

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

<http://www.flofr.com/Cabinet/PublicNotices.htm>

July 28, 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 May 27, 2009, meeting.

(ATTACHMENT 1)

FOR APPROVAL

2. The Office requests approval to file for final adoption Rules 69V-85.006 and 69V-160.036, relating to the electronic filing of forms and fees.

The proposed rules require the electronic filing of forms and fees through the Office's Regulatory Enforcement and Licensing System. The rules apply to persons required to be licensed under Chapter 520, Florida Statutes, relating to retail installment sales; and Chapter 516, Florida Statutes, relating to Consumer Finance. The rules contain a provision that will allow individuals to request an exemption from these requirements based on a financial or technological hardship.

(ATTACHMENT 2)

APPROVAL FOR FINAL ADOPTION

3. The Office requests approval to file a Notice of Proposed Rule for Rules 69V-40.0311, 69V-40.0511, 69V-40.201, and 69V-560.1021, relating to the effect of law enforcement records on applications for licensure.

The proposed rules clarify the standard for determining a material misstatement or misrepresentation on a license application to conform to statutory requirements.

(ATTACHMENT 3)

REQUEST FOR WITHDRAWAL

ATTACHMENT 1

Financial Services Commission
Office of Financial Regulation
Meeting Minutes
May 27, 2009

T H E C A B I N E T
S T A T E O F F L O R I D A

Representing:

FINANCIAL SERVICES COMMISSION, OFFICE OF
FINANCIAL REGULATION

DEPARTMENT OF VETERANS' AFFAIRS

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

BOARD OF TRUSTEES, INTERNAL IMPROVEMENT TRUST FUND

STATE BOARD OF ADMINISTRATION

The above agencies came to be heard before
THE FLORIDA CABINET, Honorable Governor Crist
presiding, in the Cabinet Meeting Room, LL-03,
The Capitol, Tallahassee, Florida, on Wednesday,
May 27, 2009, commencing at 9:05 a.m.

Reported by:

JO LANGSTON

Registered Professional Reporter

ACCURATE STENOTYPE REPORTERS, INC.
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TALLAHASSEE, FLORIDA 32308

(850) 878-2221

APPEARANCES:

Representing the Florida Cabinet:

CHARLIE CRIST
Governor

CHARLES H. BRONSON
Commissioner of Agriculture

BILL McCOLLUM
Attorney General

ALEX SINK
Chief Financial Officer

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FINANCIAL SERVICES COMMISSION, OFFICE ✓
OF FINANCIAL REGULATION
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1 GOVERNOR CRIST: Short and sweet. Thank you.

✓ 2 We need to select a person to serve as acting
3 commissioner, pending selection of a permanent
4 commissioner, to head the Office of Financial
5 Regulation. Is there a motion?

6 CFO SINK: Yes. I have a motion.

7 GOVERNOR CRIST: CFO.

8 CFO SINK: Governor, as we all know, Alex Hager
9 is leaving the Office of Financial Regulation on
10 June the 5th. And why don't we ask Alex and Linda
11 Charity to come up to the podium, please. Long,
12 long-time person at the Office of Financial
13 Regulation, and he's stepped up and has been serving
14 as our active director since October the 1st. And I
15 want to take this time to thank him for his long,
16 long and dedicated service to the State of Florida.

17 He's spent his entire career here, beginning
18 with the old comptroller's office back in 1974. So,
19 with his departure, though, we need to appoint
20 another interim director. And that's why I asked
21 Linda Charity to step up. She has been the director
22 and most respected director of the OFR's Division of
23 Financial Institutions. As I go around, I hear
24 nothing but just fantastic things about the close
25 job and the eagle eye that she has in our regulatory

1 environment here.

2 She's been in the Department almost as long as
3 Alex, since 1979. And her effective date will be
4 June the 6th, and she will serve at such time as we
5 appoint the permanent director.

6 And I do want to just mention that, as all of
7 us know, filling this very important position is
8 taking a little longer than any of us would have
9 preferred, but the candidates -- there will be
10 candidates who are being interviewed next week, and
11 hopefully before our summer break we'll have the
12 opportunity to appoint a permanent director.

13 But I do want to express appreciation, of
14 course, to Alex, and to make the motion that we
15 appoint Linda Charity as the interim director of the
16 Office of Financial Regulation.

17 GOVERNOR CRIST: I'll second the motion. All
18 in favor say aye.

19 ATTORNEY GENERAL McCOLLUM: Aye.

20 CFO SINK: Aye.

21 COMMISSIONER BRONSON: Aye.

22 GOVERNOR CRIST: Aye. Unanimous again.
23 Congratulations. Would you like to speak?

24 MS. CHARITY: Governor, Cabinet, I'd like to
25 thank you very much for the honor of serving you and

1 the citizens in this interim period. We have an
2 incredible -- incredibly important job to do, and we
3 have a fantastic team, and I look forward to working
4 with you.

5 GOVERNOR CRIST: Wonderful, thank you. Alex,
6 did you want to say anything?

7 MR. HAGER: Thirty-four years flies by. I
8 actually had hair when I started this job. And it's
9 been a pleasure and thank you for all your kind
10 comments.

11 GOVERNOR CRIST: Thank you so much for your
12 service. Look forward to yours, Linda, thank you,
13 continued service.

14 Our next Cabinet meeting will be Tuesday, June
15 9th, 2009.

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1 GOVERNOR CRIST: Financial Services Commission,
2 Office of Financial Regulation, Alex, please, sir.

3 MR. HAGER: Two items on the agenda today,
4 folks. First, the minutes from the April 14th, 2009
5 meeting, request your approval on that.

6 GOVERNOR CRIST: Is there a motion on the
7 minutes?

8 COMMISSIONER BRONSON: Motion on Item 1.

9 ATTORNEY GENERAL McCOLLUM: Second.

10 GOVERNOR CRIST: Moved and seconded. Show it
11 approved without objection.

12 MR. HAGER: Second item, the Office requests
13 approval to file a Notice of Proposed Rule for Rule
14 69V-560.1012, Florida Administrative Code. The
15 money services business licensed under Part II of
16 Chapter 560, Florida Statutes, must maintain a
17 corporate surety bond or an alternative security
18 device in an amount set by rule. The amount of the
19 device may not be less than 50,000 nor greater than
20 2 million.

21 The proposed rule amends Form OFR-560-01,
22 Application for Licensure as a Money Services
23 Business, and also OFR-560-07, Security Device
24 Calculation Form, to factor the existence of cargo
25 insurance into the surety bond or alternative

1 security device calculations for licensees whose
2 business is limited to physical transportation of
3 currency and other valuables via armored car.
4 Again, we request approval for publication.

5 COMMISSIONER BRONSON: Motion for approval on
6 Item 2.

7 ATTORNEY GENERAL McCOLLUM: Second.

8 GOVERNOR CRIST: Moved and seconded. Show Item
9 2 approved without objection. Thank you, sir,
10 appreciate it.

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ATTACHMENT 2

**FINANCIAL SERVICES COMMISSION
OFFICE OF FINANCIAL REGULATION**

AGENDA ITEM #2

ACTION REQUESTED

The Office requests approval to file for final adoption Rules 69V-85.006 and 69V-160.036, relating to the electronic filing of forms and fees.

SUMMARY OF THE RULE

The proposed rules 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. The rules apply to persons required to be licensed under Chapter 520, Florida Statutes, relating to retail installment sales; and Chapter 516, Florida Statutes, relating to Consumer Finance. The rules provide an exemption from electronic filing requirements for persons demonstrating a technological or financial hardship.

STATEMENT OF JUSTIFICATION

Section 520.994(5), F.S., and Section 516.03, 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.

PROCEDURAL HISTORY

On February 27, 2009, A Notice of Rule Development was published in the Florida Administrative Weekly. On March 10, 2009, the Financial Services Commission approved the proposed rules for publication in the Florida Administrative Weekly. On March 20, 2009, the proposed rules were published. On June 12, 2009, a Notice of Correction was published to notify the public that a Statement of Estimated Regulatory Cost had been prepared. On July 10, 2009, the Small Business Regulatory Advisory Council at a noticed public meeting requested that the Office amend the rules to simplify the process for requesting an exemption. The Office amended the rules to address these concerns. The Office did not receive any written comments from the Joint Administrative Procedures Committee. The final hearing on the proposed rules is noticed for the Financial Services Commission meeting to be held on July 28, 2009, at the regularly scheduled cabinet meeting in Tallahassee. The Notice of Final Hearing is contained in the June 12, 2009, edition of the FAW.

FINAL RULE TEXT

69V-85.006 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 Rules 69V-85.002 and 69V-85.003, 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 Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the 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.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History—New _____.

FINAL RULE TEXT

69V-160.036 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 Rule 69V-160.030, 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 Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the 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.

Rulemaking Authority 516.03 FS. Law Implemented 516.03 FS. History—

New _____.

Office of Financial Regulation

Statement of Estimated Regulatory Costs

Proposed Rule 69V-85.006, Electronic Filing of Forms and Fees

Required Elements

Section 120.541, F.S., sets forth the requirements that agencies must follow in preparing Statements of Estimated Regulatory Costs (SERC). Specifically, paragraphs 120.541(2)(a) through (f), F.S., provide that certain information must be addressed in any SERC. The information requirements as they appear in the statute are cited below, with the office's response to each as related to proposed Rule 69V-85.006, F.A.C.

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

As of May 10, 2009, there were 7,445 companies licensed through the Office of Financial Regulation pursuant to Chapter 520, Florida Statutes, relating to Retail Installment Sales. The Office issues four primary license types under the chapter, which are described below.

Motor Vehicle Retail Installment Seller

This license is required for retailers of motor vehicles that finance by installment contract to retail buyers. This license is required by firms that sell and finance automobiles, trucks, trailers, RV's, motorcycles, and mobile homes.

Retail Installment Seller

The license is required for any retail business offering installment financing to its customers for goods or services other than motor vehicle and home improvement businesses. This license authorizes the holder to finance the goods or services sold by installment contract or revolving charge account to a retail buyer. This license is required if the goods or services are primarily for personal, family or household use.

Sales Finance Company

This license is required for any business which purchases retail installment contracts from entities licensed in Florida as motor vehicle installment sellers, retail installment sellers or home improvement finance sellers.

Home Improvement Finance Seller

This license is required for any business involved in the financing of home improvements which are secured by a mortgage or lien on real property. This provision applies to a

business that directly or indirectly enters into two or more home improvement contracts, each of which is for consideration of \$500 or more, in any calendar year. This license is required for a contractor who repairs, remodels or adds improvements to a single family residence pursuant to a written agreement, and when a mortgage lien on the property is retained as security. A home improvement contractor may also need a Retail Installment Seller license for contracts on which there is no mortgage taken as security for the loan.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

The implementation and enforcement of the rule is solely the responsibility of the Office of Financial Regulation. Accordingly, no other state or local agencies will be impacted by the proposed rule.

Electronic filings are already accepted through office's Regulatory Enforcement and Licensing (REAL) system; and therefore, there will be no additional costs to the agency as the result of the rule.

There are no anticipated effects on state or local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

There are no additional fees associated with filing documents or fees through the REAL system. In other words, the only fees that are required are those statutorily authorized fees for licensure. In order to file electronically through the REAL system, a person would need a desk or lap-top computer, and internet access. If the applicant/licensee did not have these items, the applicant/licensee could apply for a hardship waiver through the Office. The rule provides for this process. In addition, each of the 67 counties in Florida provides free access to the internet through its public libraries. According to the Florida Department of State, in fiscal year 2006-07 there were over 12,000 public terminals available throughout the state. Source: Florida Department of State, 2008 Florida Library Directory with Statistics, Table 11- Electronic Access, available online: http://dhis.dos.state.fl.us/bld/research_office/2008LibraryDirectory/PDFs/200811ElectronicAccess.pdf. See also Exhibit "A".

(d) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined by s. 120.52.

Small businesses will need to file applicable forms and fees through the Office's Regulatory Enforcement and Licensing ("REAL") System. The Office maintains online user guides, as well as a toll-free telephone to assist applicants and licensees in using the system. The website link to the user guides is as follows: <http://www.flofr.com/REAL/Guides.htm>. See also Exhibit "B" for a guide index.

The REAL System Online Services guides provide a step-by-step walkthrough for applicants and licensees to: manage their account, apply for a license, amend a license, renew a license, withdraw a filing for a license, terminate an existing license, file a quarterly report, file an online complaint, search for public license records, search for final orders, and download licensing data.

Electronic filing is currently available to applicants and licensees. A review of filings with the Office between February 1, 2009, and May 31, 2009, indicate that approximately 60 percent of filings were performed electronically through the REAL system.

There will be no impact on small counties or small cities because this is a state regulatory program.

[A small business is defined in section 288.703, F.S., as "an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments."]

(e) Any additional information that the agency determines may be useful.

No additional information.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

No lower cost regulatory alternative to the proposed rule has been submitted to the office.

EXHIBIT "A"

List of Public Terminals

Source

**Florida Department of State
2008 Florida Library Directory with Statistics
Table 11- Electronic Access**

Table 11 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Miami-Dade Public Library System	508	1,355	3,229,677	1,745,551	1,260	5,583	1,616	3,673
Broward County Division of Libraries	1,426	1,600	5,034,793	2,919,782	806	4,245	638,579	159,320
Hillsborough County Public Library Cooperative	456	1,233	4,887,658	1,504,171	955	846	43,767	5,975
Tampa-Hillsborough County Public Library System	427	1,171	4,887,658	1,316,552	681	714	14,315	2,130
Temple Terrace Library	12	24	NC	92,244	261	101	18,146	1,890
Bruce Memorial Library	17	38	NC	95,375	13	31	11,306	1,955
Orange County Library District	361	526	4,183,010	846,972	1,479	3,510	29,037	37,992
Pinellas Public Library Cooperative Inc.	445	709	2,257,501	1,039,421	330	2,619	137,349	5,736
Clearwater Public Library System	102	127	807,346	250,096	66	1,647	971	196
Dunedin Public Library	36	35	328	52,338	19	121	2,068	406
East Lake Community Library	10	12	29,921	11,813	6	96	200	36
Gulf Beaches Public Library	10	10	NC	25,721	7	70	425	109
Gulport Public Library	14	16	NC	24,000	15	60	375	90
Largo Public Library	57	63	28,255	59,641	65	0	0	0
Oldsmar Public Library	13	7	45,268	14,339	10	100	179	19
Palm Harbor Library	28	39	86,679	43,457	27	36	432	144
Pinellas Park Public Library	23	29	NC	63,768	8	50	969	144
Safety Harbor Public Library	15	11	90,896	36,935	18	106	566	83
St. Pete Beach Public Library	10	6	NC	16,493	9	27	46	10
Saint Petersburg Public Library	74	256	209,730	390,104	56	83	130,832	4,441
Seminole Community Library/St. Petersburg College	21	65	128,956	5,667	9	45	0	0
Tarpon Springs Library	20	32	830,122	45,059	4	68	286	58
Pinellas Talking Book Library	5	1	0	0	5	35	0	0
Pinellas Public Library Cooperative Office	7	0	0	0	6	75	0	0
Jacksonville Public Library	628	1,084	3,909,208	1,504,884	1,169	3,085	3,581	526
Palm Beach County Library System	613	459	4,570,927	550,319	601	1,311	8,096	1,435
Lee County Library System	276	308	767,710	983,242	949	2,477	233,740	8,385
Polk County Library Cooperative	136	234	1,029,667	364,130	78	540	6,775	4,575
Aubumdale Public Library	8	22	2,506	54,328	13	35	998	346
Bartow Public Library	13	16	10,467	32,318	8	70	446	160
Dr. C.C. Pearce Municipal Library	4	10	1,201	6,150	1	6	NC	NC
Dundee Public Library	3	11	779	8,602	3	5	193	40
Eagle Lake Public Library	1	9	647	2,812	0	0	7	18
Fort Meade Public Library	3	4	731	7,807	1	8	11	203
Haines City Public Library	6	12	3,561	33,076	5	48	NC	NC
Lakeland Public Library	44	54	28,482	77,466	NC	NC	NC	242
Lake Alfred Public Library	2	6	707	3,869	1	NC	NC	NC
Lake Wales Public Library	17	10	21,000	23,000	14	200	200	75
Latt Maxey Memorial Library	4	10	674	8,205	4	24	3,431	807
Polk City Municipal Library	1	7	584	1,696	0	0	0	0
Polk County Historical & Genealogical	3	7	7,239	2,803	4	4	28	2

N/A=Not applicable, NC=Not counted

Table 1.1 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Polk County Law Library	2	4	528	1,305	0	0	1,305	2,610
Winter Haven Public Library	15	37	17,677	98,833	19	100	96	32
Polk County Library Cooperative Office	10	15	958,524	2,360	5	40	60	40
Brevard County Library System	265	293	77,740	578,372	168	832	129,326	42,934
Volusia County Public Library	209	219	1,068,344	469,545	102	513	169,696	17,264
Seminole County Public Library System	72	60	NC	NC	0	NC	0	0
Pasco County Public Library Cooperative	153	110	882,797	285,013	360	3,954	526	313
Pasco County Library System	147	104	882,797	262,508	356	3,946	353	219
Zephyrhills Public Library	6	6	NC	22,505	4	8	173	94
Sarasota County Library System	184	176	13,260,185	396,143	301	1,286	160,344	13,008
Collier County Public Library	144	136	2,835,232	278,357	NC	NC	720	960
Marion County Public Library System	120	143	NC	NC	23	84	1,553	774
Manatee County Public Library System	89	92	184,793	203,258	127	577	822	579
West Florida Public Library System	84	98	159,585	138,583	5	20	15,137	4,339
Lake County Library System	146	224	818,796	315,623	159	700	6,356	2,618
Fruitland Park Library	6	15	NC	18,707	4	16	131	260
Helen Lehmann Memorial Library	3	3	NC	2,218	1	12	10	10
Lady Lake Public Library	12	24	NC	28,340	10	10	626	550
Leesburg Public Library	23	62	NC	49,062	20	160	250	70
Tavares Public Library	12	9	NC	30,982	12	64	3	9
Umatilla Public Library	10	22	NC	36,031	1	12	48	48
W.T. Bland Public Library	15	18	NC	25,636	3	11	117	72
Lake County Library System Office	65	71	818,796	124,647	108	415	5,171	1,599
Leon County Public Library System	124	163	867,644	379,467	74	1,472	14,676	3,541
Saint Lucie County Library System	72	90	215,144	227,381	45	185	1,436	1,705
Osceola County Library System	102	178	153,614	331,229	395	1,076	1,442	325
Alachua County Library District	203	222	620,570	365,828	732	1,264	93,010	3,813
FlaLeah Public Libraries	60	133	6,722	100,748	154	229	968	195
Hearland Library Cooperative	54	64	156,243	99,504	31	80	3,473	4,495
Desoto County Library	5	4	26,561	7,698	5	10	230	98
Hardee County Public Library	9	9	21,874	10,189	NC	NC	NC	45
Highlands County Library System	36	31	71,872	49,816	18	54	1,165	177
Okeechobee County Library	11	21	35,936	31,801	8	16	2,078	4,156
Hearland Library Cooperative Office	0	0	0	0	0	0	0	0
Okaloosa County Public Library Cooperative	80	143	295,065	181,767	67	870	24,113	5,742
Destlin Library	11	31	43,760	43,760	9	87	3,233	1,005
Fort Walton Beach Library	15	16	NC	52,248	12	75	5,625	925
Mary Esther Public Library	7	14	0	15,322	7	56	5,107	729
Niceville Public Library	21	48	42,682	33,631	18	285	4,752	447
Robert L.F. Sikes Public Library	14	18	208,620	26,071	11	286	5,200	2,600
Valparaiso Community Library	6	16	3	10,735	7	46	196	36
Okaloosa Cooperative Office	6	0	0	N/A	3	35	0	0

N/A=Not applicable, NC=Not counted

Table 11 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Northwest Regional Library System	56	59	290,924	114,207	28	109	10,865	2,086
Bay County Public Library	46	38	290,924	93,679	28	109	10,865	2,086
Gulf County Public Library	6	14	NC	15,989	N/A	N/A	NC	NC
Liberty County Public Library	6	7	NC	4,539	NC	NC	NC	NC
Clay County Public Library System	63	110	NC	109,348	65	224	NC	NC
Charlotte-Glades Library System	66	128	1,772,490	186,750	126	639	810	972
Charlotte County Public Library	60	113	1,659,681	178,731	123	643	17,425	2,096
Glades County Public Library	6	15	112,809	8,019	3	4	1,947	1,947
Charlotte-Glades Library System Office	N/A	N/A	N/A	N/A	N/A	N/A	459	149
Saint Johns County Public Library	90	170	627,275	460,381	313	2,168	N/A	N/A
Hernando County Public Library System	66	72	355,205	128,365	96	336	46,000	1,600
Martin County Public Library System	80	139	421,453	265,412	465	928	43,433	7,237
Santa Rosa County Public Library System	51	94	335,248	87,690	29	174	16,233	1,353
Citrus County Public Library System	54	82	327,956	244,920	420	188	14,068	3,517
Indian River County Library	76	107	209,802	305,380	46	500	1,808	476
Panhandle Public Library Cooperative System	52	135	98,107	78,278	185	480	5,043	516
Calhoun County Public Library	22	47	75,038	50,025	137	1,184	6,549	3,481
Holmes County Public Library	7	14	12,360	10,863	9	302	4,704	2,589
Jackson County Public Library	8	34	NC	NC	14	120	1,165	582
Washington County Library	10	40	10,709	17,390	22	176	300	150
Panhandle Cooperative Office	5	0	N/A	N/A	3	106	480	160
West Palm Beach Public Library	40	48	1,111,691	152,504	201	585	N/A	N/A
Flagler County Public Library	15	18	167,362	76,135	6	24	1,160	465
Sumter County Library System	29	65	N/A	88,899	71	187	38,067	3,426
A.A. Young, Sr., Library	1	2	0	812	0	0	N/A	1,578
Bushnell Public Library	3	13	NC	10,240	0	0	NC	12
Clark Maxwell Jr. Library	0	6	NC	9,056	2	11	NC	231
Coleman Library	3	7	NC	5,569	0	0	NC	0
E. C. Rowell Public Library	2	7	NC	7,960	5	21	NC	52
Wildwood Public Library	3	17	NC	24,138	2	14	NC	406
The Villages Public Library	5	8	NC	25,230	61	135	NC	56
Panasofkee Community Library	3	5	NC	5,894	1	6	NC	712
SCLS Headquarters	9	0	N/A	N/A	N/A	N/A	NC	109
Boca Raton Public Library	26	19	NC	60,000	NC	N/A	N/A	N/A
Montroe County Public Library System	37	84	151,540	117,785	NC	NC	NC	NC
Putnam County Library System	19	28	4,027	41,400	NC	NC	352	104
Suwannee River Regional Library System	52	78	0	71,246	21	130	0	0
New River Public Library Cooperative	21	23	66,516	36,739	48	222	35,923	1,421
Emily Taber Public Library (Baker Co.)	6	6	NC	12,070	39	292	5,316	2,015
Bradford County Public Library	5	7	NC	12,306	2	6	2,251	1,163
Union County Public Library	5	10	NC	12,303	16	74	65	202
New River Public Library Cooperative Office	5	0	1,200	12,363	8	158	3,000	650
Nassau County Public Library System	27	45	65,316	44,112	13	54	0	0
			N/A		27	626	24,856	4,680

N/A=Not applicable, NC=Not counted

Table 11 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Boynton Beach City Library	29	34	152,062	70,286	8	87	1,258	530
Columbia County Public Library	23	26	NC	48,253	6	47	0	0
Delray Beach Public Library	22	65	48,260	134,987	36	0	433	57
North Miami Public Library	11	21	10,024	28,842	0	0	3,912	653
Walton County Public Library System	16	39	35,355	42,206	39	851	119	75
Wilderness Coast Public Libraries	44	87	162,054	46,675	62	125	3,168	1,987
Franklin County Public Library	19	42	90,767	18,887	25	210	780	576
Jefferson County Public Library System	7	17	16,080	12,480	5	47	80	560
Wakulla County Public Library	10	28	27,479	15,308	6	87	2,187	797
Wilderness Coast Cooperative Office	8	0	27,728	0	26	507	121	54
Gadsden County Public Library System	15	59	118,817	67,467	6	38	713	75
Alfamonte Springs City Library	10	18	110,345	32,929	8	54	593	97
Oakland Park Library	12	18	NC	NC	NC	NC	NC	NC
Three Rivers Regional Library System	19	18	48,909	24,831	20	49	257	453
Dixie County Public Library	5	6	NC	9,060	5	10	118	236
Gilchrist County Public Library	4	6	NC	8,555	3	6	62	73
Lafayette County Public Library	5	6	NC	7,216	3	6	77	144
Three Rivers Regional Library Office	5	0	48,909	0	9	27	0	0
North Miami Beach Public Library	13	34	76,740	75,088	0	0	878	92
L Levy County Public Library System	14	30	9,591	27,492	31	168	999	157
Hendry County Library Cooperative	14	28	22,444	32,900	12	60	2,100	400
Lake Worth Public Library	10	14	62,183	42,318	92	103	651	295
Winter Park Public Library	47	44	NC	38,084	28	443	199	488
Parkland Library	9	13	266,758	5,100	11	250	850	310
Taylor County Public Library	8	16	4,722	16,534	7	42	8,500	35
Eustis Memorial Library	20	19	NC	36,880	11	39	422	281
New Port Richey Public Library	18	23	1,573,531	57,765	27	810	17,876	4,086
Fort Myers Beach Public Library	8	16	89,927	28,731	2	39	NC	318
Lynn Haven Public Library	3	6	157,568	8,855	14	42	1,862	316
Maitland Public Library	12	4	58,850	5,876	NC	NC	125	74
Palm Springs Public Library	11	11	41,432	14,415	0	0	51	24
Richard C. Sullivan Public Library of Wilton Manors	6	9	0	14,210	0	0	218	66
North Palm Beach Library	10	11	3,616	13,115	5	0	32	29
Doreen Gauthier Lighthouse Point Library	8	6	NC	3,500	4	195	110	64
Brockway Memorial Library	8	8	NC	NC	0	0	0	0
Lantana Public Library	4	11	NC	15,392	0	0	19	19
Lake Park Public Library	10	35	111,036	22,004	0	0	0	7
Sanibel Public Library District	14	39	NC	NC	10	90	108	40
Florida, FY 2006-2007	8,377	12,318	60,576,335	19,535,516	12,996	49,406	2,039,708	377,673

EXHIBIT "B"

Index to Real System Online Services Guides



To Log in to the Real System, click [here](#).

REAL System Online Services Guides

The REAL System Online Services guides provide a step-by-step walkthrough for applicants and licensees to: manage their account, apply for a license, amend a license, renew a license, withdraw a filing for a license, terminate an existing license, file a quarterly report, file an online complaint, search for public license records, search for final orders, and download licensing data.

- **Account Management** - provides a step-by-step walkthrough for an applicant/licensee to maintain their REAL Online Services account. Users can grant access to another Online Services user to view or manage their license. This guide provides the following information:

- Access REAL Online Services
- Create an Online Account
- Login Into Online Services
- Update Profile Information
- Change Your Password
- Reset Your Password
- Associate an Application or License to a User Account
- Request Authorization Code
- View License(s) & Manage Details
- Manage Online Accounts

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- **Apply for a New License** – provides a step-by-step walkthrough for an applicant/licensee to apply for a license using REAL Online Services. This guide uses the Mortgage Broker license type as an example for the online application form and provides the following information:

- File an Application
- Complete Online Application Form
- Pay Invoice
- Filing Confirmation
- Uploading Documents
- Filing Details (View Deficiencies)
- View Test Scores
- Request Mortgage Broker Test Review
- View PDF Form
- View Filing History
- Print Friendly License

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- **File an Amendment to an Existing License** – provides a step-by-step walkthrough a licensee completes to update their license information (e.g., address change, contact information, disclosure information, etc.) using REAL Online Services. This guide uses the

Mortgage Broker and Mortgage Brokerage Business license types as examples for the online application form and provides the following information:

- File an Amendment
- Choose License
- Choose a Name for this Filing
- Complete Online Amendment Form
- Disclosure Reporting Page (DRP)
- Electronic Signature
- Filing Confirmation
- View PDF of Your Form

- **Renew a License** – provides a step-by-step walkthrough a licensee completes to renew or reactivate their license using REAL Online Services. This guide provides the following information:

- Renew a License
- REAL Workspace – Renewal Notice
- Manage License Renewals
- Pay Invoice
- Filing Confirmation

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- **Withdraw/Terminate License** – provides a step-by-step walkthrough an applicant or licensee completes to withdraw a submitted filing or terminate a license using REAL Online Services. This guide provides the following information:

- Terminate a License
- Choose License
- Complete Online Application
- Termination Confirmation
- Manage License Information
- License Details
- Withdraw Filing
- View Filing Details
- Withdraw Filing Confirmation

- **File Quarterly Report, Annual Reports, and Security Calculation Devices** – provides a step-by-step walkthrough a licensee or a user granted manage access for a license completes to file a quarterly report for a business or lender application type to submit the initial and follow-up quarterly report for associates and load originators using REAL Online Services. This guide provides information relating to filing an annual report or a security calculation device for a Money Transmitters firm licensee. This guide provides the following information:

- Log Into Online Services
- File a Quarterly Report - Finance
- Choose License - Finance
- Quarterly Report – List of Reported Persons
- Filing Confirmation - Quarterly Report (Finance)
- File a Quarterly Report – Money Transmitters Part II & Part III
- Choose License - Money Transmitters Part II & Part III
- Filing Confirmation – Money Transmitters Part II & Part III
- Annual Reports – Money Transmitters Part II

- Choose License – Money Transmitters Part II
- Upload Supporting Documents – Money Transmitters Part II
- Filing Confirmation – Money Transmitters Part II
- Security Calculation Devices – Money Transmitters Part II
- Choose License – Money Transmitters Part II
- Filing Confirmation – Money Transmitters Part II
- Filing History

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- **File a Complaint** – provides a step-by-step walkthrough for filing an online complaint using REAL Online Services. This guide provides the following information:

- OFR Website – File a Complaint
- REAL Online Services – File a Complaint
- Log Into Manage Complaints
- No Previous Complaints Filing History
- Online Complaint Form - Financial Institution Related
- Online Complaint Form - Finance Related
- Online Complaint Form - Securities Related
- Online Complaint Form - Money Transmitter Related
- Complaint Filing History

- **Public License Search** – provides a step-by-step walkthrough for searching for public license information for Finance, Financial Institutions and Securities related licenses. This guide provides the following information:

- Search for Licensed Entity
- Finance Regulated Entities
- License Search Results - Finance Regulated Entity
- License Search Results - Business (Finance Regulated Entity)
- License Search Results - Individual (Finance Regulated Entity)
- Disclosure Information
- Financial Institution Search
- State Financial Institution Search
- State Financial Institution Branch Search
- FDIC - Find an Institution Search
- National Association of Credit Unions Search
- Financial Institution Application Search
- Securities Agents/Firms Search
- License Search Results – Securities Agents/Firms
- License Search Details Results – Securities Agents/Firms
- FINRA BrokerCheck Search
- Investment Adviser Public Disclosure System

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- **Final Order Search** – provides a step-by-step walkthrough for searching for final orders issued by the Florida, Office of Financial Regulation or the former Florida, Department of Banking and Finance. This guide provides the following information:

- REAL Consumer Services
- OFR Home Page
- Search for Final Order
- Laserfiche WebLink

- **Licensing Data Download** – provides a step-by-step walkthrough for downloading public license information data for Finance, Money Transmitters, and Securities. This guides provides the following information:

- [Licensing Data Download Site](#)
- [License Download Spreadsheet](#)

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If you have any questions concerning the REAL System, please call 1-800-848-3792 and select option 5.

[REAL System Implementation - Release I](#)
[REAL System Implementation - Release II](#)
[REAL System Frequently Asked Questions](#)
Revised: Apr-09

Office of Financial Regulation

Statement of Estimated Regulatory Costs

Proposed Rule 69V-160.036, Electronic Filing of Forms and Fees

Required Elements

Section 120.541, F.S., sets forth the requirements that agencies must follow in preparing Statements of Estimated Regulatory Costs (SERC). Specifically, paragraphs 120.541(2)(a) through (f), F.S., provide that certain information must be addressed in any SERC. The information requirements as they appear in the statute are cited below, with the office's response to each as related to proposed Rule 69V-85.006, F.A.C.

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

As of May 10, 2009, there were 390 consumer finance companies licensed through the Office of Financial Regulation pursuant to Chapter 516, Florida Statutes, the Florida Consumer Finance Act. A Consumer Finance Company license authorizes the holder to solicit, make and collect loans to consumers in this state for an amount not exceeding \$25,000 and with a maximum interest rate of 30 percent per annum computed on the first \$2,000 of the principal; 24 percent per annum on that part of the principal amount exceeding \$2,000 and not exceeding \$3,000; and 18 percent per annum on that part of the principal amount exceeding \$3,000 and not exceeding \$25,000.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

The implementation and enforcement of the rule is solely the responsibility of the Office of Financial Regulation. Accordingly, no other state or local agencies will be impacted by the proposed rule.

Electronic filings are already accepted through office's Regulatory Enforcement and Licensing (REAL) system; and therefore, there will be no additional costs to the agency as the result of the rule.

There are no anticipated effects on state or local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the

requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

There are no additional fees associated with filing documents or fees through the REAL system. In other words, the only fees that are required are those statutorily authorized fees for licensure. In order to file electronically through the REAL system, a person would need a desk or lap-top computer, and internet access. If the applicant/licensee did not have these items, the applicant/licensee could apply for a hardship waiver through the Office. The rule provides for this process. In addition, each of the 67 counties in Florida provides free access to the internet through its public libraries. According to the Florida Department of State, in fiscal year 2006-07 there were over 12,000 public terminals available throughout the state. Source: Florida Department of State, 2008 Florida Library Directory with Statistics, Table 11- Electronic Access, available online: http://dhis.dos.state.fl.us/bld/research_office/2008LibraryDirectory/PDFs/200811ElectronicAccess.pdf. See also Exhibit "A".

(d) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined by s. 120.52.

Small businesses will need to file applicable forms and fees through the Office's Regulatory Enforcement and Licensing ("REAL") System. The Office maintains online user guides, as well as a toll-free telephone to assist applicants and licensees in using the system. The website link to the user guides is as follows: <http://www.flofr.com/REAL/Guides.htm>. See also Exhibit "B" for a guide index.

The REAL System Online Services guides provide a step-by-step walkthrough for applicants and licensees to: manage their account, apply for a license, amend a license, renew a license, withdraw a filing for a license, terminate an existing license, file a quarterly report, file an online complaint, search for public license records, search for final orders, and download licensing data.

Electronic filing is currently available to applicants and licensees. A review of filings with the Office between February 1, 2009, and May 31, 2009, indicate that 17 percent of filings were performed electronically through the REAL system.

There will be no impact on small counties or small cities because this is a state regulatory program.

[A small business is defined in section 288.703, F.S., as "an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As

applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.”]

(e) Any additional information that the agency determines may be useful.

No additional information.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

No lower cost regulatory alternative to the proposed rule has been submitted to the office.

EXHIBIT "A"

List of Public Terminals

Source

**Florida Department of State
2008 Florida Library Directory with Statistics
Table 11- Electronic Access**

Table 11 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Miami-Dade Public Library System	508	1,355	3,229,677	1,745,551	1,260	5,583	1,616	3,673
Broward County Division of Libraries	1,426	1,600	5,034,793	2,919,782	806	4,245	638,579	159,320
Hillsborough County Public Library Cooperative	456	1,233	4,887,658	1,504,171	955	846	43,767	5,975
Tampa-Hillsborough County Public Library System	427	1,171	4,887,658	1,316,552	681	714	14,315	2,130
Temple Terrace Library	12	24	NC	92,244	261	101	18,146	1,890
Bruton Memorial Library	17	38	NC	95,375	13	31	11,306	1,955
Orange County Library District	361	526	4,183,010	848,972	1,479	3,510	29,037	37,332
Pinellas Public Library Cooperative Inc.	445	709	2,257,501	1,039,421	330	2,619	137,349	5,736
Cleawater Public Library System	102	127	807,346	250,096	66	1,647	971	196
Dunedin Public Library	36	35	328	52,338	19	121	2,068	406
East Lake Community Library	10	12	29,921	11,813	6	96	200	36
Gulf Beaches Public Library	10	10	NC	25,721	7	70	425	109
Gulfpport Public Library	14	16	NC	24,000	15	60	375	90
Oldsmar Public Library	57	63	28,255	59,641	65	0	0	0
Largo Public Library	13	7	45,268	14,339	10	100	179	19
Palm Harbor Library	28	39	86,679	43,457	27	36	432	144
Pinellas Park Public Library	23	29	NC	63,758	8	50	969	144
Safety Harbor Public Library	15	11	90,896	36,935	18	106	566	83
St. Pete Beach Public Library	10	6	NC	16,493	9	27	46	10
Saint Petersburg Public Library	74	256	209,730	390,104	56	83	130,832	4,441
Seminole Community Library/St. Petersburg College	21	65	128,956	5,667	9	45	0	0
Tarpon Springs Library	20	32	830,122	45,059	4	68	286	58
Pinellas Talking Book Library	5	1	0	0	5	35	0	0
Pinellas Public Library Cooperative Office	7	0	0	0	6	75	0	0
Jacksonville Public Library	628	1,084	3,909,208	1,504,884	1,169	3,085	3,581	526
Palm Beach County Library System	613	459	4,570,927	650,319	601	1,311	8,096	1,435
Lee County Library System	276	308	767,710	983,242	949	2,477	233,740	8,385
Polk County Library Cooperative	136	234	1,029,667	364,130	78	540	6,775	4,575
Auburndale Public Library	8	22	2,506	54,328	13	35	998	346
Bartow Public Library	13	16	10,467	32,318	8	70	446	160
Dr. C.C. Pearce Municipal Library	4	10	1,201	6,150	1	6	NC	NC
Dundee Public Library	3	11	779	8,602	3	5	193	40
Eagle Lake Public Library	1	9	647	2,812	0	7	7	18
Fort Meade Public Library	3	4	731	7,807	1	8	11	203
Haines City Public Library	6	12	3,561	33,076	5	48	NC	NC
Lakeland Public Library	44	54	28,482	77,466	NC	NC	NC	242
Lake Alfred Public Library	2	6	707	3,869	1	NC	NC	NC
Lake Wales Public Library	17	10	21,000	23,000	14	200	200	75
Latt Maxey Memorial Library	4	10	674	8,205	4	24	200	75
Polk City Municipal Library	1	7	584	1,696	0	0	3,431	807
Polk County Historical & Genealogical	3	7	7,239	2,803	4	4	28	2

Table 1.1 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Polk County Law Library	2	4	528	1,305	0	0	1,305	2,610
Wfiter Haven Public Library	15	37	17,677	98,833	19	100	96	32
Polk County Library Cooperative Office	10	15	958,524	2,360	5	40	60	40
Brevard County Library System	265	293	77,740	578,372	168	832	129,326	42,934
Volusia County Public Library	209	219	1,068,344	469,545	102	513	169,696	17,264
Seminole County Public Library System	72	60	NC	NC	0	NC	0	0
Pasco County Public Library Cooperative	153	110	882,797	285,013	360	3,954	526	313
Pasco County Library System	147	104	882,797	262,508	356	3,946	353	219
Zephyrhills Public Library	6	6	NC	22,505	4	8	173	94
Sarasota County Library System	184	176	13,260,185	396,143	301	1,286	160,344	13,008
Gollier County Public Library	144	136	2,835,232	278,357	NC	NC	720	960
Marion County Public Library System	120	143	NC	NC	23	84	1,553	774
Manatee County Public Library System	89	92	184,793	203,258	127	577	822	579
West Florida Public Library System	84	98	159,585	138,553	5	20	15,137	4,339
Lake County Library System	146	224	818,796	315,623	159	700	6,356	2,618
Fruitland Park Library	6	15	NC	18,707	4	16	131	260
Helen Lehmann Memorial Library	3	3	NC	2,218	1	12	10	10
Lady Lake Public Library	12	24	NC	28,340	10	10	626	550
Leesburg Public Library	23	62	NC	49,062	20	160	250	70
Tavares Public Library	12	9	NC	30,982	12	64	3	9
Umatilla Public Library	10	22	NC	36,031	1	11	48	48
W.T. Bland Public Library	15	18	NC	25,636	3	12	117	72
Lake County Library System Office	55	71	818,796	124,647	108	415	5,171	1,599
Leon County Public Library System	124	163	867,644	379,467	74	1,472	14,676	3,541
Saint Lucie County Library System	72	90	215,144	227,381	45	185	1,436	1,705
Osceola County Library System	102	178	153,514	331,229	395	1,076	1,442	325
Alachua County Library District	203	222	620,570	365,828	732	1,264	93,010	3,813
Hialeah Public Libraries	60	133	6,722	100,718	154	229	968	195
Heartland Library Cooperative	54	64	156,243	99,504	31	80	3,473	4,495
Desoto County Library	5	4	26,561	7,698	5	10	230	98
Hardee County Public Library	9	9	21,874	10,189	NC	NC	NC	45
Highlands County Library System	36	31	71,872	49,816	18	54	1,165	177
Okeechobee County Library	11	21	35,936	31,801	8	16	2,078	4,156
Heartland Library Cooperative Office	0	0	0	0	0	0	0	0
Okaloosa County Public Library Cooperative	80	143	295,065	181,767	67	870	24,113	5,742
Destin Library	11	31	43,760	43,760	9	87	3,233	1,005
Fort Walton Beach Library	15	16	NC	52,248	12	75	5,625	925
Mary Esther Public Library	7	14	0	15,822	7	56	5,107	729
Niceville Public Library	21	48	42,682	33,631	18	285	4,752	447
Robert L.F. Sikes Public Library	14	18	208,620	26,071	11	286	5,200	2,600
Valparaiso Community Library	6	16	3	10,735	7	46	196	36
Okaloosa Cooperative Office	6	0	0	N/A	3	35	0	0

N/A=Not applicable, NC=Not counted

Table 11 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Northwest Regional Library System	56	59	290,924	114,207	28	109	10,865	2,086
Bay County Public Library	46	38	290,924	93,679	28	109	10,865	2,086
Gulf County Public Library	6	14	NC	15,989	N/A	N/A	NC	NC
Liberty County Public Library	6	7	NC	4,539	NC	NC	NC	NC
Clay County Public Library System	63	110	NC	109,348	65	224	810	972
Charlotte-Glades Library System	66	128	1,772,490	186,750	126	639	17,884	2,096
Charlotte County Public Library	60	113	1,689,681	178,731	123	643	17,425	1,947
Glades County Public Library	6	15	112,809	8,019	3	4	459	149
Charlotte-Glades Library System Office	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Saint Johns County Public Library	90	170	627,275	460,381	313	2,168	46,000	1,600
Hernando County Public Library System	65	72	355,205	128,365	96	336	43,433	7,237
Martin County Library System	80	139	421,453	265,412	465	928	16,233	1,353
Santa Rosa County Library System	51	94	335,248	87,690	29	174	14,068	3,517
Citrus County Library System	54	82	327,956	244,920	420	188	1,808	476
Indian River County Library	76	107	209,302	305,380	46	500	5,043	516
Panhandle Public Library Cooperative System	52	135	98,107	78,278	185	1,184	6,649	3,481
Calhoun County Public Library	22	47	75,038	50,025	137	480	4,704	2,589
Holmes County Public Library	7	14	12,360	10,863	9	302	1,165	582
Jackson County Public Library	8	34	NC	NC	14	120	300	150
Washington County Library	10	40	10,709	17,390	22	176	480	160
Panhandle Cooperative Office	5	0	N/A	N/A	3	106	N/A	N/A
West Palm Beach Public Library	40	48	1,111,691	152,504	201	585	1,160	465
Flagler County Public Library	15	18	167,362	76,135	6	24	38,067	3,426
Sumter County Library System	28	65	N/A	88,599	71	187	N/A	1,578
A.A. Young, Sr., Library	1	2	0	812	0	0	NC	12
Bushnell Public Library	3	13	NC	10,240	0	0	NC	231
Clark Maxwell Jr. Library	0	6	NC	9,056	2	11	NC	0
Coleman Library	3	7	NC	5,569	0	0	NC	52
E. C. Rowell Public Library	2	7	NC	7,960	5	21	NC	406
Wildwood Public Library	3	17	NC	24,138	2	14	NC	56
The Villages Public Library	5	8	NC	25,230	61	135	NC	712
Panasoffkee Community Library	3	5	NC	5,894	1	6	NC	109
SCLS Headquarters	9	0	N/A	N/A	N/A	N/A	N/A	N/A
Boca Raton Public Library	26	19	NC	60,000	NC	NC	NC	NC
Monroe County Public Library System	37	84	151,540	117,785	NC	NC	352	104
Putnam County Library System	19	28	4,027	41,400	21	130	0	0
Suwannee River Regional Library System	52	78	0	71,246	48	222	35,623	1,421
New River Public Library Cooperative	21	23	66,516	36,739	39	292	5,316	2,015
Emily Taber Public Library (Baker Co.)	6	6	NC	12,070	2	6	2,251	1,163
Bradford County Public Library	5	7	NC	12,306	16	74	65	202
Union County Public Library	5	10	1,200	12,363	8	158	3,000	650
New River Public Library Cooperative Office	5	0	65,316	0	13	54	0	0
Nassau County Public Library System	27	45	N/A	44,112	27	626	24,856	4,680

N/A=Not applicable, NC=Not counted

Table 11 - Electronic Access

Library	Staff Terminals	Public Terminals	Virtual Visits Electronic	Electronic Users Annually	Staff Receiving Tech Instruct	Staff Hours Tech Instruct	Users Receiving Tech Instruct	User Hours Tech Instruct
Boynton Beach City Library	29	34	152,062	70,286	8	87	1,258	530
Columbia County Public Library	23	26	NC	48,253	6	47	0	0
Delray Beach Public Library	22	65	48,260	134,987	36	0	433	57
North Miami Public Library	11	21	10,024	28,842	0	0	3,912	683
Walton County Public Library System	16	39	35,355	42,206	39	125	119	75
Wilderness Coast Public Libraries	44	87	162,054	46,675	62	851	3,168	1,987
Franklin County Public Library	19	42	90,767	18,887	25	210	780	576
Jefferson County Public Library System	7	17	16,080	12,480	5	47	80	560
Wakulla County Public Library	10	28	27,479	15,308	6	87	2,187	797
Wilderness Coast Cooperative Office	8	0	27,728	0	26	507	121	54
Gadsden County Public Library System	15	59	118,817	57,467	6	38	713	75
Altamonte Springs City Library	10	18	110,345	32,929	8	54	593	97
Oakland Park Library	12	18	NC	NC	NC	NC	NC	NC
Three Rivers Regional Library System	19	18	48,909	24,831	20	49	257	453
Dixie County Public Library	5	6	NC	9,060	5	10	118	236
Gilchrist County Public Library	4	6	NC	8,555	3	6	62	73
Lafayette County Public Library	5	6	NC	7,216	3	6	77	144
Three Rivers Regional Library Office	5	0	48,909	0	9	27	0	0
North Miami Beach Public Library	13	34	76,740	75,088	0	0	878	92
L Levy County Public Library System	14	30	9,591	27,492	31	168	999	157
Hendry County Library Cooperative	14	28	22,444	32,900	12	60	2,100	400
Lake Worth Public Library	10	14	62,183	42,318	92	103	651	295
Winter Park Public Library	47	44	NC	38,084	28	443	199	488
Parkland Library	9	13	266,758	5,100	11	250	850	310
Taylor County Public Library	8	16	4,722	16,534	7	42	8,500	35
Eustis Memorial Library	20	19	NC	36,880	11	39	422	281
New Port Richey Public Library	18	23	1,573,531	57,765	27	810	17,826	4,086
Fort Myers Beach Public Library	8	16	89,927	28,731	2	39	NC	318
Lynn Haven Public Library	3	6	157,558	8,855	14	42	1,862	316
Maitland Public Library	12	4	58,850	5,876	NC	NC	125	74
Palm Springs Public Library	11	11	41,432	14,415	0	0	51	24
Richard C. Sullivan Public Library of Wilton Manors	6	9	0	14,210	0	0	218	66
North Palm Beach Library	10	11	3,616	13,115	5	0	32	29
Doreen Gauthier Lighthouse Point Library	8	6	NC	3,500	4	195	110	64
Brockway Memorial Library	8	8	NC	NC	0	0	0	0
Lantana Public Library	4	11	NC	15,392	0	0	19	19
Lake Park Public Library	10	35	111,036	22,004	0	0	0	7
Sanibel Public Library District	14	39	NC	NC	10	90	108	40
Florida, FY 2006-2007	8,377	12,318	60,576,335	19,535,516	12,995	49,406	2,039,708	377,673

EXHIBIT "B"

Index to Real System Online Services Guides



REAL System Online Services Guides

The REAL System Online Services guides provide a step-by-step walkthrough for applicants and licensees to: manage their account, apply for a license, amend a license, renew a license, withdraw a filing for a license, terminate an existing license, file a quarterly report, file an online complaint, search for public license records, search for final orders, and download licensing data.

To Log in to the Real System, click [here](#).

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- **Account Management** - provides a step-by-step walkthrough for an applicant/licensee to maintain their REAL Online Services account. Users can grant access to another Online Services user to view or manage their license. This guide provides the following information:

- Access REAL Online Services
- Create an Online Account
- Login Into Online Services
- Update Profile Information
- Change Your Password
- Reset Your Password
- Associate an Application or License to a User Account
- Request Authorization Code
- View License(s) & Manage Details
- Manage Online Accounts

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- **Apply for a New License** – provides a step-by-step walkthrough for an applicant/licensee to apply for a license using REAL Online Services. This guide uses the Mortgage Broker license type as an example for the online application form and provides the following information:

- File an Application
- Complete Online Application Form
- Pay Invoice
- Filing Confirmation
- Uploading Documents
- Filing Details (View Deficiencies)
- View Test Scores
- Request Mortgage Broker Test Review
- View PDF Form
- View Filing History
- Print Friendly License

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- **File an Amendment to an Existing License** – provides a step-by-step walkthrough a licensee completes to update their license information (e.g., address change, contact information, disclosure information, etc.) using REAL Online Services. This guide uses the

Mortgage Broker and Mortgage Brokerage Business license types as examples for the online application form and provides the following information:

- File an Amendment
 - Choose License
 - Choose a Name for this Filing
 - Complete Online Amendment Form
 - Disclosure Reporting Page (DRP)
 - Electronic Signature
 - Filing Confirmation
 - View PDF of Your Form
- **Renew a License** – provides a step-by-step walkthrough a licensee completes to renew or reactivate their license using REAL Online Services. This guide provides the following information:

- Renew a License
- REAL Workspace – Renewal Notice
- Manage License Renewals
- Pay Invoice
- Filing Confirmation

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- **Withdraw/Terminate License** – provides a step-by-step walkthrough an applicant or licensee completes to withdraw a submitted filing or terminate a license using REAL Online Services. This guide provides the following information:

- Terminate a License
- Choose License
- Complete Online Application
- Termination Confirmation
- Manage License Information
- License Details
- Withdraw Filing
- View Filing Details
- Withdraw Filing Confirmation

- **File Quarterly Report, Annual Reports, and Security Calculation Devices** – provides a step-by-step walkthrough a licensee or a user granted manage access for a license completes to file a quarterly report for a business or lender application type to submit the initial and follow-up quarterly report for associates and load originators using REAL Online Services. This guide provides information relating to filing an annual report or a security calculation device for a Money Transmitters firm licensee. This guide provides the following information:

- Log Into Online Services
- File a Quarterly Report - Finance
- Choose License - Finance
- Quarterly Report – List of Reported Persons
- Filing Confirmation - Quarterly Report (Finance)
- File a Quarterly Report – Money Transmitters Part II & Part III
- Choose License - Money Transmitters Part II & Part III
- Filing Confirmation – Money Transmitters Part II & Part III
- Annual Reports – Money Transmitters Part II

- Choose License – Money Transmitters Part II
- Upload Supporting Documents – Money Transmitters Part II
- Filing Confirmation – Money Transmitters Part II
- Security Calculation Devices – Money Transmitters Part II
- Choose License – Money Transmitters Part II
- Filing Confirmation – Money Transmitters Part II
- Filing History

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- **File a Complaint** – provides a step-by-step walkthrough for filing an online complaint using REAL Online Services. This guide provides the following information:

- OFR Website – File a Complaint
- REAL Online Services – File a Complaint
- Log Into Manage Complaints
- No Previous Complaints Filing History
- Online Complaint Form - Financial Institution Related
- Online Complaint Form - Finance Related
- Online Complaint Form - Securities Related
- Online Complaint Form - Money Transmitter Related
- Complaint Filing History

- **Public License Search** – provides a step-by-step walkthrough for searching for public license information for Finance, Financial Institutions and Securities related licenses. This guide provides the following information:

- Search for Licensed Entity
- Finance Regulated Entities
- License Search Results - Finance Regulated Entity
- License Search Results - Business (Finance Regulated Entity)
- License Search Results - Individual (Finance Regulated Entity)
- Disclosure Information
- Financial Institution Search
- State Financial Institution Search
- State Financial Institution Branch Search
- FDIC - Find an Institution Search
- National Association of Credit Unions Search
- Financial Institution Application Search
- Securities Agents/Firms Search
- License Search Results – Securities Agents/Firms
- License Search Details Results – Securities Agents/Firms
- FINRA BrokerCheck Search
- Investment Adviser Public Disclosure System

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- **Final Order Search** – provides a step-by-step walkthrough for searching for final orders issued by the Florida, Office of Financial Regulation or the former Florida, Department of Banking and Finance. This guide provides the following information:

- REAL Consumer Services
- OFR Home Page
- Search for Final Order
- Laserfiche WebLink

- **Licensing Data Download** – provides a step-by-step walkthrough for downloading public license information data for Finance, Money Transmitters, and Securities. This guides provides the following information:
 - Licensing Data Download Site
 - License Download Spreadsheet

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If you have any questions concerning the REAL System, please call 1-800-848-3792 and select option 5.

REAL System Implementation - Release I
REAL System Implementation - Release II
REAL System Frequently Asked Questions
Revised: Apr-09

ATTACHMENT 3

FINANCIAL SERVICES COMMISSION

OFFICE OF FINANCIAL REGULATION

AGENDA ITEM #3

ACTION REQUESTED

The Office requests approval to file a Notice of Proposed Rule for amendments to Rules 69V-40.0311, 69V-40.0511, 69V-40.201, and 69V-560.1021. These rules relate to the effect of law enforcement records on applications for licensure as a mortgage broker, mortgage brokerage business, correspondent mortgage lender, mortgage lender, and money services business.

OVERVIEW

Persons seeking licensure under Chapter 494, Florida Statutes, relating to mortgage brokering and lending, or Chapter 560, Florida Statutes, relating to money services businesses, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of the applicant (e.g., officers, directors, control persons, etc.) In addition, the rules require the submission of certain documentation relating to the applicant's law enforcement record.

Currently, the rules provide that the omission of "any" part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application. This interpretation is consistent with the Office's statutory authority to deny a license application, which provides that the Office may deny a license if there is a material misstatement, misrepresentation, or omission in the application.

For example, if the applicant omits listing a particular crime on his or her license application, this omission alone will not be determinative of whether there was a material misrepresentation on the license application. For the omission to be material, the crime must one that the Office has the statutory authority to consider as part of the licensing process.

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO: RULE TITLE

69V-40.0311: Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure

69V-40.0511: Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure

69V-40.201: Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure

PURPOSE AND EFFECT: Persons seeking licensure as a mortgage broker, mortgage brokerage business or mortgage lender under Chapter 494, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant in the case of a mortgage brokerage business or mortgage lender (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application.

SUMMARY: Persons seeking licensure as a mortgage broker, mortgage brokerage business or mortgage lender under Chapter 494, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant in the case of a mortgage brokerage business or mortgage lender (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law

enforcement record is a material misrepresentation or material misstatement on the license application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost (SERC) has been prepared and is available by contacting: Andrea Moreland, Cabinet Affairs Director, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Suite 118, Tallahassee, Florida 32399; (850)410-9601; andrea.moreland@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: 112.011, 494.0031, 494.0033, 494.0041, 494.0061, 494.0062, 494.0072 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-40.0311 Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure.

(1) General Procedure Regarding Law Enforcement Records. At the time of submitting a mortgage broker application, an applicant for a mortgage broker license shall disclose on the application form any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation, as specified in this rule, relating to: 1) all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class “A”, “B”, “C”, or “D” crime as described in this rule, 2) any pending criminal charges relating to a class “A”, “B”, “C”, or “D” crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or

sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible.

Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class "A", "B", "C" or "D" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (19) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0033, 494.0041 FS. History--New 12-2-08, Amended _____.

69V-40.0511 Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each officer, director, control person, member, partner, or joint venturer of a Mortgage Brokerage Business License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as “relevant persons.” If the applicant is a natural person, he or she is a relevant person under this rule. At the time of submitting a Mortgage Brokerage Business Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class “A”, “B”, or “C” crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class “A”, “B”, or “C” crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

- (a) A copy of the police arrest affidavit, arrest report or similar document.
- (b) A certified copy of the charges.
- (c) A certified copy of the plea, judgment, and sentence where applicable.
- (d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.
- (e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (2) herein is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class “A”, “B”, or “C” crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (18) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0031, 494.0041 FS. History—New 12-2-08, Amended_____.

69V-40.201 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each designated principal representative and each officer, director, control person, member, partner, or joint venturer of a Mortgage Lender or Correspondent Lender License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." At the time of submitting a Mortgage Lender or Correspondent Lender Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", or "C" crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class "A", "B", or "C" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged

or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0072(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class "A", "B", or "C" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (18) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0061, 494.0062, 494.0072 FS. History—New 12-2-08, 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: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June
26, 2009

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO: RULE TITLE

69V-560.1021: Effect of Law Enforcement Records on Applications for Money Services Business Licensure

PURPOSE AND EFFECT: Persons seeking licensure as a money services business under Chapter 560, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application.

SUMMARY: Persons seeking licensure as a money services business under Chapter 560, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost (SERC) has been prepared and is available by contacting: Andrea Moreland, Cabinet Affairs Director, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Suite 118, Tallahassee, Florida 32399; (850)410-9601; andrea.moreland@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: 112.011, 560.114, 560.1401, 560.141 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-560.1021 Effect of Law Enforcement Records on Applications for Money Services Business Licensure.

(1) Definitions. For purposes of this rule:

(a) “Relevant persons” means each officer, director, responsible person, compliance officer, or controlling shareholder of the money services business applicant, and any other person who has a controlling interest in the money services business applicant as provided in Section 560.127, F.S. If the applicant is a natural person, he or she is the relevant person under this rule.

(b) “Trigger date” means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(2) General Procedure Regarding Law Enforcement Records. At the time of submitting an Application for Licensure as a Money Services Business, Form OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C., the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class “A”, “B”, or “C” crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class “A”, “B”, or “C” crime as described in this rule, or 3) shall supply evidence that

such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(3) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (2) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 560.114(1)(k), F.S.

(b) Notwithstanding paragraph (3)(a), the Office shall not deny an application for failure to provide documentation listed in subsection (2) when the crime is not a class "A", "B", or "C" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension for 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(4) through (19) No change.

Rulemaking Authority 560.105 FS. Law Implemented 112.011, 560.114, 560.1401, 560.141 FS. History—New 4-16-09, 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: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

Office of Financial Regulation

Statement of Estimated Regulatory Costs

Proposed Amendments to Rules 69V-40.0311, .0511, and .201, relating to the effect of law enforcement records on applications for licensure

Mortgage Brokering and Mortgage Lending

Required Elements

Section 120.541, F.S., sets forth the requirements that agencies must follow in preparing Statements of Estimated Regulatory Costs (SERC). Specifically, paragraphs 120.541(2)(a) through (f), F.S., provide that certain information must be addressed in any SERC. The information requirements as they appear in the statute are cited below, with the office's response to each as related to proposed amendments to Rules 69V-40.0311, .0511, and .201, F.A.C.

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

The rules apply to persons seeking licensure as a mortgage broker, mortgage brokerage business, correspondent lender, or mortgage lender. The rules also apply to "relevant persons" of applicants, which include each officer, director, control person, member, partner, or joint venturer of an applicant and each ultimate equitable owner with a 10-percent or greater interest in the applicant. A description of each license type is listed below. Regarding the number of individuals likely to be affected by the rule, the Office received 2,135 fingerprint cards in FY 08-09, which were used to conduct criminal background checks on license applicants and their relevant persons.

License Types

Mortgage Broker Individual

An individual person who acts as an associate for either a licensed mortgage broker business or any lender licensed under Chapter 494, F.S. A licensed mortgage broker is authorized to solicit mortgage loans on behalf of a borrower, to accept an application, and to negotiate terms and conditions of a mortgage loan on behalf of a lender.

Mortgage Brokerage Business

The primary location (main office) of a business whose brokering of mortgage loans is done by licensed mortgage brokers. The business is authorized to solicit mortgage loans on behalf of a borrower, to accept an application, and to negotiate terms and conditions of a mortgage loan on behalf of a lender.

Correspondent Mortgage Lender

The primary location (main office) of an entity that makes and services loans for others, for up to four months. The lender is authorized to originate mortgage loans and close loans in the name of the licensee, and is authorized to broker mortgage loans. The licensee must be a lawfully formed entity such as a corporation, limited liability company or a partnership.

Mortgage Lender

The primary location (main office) of an entity that may make loans and service loans for others on Florida real estate. The lender is authorized to originate a mortgage loan and may close loans in the name of a licensee, and is authorized to broker mortgage loans. In addition, a mortgage lender is the only licensee authorized to sell loans to non-institutional investors and to service loans for others for an indefinite period of time. The licensee must be a lawfully formed entity such as a corporation, limited liability company or a partnership.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

The implementation and enforcement of the rule is solely the responsibility of the Office of Financial Regulation. Accordingly, no other state or local agencies will be impacted by the proposed rule amendments. There will be no additional costs to the Office as the result of the rule amendments. The amendments are clarifying and do not impose new requirements. There are no anticipated effects on state or local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

There are no additional fees or costs associated with the rule amendments.

(d) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined by s. 120.52.

Persons seeking licensure as a mortgage broker, mortgage brokerage business, correspondent lender, or mortgage lender under Chapter 494, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant in the case of a

mortgage brokerage business or mortgage lender (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record.

Currently, the rules provide that the omission of "any" part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application. This interpretation is consistent with Sections 494.0041(2)(c) (mortgage brokers) and 494.0072(2)(c) (mortgage lenders), Florida Statutes, which provide that the following is a ground for denying a license application: "[a] material misstatement of fact on an initial or renewal application." (Emphasis added.)

There will be no impact on small counties or small cities because this is a state regulatory program.

[A small business is defined in section 288.703, F.S., as "an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments."]

(e) Any additional information that the agency determines may be useful.

No additional information.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

No lower cost regulatory alternative to the proposed rule has been submitted to the office.

Office of Financial Regulation

Statement of Estimated Regulatory Costs

Proposed Amendments to Rule 69V-560.1021, relating to the effect of law enforcement records on applications for licensure

Money Services Businesses

Required Elements

Section 120.541, F.S., sets forth the requirements that agencies must follow in preparing Statements of Estimated Regulatory Costs (SERC). Specifically, paragraphs 120.541(2)(a) through (f), F.S., provide that certain information must be addressed in any SERC. The information requirements as they appear in the statute are cited below, with the office's response to each as related to proposed amendments to Rule 69V-560.1021, F.A.C.

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

The rule applies to persons seeking licensure as a money services business. The rules also apply to "relevant persons" of applicants, which include each officer, director, control person, member, partner, or joint venturer of an applicant and each ultimate equitable owner with a 10-percent or greater interest in the applicant. A description of each license type is listed below. Regarding the number of individuals likely to be affected by the rule, the Office received 447 fingerprint cards in FY 08-09, which were used to conduct criminal background checks on license applicants and their relevant persons.

License Types

Funds Transmitters

These licensees are authorized to transmit funds, either by wire, facsimile, electronic transfer, courier or otherwise, within this country or to or from locations outside this country. This license type is issued under Part II of Chapter 560, Florida Statutes.

Payment Instrument Issuers

These licensees are authorized to sell or issue checks, drafts, warrants, money orders, travelers checks or other instruments, or to advertise such activity, for consideration. This license type is issued under Part II of Chapter 560, Florida Statutes.

Check Cashers

These licensees are authorized to sell currency in exchange for payment instruments received, except for traveler's checks and foreign-drawn payment instruments, for compensation. This license type is issued under Part III of Chapter 560, Florida Statutes.

Foreign Currency Exchangers

These licensees are authorized to exchange currency of the U.S. or a foreign government to currency of another government, for compensation. This license type is issued under Part III of Chapter 560, Florida Statutes.

Deferred Presentment Providers

Persons who engage in deferred presentment transactions (payday lending). Only persons licensed under one of the above categories may engage in deferred presentment transactions. A declaration of intent to engage in these transactions must be filed with the office.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

The implementation and enforcement of the rule is solely the responsibility of the Office of Financial Regulation. Accordingly, no other state or local agencies will be impacted by the proposed rule amendments. There will be no additional costs to the Office as the result of the rule amendments. The amendments are clarifying and do not impose new requirements. There are no anticipated effects on state or local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

There are no additional fees or costs associated with the rule amendments:

(d) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined by s. 120.52.

Persons seeking licensure as a money services business under Chapter 560, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of money

services business (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record.

Currently, the rules provide that the omission of "any" part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application. This interpretation is consistent with Section 560.114(1)(k), Florida Statutes, which provides that the following is a ground for denying a license application: "[m]aking a material misstatement, misrepresentation, or omission in an application for licensure . . ." (Emphasis added.)

There will be no impact on small counties or small cities because this is a state regulatory program.

[A small business is defined in section 288.703, F.S., as "an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments."]

(e) Any additional information that the agency determines may be useful.

No additional information.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

No lower cost regulatory alternative to the proposed rule has been submitted to the office.