

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

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November 17, 2009

MEMBERS

Governor Charlie Crist
Attorney General Bill McCollum
Chief Financial Officer Alex Sink
Commissioner Charlie Bronson

Contact: Andrea Moreland (OFR)
(850) 410-9601

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

ITEM	SUBJECT	RECOMMENDATION
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1. The Office requests approval of the minutes of the October 13, 2009, meeting.

(ATTACHMENT 1)

FOR APPROVAL

2. The Office requests approval to file a Notice of Proposed Rule for Rule 69V-560.1013 and Rule 69V-40.003, Florida Administrative Code, which relate to the electronic filing of forms and fees.

The rules apply to persons subject to licensure as money services businesses (69V-560.1013) and mortgage brokers and mortgage lenders (Rule 69V-40.003). The rules are being amended to simplify the process of requesting a hardship exemption from electronic filing requirements.

(ATTACHMENT 2)

APPROVAL FOR PUBLICATION

3. Remarks by Commissioner J. Thomas Cardwell on Small Business Lending.

(ATTACHMENT 3)

FOR DISCUSSION

ATTACHMENT 1

Financial Services Commission
Office of Financial Regulation
Meeting Minutes
October 13, 2009

**FINANCIAL SERVICES COMMISSION
OFFICE OF FINANCIAL REGULATION**

October 13, 2009

Members

Governor Charlie Crist
Chief Financial Officer Alex Sink
Attorney General Bill McCollum
Agriculture Commissioner Charles Bronson

MINUTES

All four members of the Financial Services Commission were present at the meeting, which was held in the Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida, 32399. The following items were considered by the Commission, which were presented by J. Thomas Cardwell, Commissioner for the Office of Financial Regulation.

ITEM

1. Commissioner Cardwell requested approval of the minutes of the August 11, 2009, and August 25, 2009, meetings.

Moved and Seconded. Approved without objection.

2. Commissioner Cardwell requested approval to file a Notice of Proposed Rule for Rule 69W-600.0021, relating to the effect of law enforcement records on applications for registration as associated persons.

Moved and Seconded. Approved without objection.

Minutes Prepared by:

Andrea J. Moreland
Director of Legislative and Cabinet Affairs
Office of Financial Regulation

ATTACHMENT 2

**FINANCIAL SERVICES COMMISSION
OFFICE OF FINANCIAL REGULATION
AGENDA ITEM #2**

ACTION REQUESTED

The Office requests approval to file a Notice of Proposed Rule for Rules 69V-40.003 and 69V-560.1013, relating to the electronic filing of forms and fees.

SUMMARY OF THE RULES

The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically with the Office.

Currently, Rules 69V-40.003 and 69V-560.1013 require the electronic filing of forms and fees through the Office's Regulatory Enforcement and Licensing (REAL) System. The REAL system is the Office's computer system that integrates its compliance, examination, licensing, investigative and legal information so that it can be easily shared among the functional areas of the Office. Rule 69V-40.003, F.A.C, applies to persons required to be licensed under Chapter 494, Florida Statutes, relating to mortgage brokering and lending; and Rule 69V-560.1013, F.A.C., applies to persons required to be licensed under Chapter 560, Florida Statutes, relating to money services businesses.

The rules currently in effect allow the Office to grant an exemption from electronic filing requirements if the person demonstrates a technological or financial hardship. To request an exemption, the person must file a petition with the Office's legal office in accordance with Rule 28-106.301, F.A.C., which is a uniform rule adopted under the Florida Administrative Procedures Act for initiating a proceeding. Similar rules have been adopted under the Office's other regulatory programs in the areas of retail installment sales (Rule 69V-85.006) and consumer finance (Rule 69V-160.036).

The retail installment and consumer finance rules were reviewed recently by the Small Business Regulatory Advisory Council ("Council"). At the Council's request, the Office simplified the process of requesting a hardship exemption. The process was simplified by replacing the formal legal process with the submission of written request to the Office's regulatory staff. The rule amendments reflected in this agenda item reflect the same language that was used to simplify the consumer finance and retail installment seller rules.

STATEMENT OF JUSTIFICATION

Section 494.011, F.S., and s. 560.105, F.S., authorize the Commission to require the electronic submission of any form, document, or fee, if such rules reasonably accommodate technological or financial hardship.

FEDERAL STANDARDS

There are no applicable federal standards.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.003 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-40, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form. Rulemaking Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History—New 10-21-08, Amended _____.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.
Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History—New 1-13-09, Amended_____.

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO: RULE TITLE

69V-40.003: Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 494, Florida Statutes, relating to mortgage brokering and mortgage lending.

SUMMARY: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed as under Chapter 494, Florida Statutes, relating to mortgage brokering and mortgage lending.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has been prepared and may be obtained by contacting: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail:

Greg.Oaks@flofr.com

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 494.0011 FS

LAW IMPLEMENTED: 494.0011 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.003 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may ~~request an exemption from the petition for a waiver of the requirement of~~ electronic filing ~~requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351.~~ ~~The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-40, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.~~ Rulemaking Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History--New 10-21-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 11-17-2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO: RULE TITLE

69V-560.1013: Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed as money services businesses under Chapter 560, Florida Statutes.

SUMMARY: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed as money services businesses under Chapter 560, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has been prepared and may be obtained by contacting: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail:

Greg.Oaks@flofr.com

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 560.105 FS

LAW IMPLEMENTED: 560.105 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the

person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History—New 1-13-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 11-17-2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

ATTACHMENT 3



STATE OF FLORIDA
CHIEF FINANCIAL OFFICER
ALEX SINK

October 29, 2009

Commissioner J. Thomas Cardwell
Office of Financial Regulation
200 East Gaines Street
Tallahassee, Florida 32399-3050

Dear Commissioner Cardwell:

As you are aware, these continue to be unprecedented times for Florida's economy and our state's banking industry. Last week, President Obama unveiled a small business lending initiative to help increase community bank lending to Florida's small businesses. Given that over 90 percent of businesses in Florida are small businesses, I believe it is an initiative that can be extremely beneficial to all Floridians.

Since the reporting that will be implemented from these new programs and with the goal of strong oversight and accountability, I request that the Office of Financial Regulation monitor the small business lending activity of the financial institutions in Florida and give the members of the Financial Services Commission quarterly updates on the information you are collecting.

I would suggest that at the next Cabinet Meeting on November 17th we have a report and discussion from you to better understand the small business loan situation. As the Financial Services Commission, we have a responsibility to ensure that the financial institutions in our state are utilizing all the resources that they have to help in our state's economic recovery.

Sincerely,

A handwritten signature in black ink that reads "Alex Sink".

Alex Sink

cc: The Honorable Charlie Crist, Governor
The Honorable Bill McCollum, Attorney General
The Honorable Charles Bronson, Agriculture Commissioner