

OFFICE OF FINANCIAL REGULATION
Division of Consumer Finance – Public Hearing
9:00 A.M, July 6, 2015
Room B103, 200 East Gaines Street, Fletcher Building, Tallahassee, FL 32399

THIS MEETING IS OPEN TO THE PUBLIC

AGENDA

1. Call to order.
2. New business: Presentation by the Office of proposed rulemaking to Rule Chapter 69V-180, Florida Administrative Code.

Proposing New Rule to Adopt Forms

- a. **Rule 69V-180.002 (proposed new rule)**. The Office proposes to adopt a new rule to re-adopt certain forms (Form OFR-COM-101, Exhibit A to form OFR-COM-101, and Form OFR-CCA-101) and to adopt certain new forms (Form OFR-559-101, and Form OFR-559-102) that replace existing forms.

Amend Rule to Update Rule Language

- b. **Rule 69V-180.010 (proposed amendment)**. The Office proposes to amend an obsolete rulemaking authority reference in the current rule, to update a form date reference, to remove an obsolete form title reference, to correct the reference to the Office's zip code in the current rule, and to provide the current rulemaking authority for this rule.

Amend Rule to Update Rule Language

- c. **Rule 69V-180.020 (proposed amendment)**. The Office proposes to amend this rule to remove an obsolete rulemaking authority reference in the current rule, to update a form date reference, to correct the reference to the Office's zip code in the current rule, to include a cross-reference to amended subsection 69V-180.010(1), F.A.C., and to delete a requirement in the current rule that the registration fee be paid in certified funds.

Amending Rule to Update Language

- d. **Rule 69V-180.030 (proposed amendment)**. The Office proposes to amend this rule to amend an obsolete rulemaking authority reference in the current rule, to update a form number and date reference, to correct the reference to the Office's zip code, to delete a requirement that the registration fee be paid in certified funds, and to add a provision regarding the fingerprints of applicants to conform to statutory changes.

Proposing New Rule relating to the Consumer Collection Agency Electronic Filing of Forms and Fees

- e. **Rule 69V-180.031 (proposed new rule).** The Office proposes to adopt a new rule to specify that the required electronic filing of the registration form adopted under subparagraph 69V-180.002(1)(b)1., F.A.C., and payment of fees under Rule 69V-180.030, F.A.C., are to be submitted through the REAL System.

Adoption of New Rule Relating to the Effect of Law Enforcement Records on Applications for Consumer Collection Agency Registration

- f. **Rule 69V-180.032 (proposed new rule).** The Office proposes to adopt a new rule to implement statutory requirements under Sections 559.554 and 559.730, Florida Statutes. The rule would specify the procedures to be followed and the documents to be provided to the Office by an applicant for Consumer Collection Agency Registration in disclosing any pending criminal charges and all criminal matters in which a control person of the applicant has pled guilty or nolo contendere, or was convicted or found guilty. The proposed new rule would also specify the classification of crimes by the Office, the specification of time periods for which an applicant is disqualified from registration with the Office based upon the classification of crimes, the effect of multiple crimes on the disqualifying period, and the aggravating and mitigating factors to be considered by the Office in determining the period of disqualification from registration.

Amending Rule related to Consumer Collection Agency Complaint Form and Procedures

- g. **Rule 69V-180.040 (proposed amendment).** The Office proposes to amend this rule to amend an obsolete rulemaking authority reference in the current rule, and to update a form title, form number, and date reference in the current rule.

Adoption of new rule related to Consumer Collection Agency Registration Renewal

- h. **Rule 69V-180.070 (proposed new rule).** The Office proposes to adopt a new rule to specify the renewal requirements for registrations that expire on December 31, 2014, specifically, the non-refundable renewal fee to be submitted by a registrant, the procedures to be followed by registrants in submitting fingerprints for each control person prior to the registration renewal, to establish a deadline for registrants to respond to the Office with additional information, and to provide that a registration will automatically expire if the registrant does not respond to the Office by the deadline. The proposed new rule also specifies the renewal requirements for

registrations expiring on December 31, 2015, and thereafter, specifically, the non-refundable renewal fee to be submitted by a registrant, and the non-refundable fee to be submitted by a registrant to cover the costs in retaining the fingerprints of each control person. The proposed new rule states that failure to remit the fees required by the expiration date for registrations expiring on December 31, 2015, and thereafter will automatically result in expiration of the registration

Amending Rule Related to Guidelines for Imposing Administrative Penalties

i. **Rule 69V-180.100 (proposed amendment).** The Office proposes to amend this rule to change the title of the rule; to amend an obsolete rulemaking authority reference; to update a statutory reference in the rule; to both adopt and incorporate by reference into the rule, the “Office of Financial Regulation, Division of Consumer Finance, Disciplinary Guidelines for Consumer Collection Agencies” document; to specify how a copy of the “Office of Financial Regulation, Division of Consumer Finance, Disciplinary Guidelines for Consumer Collection Agencies” document may be obtained from the Office; to amend language in the current rule regarding references to guidelines, violations, and citations numbers; to delete requirements from the current rule; and to clarify the use of the term “citation” in the proposed rule. The proposed rule also clarifies what actions the Office may take against a registrant based upon the “Office of Financial Regulation, Division of Consumer Finance, Disciplinary Guidelines for Consumer Collection Agencies,” and specifies the mitigating and aggravating factors the Office shall consider in determining the appropriate penalty. The proposed rule further clarifies the current ranges for administrative fines to be imposed by the Office as a penalty, and specifies the ranges for suspensions to be imposed by the Office as a penalty.

3. Comments from the public to the proposed rulemaking.
4. Meeting adjourned.