, and was a collaborative effort with industry groups. This legislation accomplished a thorough clean-up of the international banking chapter, streamlined regulation, and created a qualification process for new international office types. We partnered with the Florida International Bankers Association and the Florida International Administrators Association. The second bill protects our investigators, who spend their time building evidence and testifying in cases where people have defrauded Floridians. The protection from public records helps safeguard our investigators and their families so they can focus their efforts on financial criminals.

During the 2017 Legislative Session, the OFR requested a continuation budget. In 2016, the OFR had a legislative budget request to enhance our computer systems. This effort brings our Division of Financial Institutions into the same seamless licensing and tracking platform that the other divisions use. Phase one is on track to be completed at the end of this fiscal year.

**c. What are the drivers and resistors that will help or hinder you from meeting these priorities?**

The number one driver that helps the OFR is our dedicated, experienced and knowledgeable management team. They are committed to our focus of smart, efficient and effective regulation.

We have three noteworthy resistors to continuing to be successful. The first resistor could be the fallout of a major economic event, such as an economic downturn. An economic downturn often requires emergency actions and reassignment of staff, which would disrupt our ongoing activities. Second is an ever growing aging and retiring senior population (around 25% of Florida’s population is over the age of 65), which easily becomes a target for fraud or bad investment. Third is hiring, retaining and training

knowledgeable and prepared staff who are capable of handling our ongoing mission and adjusting to changes in our environment.

**d. How does the agency organizational structure support these priorities?**

The agency is organized into divisions and bureaus that have specific business focus areas within Florida's financial services areas. Each division has the resources to cover licensing, enforcement, examinations, and legal support.

Each division and bureau has successfully responded to my risk management philosophy. We use this philosophy to constantly assess risks to (and within) the businesses we regulate. We identify industry trends and incipient risks, and prepare approaches to deal with these risks. The philosophy is also focused on risk mitigation through open communication with our businesses to help them react and mitigate potential risks.

**e. How are you measuring your progress towards outcomes?**

The OFR has multiple levels of assessment and reporting. Aggregate agency performance is reported to the Financial Services Commission. At each division, there are common types of quantitative, objective reporting, such as time to process applications and conduct examinations coupled with more subjective results focused on examination findings and enforcement actions. Weekly meetings are held with each member of the management team to discuss these results as well as any other substantive matters. Additionally, each staff position has objective quantifiable performance measures.

**4. What program areas of your agency face challenges in adhering desired outcomes?**

Each of our divisions faces significant staff turnover. This is a major challenge as it takes two to four years to become proficient as an examiner. Examiner proficiency is defined as the ability to either conduct or lead an examination without daily support. Turnover is a significant challenge as it forces managers to spend time in hiring and training.

**a. What major issues are contributing to each area's weaknesses?**

Our examination staff develop substantial skills in highly specialized areas. The development of these skills requires training, close management and support, and on-the-job experience. Among the range of skills are loan reviews; consumer finance product knowledge; portfolio suitability analysis; forensic accounting; investigative interviewing skills; and communication ability. These skill sets, once developed in our staff, make our staff members valuable resources in the competitive job market.

In the job marketplace, we compete with federal government agencies and private industry for these skills. Once our staff have developed these skills, they become very attractive to other employers. As we have become better known in the market, our staff have become increasingly targeted for offers. Also, the current generation of new hires no longer has an expectation or desire for a career with one employer but more of an expectation of movement between employers to expand their experience.



**b. What internal and external threats exist?**

The top internal threat is the ability to hire, train, and retain highly qualified and experienced staff. The second major internal threat is the loss of long-term, very experienced employees who are reaching the end of their careers and retiring.

The top external threat is our aging and retired population with pools of wealth. For this group, the threat is financial fraud and scams because low interest rates may be forcing them to take higher investment risks to generate income. The second threat is the potential for an economic downturn impacting the financial services industry. The third threat is the ever increasing expansion of federal laws, rules and regulations creating compliance burdens that make small businesses, such as community banks, uneconomic. Community banks, while representing only 13% of all banking assets, make 40% of all small business loans.

**c. What are the strategies you have planned to address these issues?**

The OFR implemented an employee engagement survey at the end of 2015 and performed the second survey in late 2016/early 2017. Virtually all areas saw an improvement in the survey results demonstrating that actions taken after the first survey had a positive impact. It is our belief that there is a correlation between the improved survey results and the added engagement activities for new employees and training of managers. Sharing the survey results and implementing programs designed to address areas of concern sends a strong message to employees that their feedback is relevant.

The actions taken are the development of a New Employee Orientation program; a manager training program that focuses on improving employee engagement; creation of a New Employee welcome package, including information to facilitate new employees' integration into the OFR; and updated online accessible training programs. The net outcome is to integrate new employees faster; improve job satisfaction; increase manager engagement with employees; and reduce the time to become fully trained.

Regarding external threats, we constantly monitor both industry trends and the marketplace and attempt to educate consumers and businesses through consumer and industry alerts, media outreach and education, and our website. We have continued to expand our interaction with our federal counterparts and the industry, especially with the new presidential administration.

**d. What major changes need to occur to achieve the desired outcomes?**

On internal threats, no major changes are necessary at this time as we need to continue assessing the impact of our actions on employee engagement and retention. Minor adjustments will be made to update, improve and refine our strategies. Similar management training programs will be delivered in

the future, and will address such topics as recruitment techniques, mentoring, and bridging communication gaps.

On external threats, outreach efforts will continue as there have been many changes in leadership at both the federal and state level following the change in presidential administration.

**5. What do you view as the greatest risk in the next fiscal year or calendar year?**

All the risks previously discussed have equal weight. We are hopeful that Florida will continue to benefit from economic growth; however, this will increase our licensees as well as the agency's workload and ability to retain staff.

**a. How do you plan to mitigate the risk and address the issue?**

The OFR has created positive momentum with its employee engagement activities this past year. We will continue to focus on employee engagement; building manager skills and knowledge; gathering information through exit interviews to identify areas for improvement; and creating a more positive culture for staff. It is our desire that these activities will lengthen the tenure of new hires so that we can see a return on our training investment.

To address external threats, starting in 2017, we are assessing the benefits of creating surveillance units in each of our divisions. These units will use data we gather through our licensing and examination activities, consumer complaints, industry trend monitoring, access to federal agency information and other resources to correlate and highlight areas of risk.

The senior leadership of the OFR (supported by the fine work of the staff) have built strong and trusted relationships with many counterparts. These counterparts include state and federal prosecutors; other agencies involved in investigations; state and federal agencies covering the financial services industry as well as the industry itself. Examples of the counterparts are the Florida Attorney General's office; State Attorneys; U.S. Attorneys; the Federal Reserve System; FDIC; CFPB; SEC; FinCEN and the Department of Justice. Each of these relationships gives us access to information, knowledge and expertise. We believe the relationships between the Florida OFR and these agencies are the best in the nation.

**6. What current agency responsibilities do you consider unnecessary or obsolete, or would be best accomplished by another agency?**

I believe that all functions the agency performs are necessary. Annually, I ask each division to review and assess statutes and rules to determine where updating or possible elimination is appropriate. The modernization of the international banking statute this legislative session is a result of such a review. We also ask the industries we regulate to bring us their recommendations for updating and eliminating statutes, rules and regulations.

We see no functions that could be better performed by another agency. The integration of functions from licensing to examination to enforcement is actually more efficient and more effective than dissipation of oversight. Also the integration of data into our REAL system from licensing to examination to enforcement along with complaints allows us to better deliver services to both the consumers and the industry.

## **7. Stakeholders**

### **a. Identify the stakeholder groups and opportunities for stakeholders to interact/provide input to your agency.**

The OFR has four distinct stakeholder groups, including consumers, licensees, industry groups, and government agencies.

Floridians are our largest stakeholder group. We serve them by outreach and response. The outreach is by use of consumer alerts, our customer-friendly website and our media placements. The response is through providing information on licensed service providers and the handling of complaints.

OFR licensees consist of 437,000 individuals, locations and businesses. Our licensees cover a broad range of financial service providers ranging from large corporations such as banks and mortgage servicers to individual investment advisers. We engage them through industry alerts, our licensing process and examinations.

We continue to nurture our relationships with a myriad of industry groups. However, the primary statewide industry groups include the Florida Bankers Association; the League of Southeastern Credit Unions; the Florida International Bankers Association; the Florida Association of Mortgage Professionals; and the Florida Securities Dealers Association. We have a continuing dialogue and outreach with these groups.

Government agencies include law enforcement prosecutors, the Attorney General and federal agencies. We need to work with law enforcement and prosecutors to be able to bring cases against financial criminals. Our relationship with federal agencies is critical as we perform joint and alternating examinations with the Federal Reserve and the FDIC. Other federal agencies include the SEC, CFPB and FinCEN with whom we have information sharing agreements.

### **b. What are the top issues communicated by stakeholders, and what plans are in place to address these issues?**

The top issues communicated by our stakeholders are an efficient licensing process, less disruptive on-site examinations, federal regulatory relief for most of the businesses we regulate, concerns over departure of experienced OFR staff with institutional knowledge, and protection of Floridians from fraud.

We are working on new approaches to examinations that will reduce the amount of time spent on-site at our regulated entities. By gathering data in advance of an on-site exam, we can better focus our resources when we are at the location.

Industry feedback is often focused on federal regulations. The OFR continues to advocate on behalf of Florida businesses for federal regulatory relief from federal agencies and lawmakers. Where the OFR is implementing new rules significantly impacting businesses, we hold industry workshops and sometimes trainings, as we did for the rollout of the Check Cashing Database.

As mentioned previously, we consistently work with industry groups to update and modernize our statutes and rules.

**c. How do you assess whether or not your stakeholder needs are met?**

We routinely meet with our stakeholder groups and assure them of our accessibility. We encourage them to invite us to their events and accept invitations to present at their conferences. We openly invite them to meet with us to discuss better ways to perform oversight of the industry and to identify problematic laws, rules and regulations. We view collaboration with industry groups as a positive indicator of their support.

Additionally, the Division of Financial Institutions requests customer service surveys to be submitted by our regulated entities. Our industry rating is 98%.

**OFR Performance Measures**

Number	Objective	Weight	Range	Annual Average (Apr 1, 2015 - Mar 31, 2016)	Annual Score	Annual Weighted Score	Q4 (Apr 1 - June 30) FY 2015-16	Q4 Score	Q4 Weighted Score	Q1 (Jul 1 - Sept 30) FY 2016-17	Q1 Score	Q1 Weighted Score	Q2 (Oct 1 - Dec 31) FY 2016-17	Q2 Score	Q2 Weighted Score	Q3 (Jan 1 - Mar 31) FY 2016-17	Q3 Score	Q3 Weighted Score	Annual Average (Apr 1, 2016 - Mar 31, 2017)	Annual Score	Annual Weighted Score
1	Percentage of state financial institutions examined within the last 18 and 36 months, as required by S. 655.045, F.S.	20%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	1.00	100%	5	1.00	100%	5	1.00	100%	5	1.00	100%	5	1.00	100%	5	1.00
2	Percentage of money services businesses examined within statutory timeframes per S. 560.109, F.S.	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50
3	Percentage of securities registration applications processed within 90 days, as required by S. 120.60, F.S.	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50
4	Percentage of finance license applications processed within 90 days, as required by S. 120.60, F.S.	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 92-93%	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50	100%	5	0.50
5	Average number of days from receipt of application to date of approval	10%	5 = 5 days or less 4 = 6-9 days 3 = 10-13 days 2 = 14-19 days 1 = 20 days or more	5	5	0.50	6	4	0.40	6	4	0.40	5	5	0.50	5	5	0.50	5	5	0.50
6	Average days to approve mortgage lender licenses	10%	5 = Less than 30 days 4 = 30-39 days 3 = 40-49 days 2 = 50-59 days 1 = 60 days or more	32	4	0.40	22	5	0.50	25	5	0.50	35	4	0.40	17	5	0.50	25	5	0.50
7	Percentage of financial institutions rating OFR high-performing	5%	5 = 95 - 100% 4 = 90 - 94% 3 = 85 - 89% 2 = 80 - 84% 1 = 79% and below	98%	5	0.25	98%	5	0.25	98%	5	0.25	98%	5	0.25	98%	5	0.25	98%	5	0.25
8	Average days to issue deficiency letters to investment adviser applicants in the Division of Securities	5%	5 = 7 days or less 4 = 8-10 days 3 = 11-13 days 2 = 14-16 days 1 = 17 days or more	14	2	0.10	11	3	0.15	14	2	0.10	12	3	0.15	11	3	0.15	12	3	0.15
<b>Total</b>		<b>80%</b>				<b>3.75</b>			<b>3.80</b>			<b>3.75</b>			<b>3.80</b>			<b>3.90</b>			<b>3.90</b>