

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

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

February 1, 2011

MEMBERS

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

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

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

<u>ITEM</u>	<u>SUBJECT</u>	<u>RECOMMENDATION</u>
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- | | | |
|----|---|--|
| 1. | The Office requests approval of the minutes of the October 12, 2010, meeting. | |
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(ATTACHMENT 1)

FOR APPROVAL

- | | | |
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| 2. | The Office requests approval to file for final adoption amendments to Rule Chapters 69V-85, 69V-160, and 69V-560. The proposed amendments relate to the electronic filing of forms and fees through the Office's Regulatory Enforcement and Licensing System. | |
|----|---|--|

The rules are being amended to simplify the process of requesting a hardship exemption from electronic filing requirements and to set forth the types of technological or financial hardships that will enable a person to qualify for an exemption. The rules apply to persons required to be licensed as retail installment sellers, motor vehicle retail installment sellers, sales finance companies, home improvement sellers, consumer finance companies, and money services businesses. The Florida Small Business Regulatory Advisory Council supports the proposed amendments.

[Rules 69V-85.006, 69V-160.036, 69V-560.1012, and 69V-560.1013]

(ATTACHMENT 2)

APPROVAL FOR FINAL ADOPTION

ATTACHMENT 1

**Financial Services Commission
Office of Financial Regulation
Meeting Minutes
October 12, 2010**

THE CABINET
STATE OF FLORIDA

Representing:

FINANCIAL SERVICES COMMISSION,
OFFICE OF FINANCIAL REGULATION

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

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 Tuesday, October 12, 2010,
commencing at approximately 9:15 a.m.

Reported by:

MARY ALLEN NEEL
Registered Professional Reporter
Florida Professional Reporter
Notary Public

ACCURATE STENOGRAPHY REPORTERS, INC.
2894 REMINGTON GREEN LANE
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

* * *

I N D E X

FINANCIAL SERVICES COMMISSION, FINANCIAL REGULATION
(Presented by THOMAS CARDWELL)

ITEM	ACTION	PAGE
1	Approved	4
2	Approved	5
3	Approved	5

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY
(Presented by DAVID TAYLOR)

ITEM	ACTION	PAGE
1	Approved	17
2	Approved	19

STATE BOARD OF ADMINISTRATION
(Presented by ASH WILLIAMS)

ITEM	ACTION	PAGE
1	Approved	20
2	Approved	20
3	Approved	20
4	Approved	21
5	Approved	21

CERTIFICATE OF REPORTER		23
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1 PROCEEDINGS

2 (The agenda items commenced at 9:43 a.m.)

3 GOVERNOR CRIST: Our next Cabinet meeting will
4 be Tuesday, October 26.

5 Financial Services Commission, Tom Cardwell.
6 Good morning, Tom.

7 MR. CARDWELL: Good morning, Governor Crist,
8 members of the Cabinet and the Financial Services
9 Commission. I would like to begin by moving the
10 approval of the minutes for the July 29th and
11 August 26th, 2010 meetings.

12 GOVERNOR CRIST: Is there a motion on the
13 minutes?

14 CFO SINK: Move it.

15 ATTORNEY GENERAL MCCOLLUM: Second.

16 GOVERNOR CRIST: Moved and seconded. Show the
17 minutes approved without objection.

18 MR. CARDWELL: I have two other items. The
19 Office of Financial Regulation requests approval to
20 file for final adoption of amendments to Rules
21 Chapter 69W-301, 600, 700, 800, 900, and 1000.
22 These relate to securities regulation and update
23 references to federal rules and the statutes,
24 simplify some regulations, and they also include a
25 new rule imposing disciplinary guidelines.

1 GOVERNOR CRIST: Is there a motion on Item 2?
2 CFO SINK: Move it.
3 ATTORNEY GENERAL MCCOLLUM: Second.
4 GOVERNOR CRIST: Moved and seconded. Show it
5 approved without objection.
6 MR. CARDWELL: And the third item is that we
7 would request approval to publish a notice of
8 proposed rules for Chapter 69V-85, 160, and 560,
9 which relate to the electronic filing of documents
10 and is designed to simplify requesting hardship
11 exemptions for small businesses.
12 CFO SINK: Move it.
13 COMMISSIONER BRONSON: Second.
14 GOVERNOR CRIST: Moved and seconded. Show it
15 approved without objection. Thank you, Tom.
16 MR. CARDWELL: Thank you.
17 GOVERNOR CRIST: Agency for Enterprise
18 Information Technology, David Taylor.
19 CFO SINK: Governor, I --
20 GOVERNOR CRIST: Yes, CFO. I'm sorry.
21 CFO SINK: I'm sorry. I think -- it's my
22 understanding that maybe Commissioner Cardwell was
23 going to update the Cabinet on the status of the
24 most recent foreclosure --
25 MR. CARDWELL: Yes.

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CFO SINK: -- issues in the state.

GOVERNOR CRIST: Great. Please do.

MR. CARDWELL: I was prepared to spend a moment on this to bring you up to date on the current situation, speak for a minute or two about who's affected and how, and talk about the role of this agency, the OFR, in regard to this situation.

Foreclosure in Florida and 22 other states must be done by court order. In order for a court to make an order, it's got to have evidence. The evidence in the proceedings is usually in the form of an affidavit. The affidavit has to say whether or not the debt is owed, whether it has not been paid, the amount that's owed, and that the party foreclosing it actually owns the mortgage. The affidavit has to be sworn under oath by someone who has personal knowledge of the matter.

There are, of course, a huge number of mortgage foreclosures nationwide, millions of them, and hundreds of thousands in Florida. And it appears from the press and some legal proceedings that some of the people, the servicers responsible for this have essentially cut corners in this process, and they've done it by having persons without personal knowledge sign affidavits,

1 sometimes thousands by the same individuals. These
2 are what you hear, the so-called robo-signers. And
3 in addition, some affidavits have not been filed in
4 the physical presence of a notary. And the result
5 of that is that there isn't proper evidence before
6 the court to grant the foreclosures.

7 And these matters have been become within the
8 last week or so public matters. And a number of
9 the major servicers, for example, JPMorgan Chase,
10 Bank of America, Wachovia, First Union -- I'm
11 sorry, Wells Fargo-Wachovia, and GMAC have
12 temporarily stopped their foreclosures to go back
13 and make sure that they are following the rules.
14 Some of the servicers are continuing on, saying
15 that they did not cut corners.

16 That raises the issue of who is affected and
17 how, what does it mean to people in here.
18 Stakeholders, for example, or the borrowers or the
19 homeowners, they can be adversely affected if
20 there's a wrongful foreclosure based on improper
21 information where the amount owed is wrong.
22 There's not a lot of evidence that this has
23 actually happened, although there are a few cases
24 that have been reported.

25 In most cases, the homeowners are not paying

1 the loans, and therefore the property is eventually
2 going to be foreclosed upon. The slipshod
3 foreclosure, however, really doesn't give the
4 person in the house, so to speak, a free pass on
5 getting the house. But that is not to say,
6 certainly not to say that every homeowner is not
7 entitled to have the proper procedures followed to
8 make sure that they are accurate and that the
9 information behind them is truthful. I would
10 observe, however, that the affidavit that is signed
11 without personal knowledge does not undermine or
12 change the fundamental economic facts of the
13 situation in which the people find themselves.

14 The owners of the mortgages are also affected.
15 The owners are not the servicers or the banks. The
16 owners are usually pension funds, mutual funds,
17 insurance companies, people who bought packages of
18 these investments, which are frequently owned by
19 individuals. So the ownership of the mortgages
20 themselves, the owners are affected, because if the
21 mortgages can't go forward, then they cannot get
22 the value of what is in the mortgage that they had.
23 And frankly, many of the mortgages are owned by
24 Fannie Mae and Freddie Mac, so ultimately you and
25 me and all of us that are taxpayers are affected by

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this.

If the owner can't foreclose on it, if that gets delayed -- and frankly, this is the thing that disturbs me the most, is that the whole process has gotten delayed in a way that the value of the mortgage goes down. The empty house, which many of these is, continues to decline in value. It's abandoned. It's not maintained. And the persons who own the mortgages, which frankly are largely the public, end up being the ultimate losers in this.

The courts are affected by this. They're highly congested now. This whole process is going to cause additional congestion.

And the Florida housing market is affected in this, because most economists have said that we need to clear out the inventory of defaulted mortgages before housing prices can stabilize. There was a *Wall Street Journal* article yesterday which, for example, touched on the fact that the California housing market appears to be now on the rise. Florida still appears to be going down. And they attributed it in part, not conclusively, but in part to the fact that the California process for clearing through mortgages is ultimately going

1 faster. So the delay that this is causing frankly
2 makes the Florida housing mortgage situation
3 probably continue a little bit longer.

4 And the home buyers are also affected. People
5 wanting to buy these houses now can't do it because
6 they're taken off while they correct these
7 problems. Frankly, it's a bit of a mess. In fact,
8 it's a lot of a mess.

9 The role of the Office of Financial Regulation
10 in this -- mortgage foreclosures are handled, as I
11 think we've talked about before, by servicers. And
12 in the good times, the servicers are a company
13 which collects the payment from somebody, handles
14 the escrow, and sends the payment on to the people
15 who get the benefit of owning the mortgage, the
16 pension fund, the insurance company, Fannie and
17 Freddie.

18 In bad times, the servicers have to deal with
19 essentially nonpayment. They have to either work
20 with the borrower to try to work the loan out.
21 They have to within the authority that they have
22 from the owners, and if they can't do that,
23 ultimately the servicer is the entity that is
24 involved in foreclosure if it's necessary.

25 Service businesses, the service business is

1 done by banks as a profit-making division. It's
2 also done by lot of independent nonbanking
3 companies.

4 The Office of Financial Regulation itself does
5 not have jurisdiction over national banks or over
6 out-of-state banks. They do have jurisdiction
7 under Chapter 494 for the mortgage broker, the
8 mortgage broker's law for, in essence,
9 non-depository institutions, people that are
10 involved in this business. That constitutes
11 jurisdiction of the OFR over approximately
12 13 percent of the mortgage servicing business.

13 Under Chapter 494, it is unlawful to knowingly
14 falsify or conceal any material fact or make a
15 fraudulent statement, and it is also grounds for
16 discipline to commit culpable negligence.

17 At OFR, we have really three main goals in
18 this situation. Number one is to see that the
19 servicers follow the rules and comply with the law,
20 that they give our citizens fair process, and that
21 they are not engaged in fraudulent and deceptive
22 trade practices.

23 Secondly, if they are engaged in that, then it
24 is our objective to see that they are held
25 accountable under our regulatory processes that we

1 have in place.

2 And finally, we want to make sure that the
3 foreclosure process is moving along in an orderly
4 fashion so that we don't exacerbate the recession
5 or, frankly, make it drag on even longer than it
6 otherwise would.

7 To accomplish this, we're working both at the
8 national level and the state level. On the
9 national level, we've joined together with Attorney
10 General McCollum in talking with some of the
11 attorneys general of this state and other states as
12 to how this issue can be addressed at a national
13 level, because it is a national problem. And the
14 large servicers who control 85, 90, probably almost
15 all the market are national companies. So having a
16 coordinated joint effort among the states is an
17 important thing to do, and we're doing that.

18 At the state level, what we have done is, we
19 have gone through our records to determine who
20 among the servicers we have actual jurisdiction
21 over, and we are reaching out to them in the form
22 of communications to make sure that they confirm to
23 us that their processes are in order, that they are
24 fully following the rules and regulations and the
25 appropriate core procedures. And if they can't

1 confirm to us that they're doing this, then we are
2 going to do our own direct investigations of them
3 and ultimately issue whatever orders are
4 appropriate to see that they are following through
5 on what has to be done.

6 Essentially, our objective is to get
7 compliance so that our citizens are protected and
8 so that the economy can move on. That's the quick
9 thumbnail of what I see as going on in this -- I
10 don't know. It's just very frustrating, because
11 you didn't see this coming. It's something that is
12 not helping us economically. And I am not happy
13 with the servicers who cut the corners in order to
14 move this on and are causing us all and innocent
15 people a lot of problems, and we're trying to get
16 them to move on.

17 GOVERNOR CRIST: Thank you Tom. General.

18 ATTORNEY GENERAL McCOLLUM: Governor, Tom,
19 that's a very fine report. And You're quite
20 right. We're working, and we're working with you
21 with about 39 other states, I suppose.

22 This is a culmination of a huge blow to our
23 state in terms of foreclosures of mortgages,
24 between scams and law firms that are engaged in
25 practices they shouldn't have been engaged with.

1 And as I understand it, realtors are telling
2 us at least that title insurers are backing away
3 from title insurance. At least one title insurer I
4 know said, "We're suspending writing title
5 insurance in Florida right now," and that just will
6 put a whole lot more pressure on the ability of any
7 of these properties to move, and maybe not just
8 these, but a lot of others that might not be
9 affected directly by this.

10 So I'm greatly disturbed. There are 74
11 mortgage foreclosure rescue investigations
12 currently under way in my office, which we've
13 talked about before and I'm not going to rehash
14 today. But we filed 18 civil lawsuits in my office
15 over those. We have 24 more companies under
16 investigation. There are 40 criminal cases the
17 statewide prosecutor has filed. And now that
18 scammers I think are beginning to back away from
19 that a little bit with the law changes we got last
20 year, we're seeing these two things come to the
21 forefront, the proliferation of foreclosure mills,
22 law firms that are doing this, and now what we're
23 seeing with these national companies.

24 On the foreclosure mill front, there are four
25 law firms I believe now that we have sent out

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subpoenas on under the unfair and deceptive trade practices rules. One of them has tried -- well, several of them tried to quash the subpoenas. We have a ruling in one court case down in Palm Beach County that says we can't do this, and we've asked for a rehearing on it, because we believe we should and can, that law firms are accountable under the unfair and deceptive trade practice laws for doing falsification actually of these kinds of documents that you're talking about, really falsifying them.

And then we learn this information you're giving us today on top of all of this, where at least five major companies that have been public about it have said nationwide they're declaring to some degree or another a moratorium on any foreclosures.

Well, the moratoria, Governor, is going to stop everything. It's not a good idea if we can possibly avoid it, because the moratoria means they're not going to do any more foreclosures, and that's the bad part here. We see title insurers not writing title insurance. We see moratoria. That's not good. We'll probably see litigation over this that will stymie things even more when people start filing all this.

1 So this morning I've sent out letters to Bank
2 of America, JPMorgan Chase, PNC, GMAC, and Litton
3 Loan Services that have been reported in the
4 newspaper to have issued these moratoria asking
5 them, each of their CEOs to come to Tallahassee and
6 to sit down and talk with me. And I would like for
7 you to come and be present, and CFO Sink, if you
8 would like to, and Governor, any of you who would
9 like to be present for those meetings, you're more
10 than welcome.

11 But I would like to meet with them, because if
12 these moratoria continue, our problems are going to
13 exacerbate. If litigation results, they're going
14 to exacerbate. And we need to find out some way,
15 it seems to me, that we can move this process along
16 very rapidly right now, or we're going to get into
17 worse economic trouble than we already are in.

18 This is not a simple matter. This is a really
19 significant problem that you've described this
20 morning, in my opinion, and I thank you for the
21 work you're doing on it, Tom, very much.

22 MR. CARDWELL: Thank you.

23 GOVERNOR CRIST: Thank you, Tom.

ATTACHMENT 2

**FINANCIAL SERVICES COMMISSION
OFFICE OF FINANCIAL REGULATION**

AGENDA ITEM #2

A. Action Requested

The Office requests permission to file for final adoption with the Department of State amendments to Rule Chapters 69V-85, 69V-160, and 69V-560, Florida Administrative Code. The changes that are being made relate to simplifying the process of requesting an exemption from electronic filing requirements.

B. Statement of Justification

Sections 516.03, 520.994 and 560.105, F.S., authorize the Commission to require the electronic submission of any form, document, or fee, if such rules reasonably accommodate technological or financial hardships. Rules 69V-85.006, 69V-160.036, and 69V-560.1013 currently require electronic filing of documents and fees through the Office's Regulatory Enforcement and Licensing System, and set forth procedures for obtaining a hardship exemption from these requirements. The proposed rule amendments simplify the process of requesting a hardship exemption. In addition, the rule amendments set forth the types of technological or financial hardships that will enable a person to qualify for an exemption.

B. Summary of Rule Amendments

The proposed rule amendments simplify the process of requesting a hardship exemption from electronic filing requirements and set forth the types of technological or financial hardships that will enable a person to qualify for an exemption. Hardships include: 1) the person does not possess basic computer skills necessary to navigate the internet and complete an online application; 2) the person does not own a computer and is financially unable to afford the cost of purchasing a computer; and 3) the person does not possess a credit card or checking account as a means of making an online payment. Rule 69V-85.006 applies to persons required to be licensed

under Chapter 520, F.S., relating to retail installment sales. Rule 69V-160.036 applies to persons required to be licensed under Chapter 516, Florida Statutes, relating to consumer finance. And, Rules 69V-560.1012 and .1013 apply to persons required to be licensed under Chapter 560, F.S., relating to money services businesses.

C. Background

The rules currently in effect allow the Office to grant an exemption from electronic filing requirements if the person demonstrates a technological or financial hardship. To request an exemption under Rule 69V-560.1013, the person must file a petition with the Office's legal office in accordance with Rule 28-106.301, F.A.C., which is a uniform rule adopted under the Florida Administrative Procedures Act for initiating a proceeding. Rules 69V-85.006 and 69V-160.036 previously set forth that same procedure, but were subsequently amended to simplify the process and make them more small business friendly.

The Office previously sought to conform Rule 69V-560.1013 to mirror the changes that were made to Rules 69V-85.006 and 69V-160.036. In reviewing the proposed changes for Rule 69V-560.1013, staff of the Joint Administrative Procedures Committee (JAPC) noted that the proposed amendments were deficient in that the rule did set forth the types of financial or technological hardships that would enable a person to obtain an exemption. JAPC also noted that these same deficiencies were present in existing Rules 69V-85.006 and 69V-160.036.

The Office proposed changes to Rule 69V-560.1013 to address JAPC's concerns. While the proposed changes addressed JAPC's concerns, the new language raised concerns from the staff of the Florida Small Business Regulatory Advisory Council (Council). To address the various interests, the Office withdrew the rule. Subsequently, the Office worked with JAPC and the Council to develop amendments to address each party's concerns. The rules contained in this agenda item reflect the consensus that has been reached on these issues.

D. Procedural History

On July 23, 2010, the Florida Small Business Regulatory Advisory Council considered the proposed amendments and forms and voted to make no objection to them.

On August 20, 2010, Notices of Rule Development were published in the Florida Administrative Weekly (FAW) for Rule Chapters 69V-85, 69V-160, and 69V-560 to advise the public of the development of changes to the foregoing rule chapters, and to provide that, if requested in writing, a rule development workshop would be held. No written requests were received by the Office.

On October 12, 2010, the Financial Services Commission approved the proposed rule amendments for Rule Chapters 69V-85, 69V-160, and 69V-560 for publication in the FAW. On October 22, 2010, Notices of Proposed Rulemaking were published in the FAW. The notices provided that, if requested in writing, a rule hearing would be held. No requests were received by the Office. No written comments were received from the public, and no written comments were received from the staff of the Joint Administrative Procedures Committee.

On November 19, 2010, the staff of the Joint Administrative Procedures Committee asked the Office to review the proposed rules in light of Chapter 2010-279, Laws of Florida, which took effect on November 17, 2010. This law was the result of the Florida Legislature's veto override of CS/CS House Bill 1565, relating to rulemaking, which passed during the regular 2010 legislative session. The Office reviewed the rule amendments in light of the new law and determined that they did not require legislative ratification, nor did they require the preparation of a statement of estimated regulatory costs.

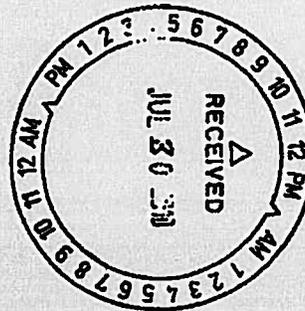
The Office filed a Notice of Final Hearing for each of the rule chapters, which was published in the January 7, 2011, edition of the FAW. The final hearing for the rules is noticed for the Financial Services Commission meeting to be held on February 1, 2011, at the regularly scheduled cabinet meeting in Tallahassee.

STATE of FLORIDA



Small Business
REGULATORY ADVISORY COUNCIL

July 26, 2010



Ms. Andrea Moreland, Executive Senior Attorney
Florida Office of Financial Regulation
200 E. Gaines Street
Tallahassee, FL 32399-0370

Re: Proposed Rules 69V-160, 69V-85, 69V-40, and 69V-560

Dear Ms. Moreland:

The Small Business Regulatory Advisory Council (Council) met on July 23, 2010, and the above-referenced rules were on the Council's agenda. The Council voted to make no objection to the rules and forms incorporated as currently drafted. The Council further requested that I contact your agency and commend you for your willingness to modify the rules in order to make them more small business friendly. The Council recognizes that these rule changes were initiated at the Council's request, and that you have been working with the Joint Administrative Procedures Committee (JAPC) as well to ensure that these rules meet their requirements. We are hopeful that JAPC will also find the new proposed language and forms acceptable. Please contact me when the rules are noticed so that I can review the final language.

Thanks again for working so carefully with the language of this rule to provide protection for Florida's small businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicky L. Baker".

Vicky L. Baker
Program Coordinator

cc: Scott Boyd, JAPC

Council Members

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Vice Chair:
Keyna Cary

Dan Baldwin

Humberto Corina

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Douglas Guetzloe

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Bill Henle
National Federation of
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Florida

Todd Kocowek
Florida Financial Network

Rick McAllister
Florida Retail Federation

Tom Sizahl
Florida United
Business Association

Nancy Stephens
Manufacturers
Association of Florida

Adam Babington
Florida Chamber
of Commerce

RETAIL INSTALLMENT SALES

RULE TEXT AND FORM INCORPORATED BY REFERENCE

THE FULL TEXT OF THE PROPOSED RULE IS:

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 Form OFR-520-04, Request for Exemption from Electronic Filing Requirements, effective _____, 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. Form OFR-520-04 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History—New 9-20-09, Amended _____.



J. THOMAS CARDWELL
COMMISSIONER

MAILING ADDRESS: 200 East Gaines Street, Tallahassee, FL 32399-0376
Visit us on the web: WWW.FLOFR.COM • Toll Free: (800) 848-3792

Request for Exemption from Electronic Filing Requirements

A. Instructions

Any person may request an exemption from the electronic filing requirements of Rule 69V-85.006, Florida Administrative Code, by completing this form and submitting it to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0376.

To qualify for an exemption, the requestor must identify the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically.

B. Review Process

The Office will provide written notice to a requestor informing him or her whether or not an exemption has been granted.

The Office will grant an exemption from the electronic filing requirements if the requestor qualifies for any of the hardships identified in question 5 under section D of this form.

An exemption granted from Rule 69V-560.1013, F.A.C., will be valid for 365 calendar days from the date of the written notice.

C. Renewal of Exemption

If a licensee wishes to extend an exemption for an additional 365 days, a new request must be submitted in writing before the expiration of the current exemption. Each subsequent request to continue an exemption will be evaluated based on the criteria specified in this form.

D. Request for Exemption

1. Requestor's Name (Must match name of applicant or licensee):

2. Contact Person:

3. Mailing Address:

4. Daytime Telephone Number: (_____) _____ - _____

5. Technological/ Financial Hardship: (Check all that apply)

a) ____ I am submitting this form because I do not possess basic computer skills necessary to navigate the internet and complete an online application form.

b) ____ I am submitting this form because I do not own a computer and I am financially unable to afford the cost of purchasing a computer.

c) ____ I am submitting this form because I do not possess a credit card or checking account as a means of making an online payment over the internet.

Signature

Date

CONSUMER FINANCE

RULE TEXT AND FORM INCORPORATED BY REFERENCE

THE FULL TEXT OF THE PROPOSED RULE IS:

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 Form OFR-516-02, Request for Exemption from Electronic Filing Requirements, effective _____, ~~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. Form OFR-516-02 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. Rulemaking Authority 516.03 FS. Law Implemented 516.03 FS. History—New 9-20-09, Amended _____.



J. THOMAS CARDWELL
COMMISSIONER

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Request for Exemption from Electronic Filing Requirements

A. Instructions

Any person may request an exemption from the electronic filing requirements of Rule 69V-160.036, Florida Administrative Code, by completing this form and submitting it to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0376.

To qualify for an exemption, the requestor must identify the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically.

B. Review Process

The Office will provide written notice to a requestor informing him or her whether or not an exemption has been granted.

The Office will grant an exemption from the electronic filing requirements if the requestor qualifies for any of the hardships identified in question 5 under section D of this form.

An exemption granted from Rule 69V-160.036, F.A.C., will be valid for 365 calendar days from the date of the written notice.

C. Renewal of Exemption

If a licensee wishes to extend an exemption for an additional 365 days, a new request must be submitted in writing before the expiration of the current exemption. Each

FORM OFR-516-02, EFFECTIVE MM-DD-YYYY, INCORPORATED BY REFERENCE IN RULE 69V-160.036, F.A.C.

subsequent request to continue an exemption will be evaluated based on the criteria specified in this form.

D. Request for Exemption

1. Requestor's Name (Must match name of applicant or licensee):

2. Contact Person:

3. Mailing Address:

4. Daytime Telephone Number: (_____) _____ - _____

5. Technological/ Financial Hardship: (Check all that apply)

a) ____ I am submitting this form because I do not possess basic computer skills necessary to navigate the internet and complete an online application form.

b) ____ I am submitting this form because I do not own a computer and I am financially unable to afford the cost of purchasing a computer.

c) ____ I am submitting this form because I do not possess a credit card or checking account as a means of making an online payment over the internet.

Signature

Date

MONEY SERVICES BUSINESSES

RULE TEXT AND FORM INCORPORATED BY REFERENCE

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective 10-18-09.

(b) Location Notification Form, Form OFR-560-02, effective 1-13-09.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective 1-13-09.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective 1-13-09.

(e) Pledge Agreement, Form OFR-560-05, effective 1-13-09.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective 1-13-09.

(g) Security Device Calculation Form, Form OFR-560-07, effective 10-18-09.

(h) Request for Exemption from Electronic Filing Requirements, Form OFR-560-08,
effective _____.

~~(i)(h)~~ Florida Fingerprint Card (FL922720Z), effective 1-13-09.

~~(j)(i)~~ Currency Transaction Report, FinCEN Form 104, effective 1-13-09.

~~(k)(j)~~ Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective 1-13-09.

~~(l)(k)~~ Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective 1-13-09.

(2) All forms adopted by this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History—New 1-13-09, Amended 10-18-09, _____.

69V-560.1013 Electronic Filing of Forms and Fees.

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

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

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

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. 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. Form OFR-560-08 is incorporated by reference in Rule 69V-560.1012, F.A.C. of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

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



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Request for Exemption from Electronic Filing Requirements

A. Instructions

Any person may request an exemption from the electronic filing requirements of Rule 69V-560.1013, Florida Administrative Code, by completing this form and submitting it to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0376.

To qualify for an exemption, the requestor must identify the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically.

B. Review Process

The Office will provide written notice to a requestor informing him or her whether or not an exemption has been granted.

The Office will grant an exemption from the electronic filing requirements if the requestor qualifies for any of the hardships identified in question 5 under section D of this form.

An exemption granted from Rule 69V-560.1013, F.A.C., will be valid for 365 calendar days from the date of the written notice.

C. Renewal of Exemption

If a licensee wishes to extend an exemption for an additional 365 days, a new request must be submitted in writing before the expiration of the current exemption. Each subsequent request to continue an exemption will be evaluated based on the criteria specified in this form.

D. Request for Exemption

1. Requestor's Name (Must match name of applicant or licensee):

2. Contact Person:

3. Mailing Address:

4. Daytime Telephone Number: (_____) _____ - _____

5. Technological/ Financial Hardship: (Check all that apply)

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Signature

Date