

OFFICE OF FINANCIAL REGULATION STATEMENT OF AGENCY ORGANIZATION AND OPERATION

This statement of agency organization and operation has been prepared in accordance with the requirements of section 28-101.001, Florida Administrative Code, and is available to any person upon request.

Rule 69T.1001, Florida Administrative Code, establishes the Organizational Structure of the Office of Financial Regulation.

The mission of the OFR is “to protect the citizens of Florida, promote a safe and sound financial marketplace, and contribute to the growth of Florida’s economy with smart, efficient and effective regulation of the financial services industry.”

The Florida Office of Financial Regulation (OFR) was created by section 20.121(3), Florida Statutes.

The agency head of the OFR for purposes of rulemaking is the Financial Services Commission, comprised of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

The Financial Services Commission appoints the Director of the OFR, who is agency head for purposes of final agency action under Chapter 120, Florida Statutes. The Director, sometimes called “Commissioner,” supervises, directs, coordinates, and administers all activities of the OFR. Reporting to the Commissioner are the Chief of Staff, the General Counsel and the Inspector General.

OFFICE OF THE DIRECTOR (Executive Direction)

The Office of the Director (Executive Direction) is responsible for the implementation of major policy decisions affecting all areas of the OFR.

The Commissioner and Chief of Staff provide overall direction in carrying out the OFR’s statutory activities, regulatory functions, and the agency’s program areas – consumer finance, financial institutions, securities, and investigations. The Chief of Staff has oversight for the administrative areas of OFR, including budget, communications, legislative and cabinet affairs, and personnel.

The Director of Governmental Relations oversees the agency's legislative activities including advancing its legislative initiatives, responding to requests for bill analyses, and assisting legislators with constituent issues. The director also coordinates the agency's rulemaking activities and other matters that are placed before the Financial Services Commission for consideration.

The Budget Director oversees the agency’s budget, including coordination of the preparation of the annual Legislative Budget Request, and planning functions such as the Long-Range Program Plan. In addition, the director monitors the agency’s progress during the year related to operating expenditures and performance measurement.

HEADQUARTERS (PHYSICAL ADDRESS)

101 East Gaines Street
 Fletcher Building
 Tallahassee, Florida 32399
 (850) 487-9687
 Website: www.flofr.com

HEADQUARTERS (MAILING ADDRESS)

200 East Gaines Street
 Tallahassee, Florida 32399

Office hours are 8:00 a.m. to 5:00 p.m. each weekday except holidays.

TALLAHASSEE HEADQUARTERS CONTACT NUMBERS

Office of Financial Regulation

(850) 487-9687

Division of Consumer Finance, option 1
 Division of Securities, option 2
 Division of Financial Institutions, option 3

Office of the Director (Executive Direction)
 Office of Communications

(850) 410-9601; Fax (850) 410-9663
 (850) 410-9601; Fax (850) 410-9663

Office of General Counsel
 Agency Clerk

(850) 410-9889; Fax (850) 410-9663
 (850) 410-9889; Fax (850) 410-9663
 Email: Agency.Clerk@flofr.com Att: Brian Hermeling
 Public Records Coordinator
 (850) 410-9784; Fax (850) 410-9643
 Email: Brian.Hermeling@flofr.com

Office of Inspector General

(850) 410-9601; Fax (850) 410-9663

Division of Financial Institutions

(850) 410-9800; Fax (850) 410-9548
 Complaint line: (850) 487-9687

Division of Consumer Finance

Enforcement: (850) 410-9805
 Complaints: (850) 410-9805
 Registration: (850) 410-9895
 Fax: (850) 410-9914 or (850) 410-9882

Division of Securities

Enforcement: (850) 410-9500
 Complaints: (850) 410-9862
 Registration: (850) 410-9893
 Fax: (850) 410-9748

Bureau of Financial Investigations

(850) 410-9701; Fax (850) 410-9768

Any information regarding the OFR or requests for publications, documents, forms, applications for licenses, or other public materials issued by the OFR may be obtained by contacting the OFR directly or online at: <http://www.flofr.com>.

In addition to its Tallahassee headquarters, the OFR maintains four regional offices in the following cities:

Orlando	Miami	Tampa	West Palm Beach
Hurston South Tower 400 W. Robinson St., S225 Orlando, FL 32801-1799	Rohde Building 401 NW 2nd Ave. Suite N708 Miami, FL 33128	Park Trammell Bldg. 1313 N. Tampa St. Suite 615 Tampa, FL 33602	400 N. Congress Ave. Suite 310 West Palm Beach, FL 33401
Tel: 407-245-0608 Fax: 407-245-0806	Tel: 305-536-0308 Fax: 305-810-1100	Tel: 813-218-5308 Fax: 813-272-2498	Tel: 561-837-5203 Fax: 561-616-1307

OFFICE OF INSPECTOR GENERAL

The Office of Inspector General (OIG) is established pursuant to subsection 20.055(2), Florida Statutes, to provide the agency a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government.

The OIG is composed of two sections: Audit and Investigation.

The mission of the Audit section is to provide independent, objective assurance and consulting activities designed to add value and improve the OFR's operations. Internal audit helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve effectiveness of risk management, control, and governance processes.

The mission of Investigation section is to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in the OFR. This includes investigations pursuant to the Whistle-blower's Act (Section 112.3187-112.31895, Florida Statutes).

OFFICE OF THE GENERAL COUNSEL

The Office of the General Counsel (OGC), located in Tallahassee, includes the General Counsel, the Deputy General Counsel, the Programs and Policy Coordinator, the Agency Clerk, and the OFR's Public Records Coordinator.

The OGC provides legal advice, support, and representation for the Commissioner and the agency's executive management. The OGC also provides coordination and legal support services for the OFR's regulatory and investigative functions. The Deputy General Counsel functions as the OFR's Informal Hearing Officer. The Programs and Policy Coordinator serves as the agency procurement manager for all competitive procurements and the contract manager for the Regulatory Enforcement and Licensing (REAL) system. The Public Records Coordinator directs records requests to the appropriate regulatory unit for a response and coordinates agency wide requests.

AGENCY CLERK

The Agency Clerk is responsible for the entry and docketing of all orders signed by the Commissioner and other necessary record keeping. Agency Clerk receives and docketes all requests for administrative hearings and notices of appeal of agency final orders; and assembles, certifies, and transmits records on appeal to appellate courts for review of cases in which final orders are entered.

A petition for a variance from or waiver of a OFR rule containing the information required by Rule 28-104.002, F.A.C., shall be filed with the Agency Clerk.

Mailing Address (Overnight)	Physical Address (Hand delivery)	Post Office Box 8050
200 East Gaines St.	101 East Gaines St.	Tallahassee, FL
The Fletcher Building, Suite 118	The Fletcher Building, Suite 118	32314-8050
Tallahassee, FL 32399-0379	Tallahassee, FL 32399-0379	
Agency.Clerk@flofr.com		

Tel: (850) 410-9889

Fax: (850) 410-9663

Final agency actions are available via our online public search:

<https://www.flofr.com/sitePages/enforcementactions.htm>.

FILING OF DOCUMENTS

Documents to be filed with the Agency Clerk should be sent to the Clerk at the above address. Whether filed by hand delivery, mail, or facsimile transmission, they shall include some form of cover containing the sender's name, firm or company, address, and telephone number.

If sent by facsimile, the cover shall also contain the sender's facsimile number and the number of pages being transmitted. If filed by facsimile, it is recommended that a copy of the document(s) also be served by mail or delivery to the same office to ensure that a legible copy is received by the OFR.

A party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce the original upon the request of other parties.

A party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the OFR as a result.

The filing date for a document transmitted by electronic mail or by facsimile shall be the date the OFR receives the complete document. Any document received by the Agency Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

Documents which must be filed with a specific division, bureau or office should be sent to that division, bureau, or office in accordance with applicable administrative rules and statutes, and not to the Agency Clerk.

The Financial Services Commission has adopted various administrative rules that require the electronic filing of forms and fees with the Division of Consumer Finance. Individuals and businesses seeking licensure or registration with the division are encouraged to review administrative rules and statutes to determine if electronic filings are required.

DIVISION OF FINANCIAL INSTITUTIONS

The division charters, licenses, examines and regulates state-chartered financial institutions to ensure they operate in a safe and sound manner and in compliance with applicable state and federal laws and regulations. The division has regulatory authority over state-chartered commercial banks, credit unions, savings associations, savings banks, credit card banks, non-deposit trust companies, family trust companies, state-licensed international banking agencies, branch offices, representative offices and administrative offices, and qualified limited service affiliates of international trust entities.

The division strives to balance the needs of the industry with the best interests of consumers by promoting the safe and sound conduct of state-chartered financial institutions and state-licensed international bank offices. The division promotes the opportunity for financial institutions to serve the needs of their customers or members and the public, and promotes the State of Florida's economic growth and welfare. The division seeks to maintain the public's confidence in the state financial institution system.

The division administers the following Florida Statutes:

Chapter 655: Financial Institutions

Chapter 657: Credit Unions

Chapter 658: Banks and Trust Companies

Chapter 660: Trust Business

Chapter 662: Family Trust Companies

Chapter 663: International Banking

Chapter 665: Associations

Chapter 667: Savings Banks: Credit Unions

The division consists of the following functional areas:

➤ **Bureau of Bank Regulation**

Conducts examinations and regulates state-chartered commercial banks throughout the state and is also responsible for trust companies, trust departments, family trust companies, international bank offices statewide, and qualified limited service affiliates of international trust entities.

➤ **Bureau of Credit Union Regulation**

Conducts examinations and regulates state-chartered credit unions throughout the state to ensure they operate in a safe and sound manner.

➤ **Licensing and Chartering**

Processes applications for new financial institutions and those applying to merge, acquire or convert to a state-charter. Performs civil and criminal background checks on individuals submitted as part of an application or those submitted to serve as a director and/or executive officer of an existing

financial institution. Works with the division in conducting research and maintaining statistical information relating to financial institutions and handles consumer complaints.

➤ **Fiscal Unit**

Prepares the division's budget, manages the division's expenditures and revenues, process travel requests and reimbursements, and prepares the division's long-range program plan and legislative budget request in coordination with the director and other leadership team members.

➤ **Legal Services Office**

Renders legal advice and counsel to Division personnel in all bureaus on policies and regulations, legislative proposals, statutory interpretations, and rule promulgation.

DIVISION OF SECURITIES

The division is responsible for the regulation of the securities industry in, to, or from the state of Florida. Regulated entities and individuals include firms (securities dealers, issuers, state registered investment advisers and federal covered advisers), branch offices and the associated persons affiliated with these firms.

The division focuses its efforts primarily on:

- Protecting investors by conducting risk-based examinations.
- Investigating complaints involving abusive sales practice issues.
- Raising consumer awareness through outreach activities.
- Registering firms, branches and agents that meet statutory and rule requirements.

The division is responsible for the regulation of registered securities firms, branches, and associated persons and securities offerings under Chapter 517, Florida Statutes.

The division consists of the following functional areas:

➤ **Bureau of Enforcement**

- Conducts on-site examinations of home and branch offices of securities firms and associated persons.
- Evaluates and resolves consumer complaints against firms and the associated persons affiliated with them.
- Presents information to the industry and consumers.
- Works with other states, federal securities regulators including the United States Securities and Exchange Commission, and self-regulatory organizations such as the Financial Industry Regulatory Authority.

➤ **Bureau of Registration**

- Reviews applications for compliance with statutory and rule requirements.
- Processes amendments for administrative and disclosure updates.
- Processes renewal filings.
- Assists consumers and the industry by responding to inquiries.

- **Director's Office (Budget, Fiscal and Technology Unit)**
 - Provides administrative support to the bureaus within the division in the areas of budgeting, receipts and disbursement control, property management, contract management and information technology support.
 - Coordinates preparation of the division's component of the Agency's Legislative Budget Request, Long Range Program Plan, and Quarterly Report.
 - Develops policies and procedures; reconciles receipts; reviews and approves invoices for payment; reconciles purchasing card charges; coordinates purchases; and manages computer peripherals and network issues.
- **Legal Services Office**
Renders legal advice and counsel to Division personnel in all bureaus on policies and regulations, legislative proposals, statutory interpretations, and rule promulgation.

DIVISION OF CONSUMER FINANCE

The division is responsible for the licensing and regulation of the non-depository financial services industries.

The division administers the following Florida Statutes:

- Chapter 494:** Mortgage Brokers and Lenders
- Chapter 516:** Consumer Finance Companies
- Chapter 520:** Retail Installment Sales
- Chapter 537:** Title Loans
- Chapter 559:** Collection Agencies (Parts V and VI)
- Chapter 560:** Money Services Businesses

The division consists of the following functional areas:

- **Bureau of Enforcement**
 - Examines licensed non-depository financial service companies and related industries including mortgage loan origination, brokering, and servicing; consumer finance lending; retail and installment financing; title loan lending; collection agencies; and, money services businesses, including payday lending to determine compliance with the applicable statutes and rules.
 - Monitors and ensures licensed entities are filing compliance notices as required by applicable statutes and rules.
 - Responds to consumers complaints filed against the above licensed entities.
- **Bureau of Registration**
 - Reviews applications for licensure and registration from individuals and businesses regulated by the division.
 - Determines if applicants meet minimum qualifications required by statutes including, but not limited to, reviewing audited financial statements and criminal and enforcement history.
 - Reviews renewals and amendment filings to ensure licensees continue to meet qualifications for licensure.

- Answers general questions from consumers and regulated industries involving licensing and registration records and requirements. Assists consumers with complaints against regulated industries and instructs them on how to file a complaint with the division.
- **Director's Office (Budget, Fiscal and Technology Unit)**
 - Provides administrative support to the bureaus within the division in the areas of budgeting, receipts and disbursement control, property management, contract management and information technology support.
 - Coordinates preparation of the division's component of the Agency's Legislative Budget Request, Long Range Program Plan, and Quarterly Report.
 - Develops policies and procedures; reconciles receipts; reviews and approves invoices for payment; reconciles purchasing card charges; coordinates purchases; and manages computer peripherals and network issues.
 - Represents division on system development initiatives and large-scale system maintenance activities.
- **Legal Services Office**
Renders legal advice and counsel to Division personnel in all bureaus on policies and regulations, legislative proposals, statutory interpretations, and rule promulgation.

BUREAU OF FINANCIAL INVESTIGATIONS

The Bureau of Financial Investigations is established by chapter 20.121, Florida Statutes, as a criminal justice agency responsible for conducting investigations into alleged fraudulent and unlicensed activity under the jurisdiction of the OFR.

The Bureau of Financial Investigations works closely with other OFR divisions and with local, state and federal law enforcement to investigate financial crimes including securities fraud, Ponzi schemes, mortgage fraud and advance fee for loan fraud. The Bureau of Financial Investigations presents cases to OFR attorneys and to state and federal prosecutors. Investigators support the cases throughout all phases of prosecution to include providing evidence and testimony at trial.

OFFICE OF COMMUNICATIONS

The goal of the Office of Communications is to support the agency's mission by continuously improving communication with Floridians and sharing news about the OFR. This team coordinates communication with media, Florida's cabinet members, constituents, state and federal organizations, and regulated industries to provide a clear, unified message about the agency.

Last update: 10/3/2019