

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1371 w/CS Collection Practices
SPONSOR(S): Bilirakis
TIED BILLS: HB 1715 **IDEN./SIM. BILLS:** SB 2430

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Banking & Securities (Sub)	7 Y, 0 N	Sheheane	Billmeier
2) Commerce	15 Y, 0 N w/CS	Sheheane	Billmeier
3) Finance & Tax			
4) Appropriations			
5)			

SUMMARY ANALYSIS

Chapter 559, F.S., provides for the regulation of trades, commerce, and investments. This chapter is divided into 11 different parts and HB 1371 specifically addresses Part V relating to commercial collection practices and Part VI relating to consumer collection practices.

Specifically, the bill:

- Provides that a violation of any provision of the Federal Fair Debt Collection Practices Act is also a violation of Chapter 559.
- Provides detailed requirements for registration of consumer and commercial collectors and denial of applications.
- Increases application and renewal fees for commercial collection agencies to \$800.
- Requires registrants to maintain a surety bond of \$50,000 to cover collected amounts owed to creditors.
- Permits fines up to \$1,000.00 per violation, rather than aggregate limit/Increase criminal penalties.
- Grants the Office of Financial Regulation the authority to:

Adopt rules
Issue and serve subpoenas and enforce compliance
Conduct investigations and receive complaints
Conduct examinations of registrants or any other violations
Issue injunctions, cease and desist orders and refund orders

According to the Office of Financial Regulation, the bill is expected to have a recurring expenditure of \$418,642 and a non-recurring expenditure of \$31,927 to state government.

This bill will take effect July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1371b.com.doc
DATE: April 13, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill provides for more regulations on commercial and consumer collectors by the Office of Financial Regulation.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Commercial Collection Practices

Commercial collection agencies must register with the Office of Financial Regulation (the office) by submitting an application, paying a registration fee and providing evidence that the agency has obtained a \$50,000.00 surety bond.¹ The application form requires the applicant to provide basic information about the operation of the agency. An applicant must provide all business and trade names, the location of each office of the applicant, identifying information of the owners, officers, and names of other businesses that any of the officers, directors, or owners operated as a collection agency within the last 5 years, and statements outlining any actions against any professional or occupational license that was the subject of suspension, revocation, or other disciplinary action.² In addition, the applicant must provide statements outlining any finding of guilt of any crime involving moral turpitude or dishonest conduct on the part of any principal. The current statute does not provide the office with grounds to deny an application. The office may void a registration that was made based on false information or identification.³ The office has no grounds to examine or investigate a commercial collection agency applicant or registrant. The office has no authority under this part to revoke or suspend a commercial collection agency registration even if their bond is cancelled for non-payment of the premium.

It is a third degree felony to operate or solicit business as a commercial collection agency without first registering with the office, unless exempted.⁴

Consumer Collection Practices

Consumer collection agencies must register with the office by submitting an application and paying a registration fee. Information required on the application includes business and trade names, location of the business, identifying information for owners, officers, directors & resident agent, and a statement identifying and explaining any occasion on which any professional or occupational license held by the registrant or principal was the subject of suspension or revocation.⁵

¹ See s. 559.545, F.S.

² Id.

³ See s. 559.547(1), F.S.

⁴ See s. 559.548(a), F.S.

⁵ See s. 559.555, F.S.

The statute currently outlines certain prohibited practices as they relate to collecting consumer debts. Currently, if someone wishes to file a complaint against a consumer collection agency alleging a violation of the prohibited practices, the person must obtain a sworn complaint form from the Division of Consumer Services of the Department of Financial Services.⁶ The complaint form may be filed with the office. The office may investigate a complaint only by written communication with the accused collection agency.⁷ When the office has been unable to resolve complaints through written communication then the office may take certain administrative actions. The office may issue a written warning notice when an agency has less than 5 unresolved complaints.⁸ The office may issue a written reprimand when 5 or more complaints remain unresolved over a 12-month period. The office may also revoke or suspend a registration when 5 or more unresolved complaints rise to the level that would warrant a more serious action.⁹ However, the office may not revoke or suspend a registration if the collection agency can show by a preponderance of the evidence that the violations were not intentional and resulted from a bona fide error. The office shall also consider the registrant's volume of business when deciding whether to suspend or revoke a registration.¹⁰ The present statute allows the office to fine a registrant \$1000 for violations of the prohibited practices, but not \$1000 per violation.¹¹ Any action by the office to revoke, suspend or issue an administrative fine shall be taken within 2 years of the date of the last violation upon which the action is founded.¹²

It is a first degree misdemeanor to operate a consumer collection agency without first registering with the office, unless exempt.¹³

Proposed Changes

Section 1.

Section 559.544, F.S., provides for the registration requirements for commercial collection agencies and also describes who is exempt from the requirements.

The bill clarifies that a person must be registered as a commercial collection agency prior to doing business in Florida and inserts the word "applicant" with the word "registrant" to clarify the status of an applicant for licensure.

Section 2.

Section 559.545, F.S., provides the procedure for registration of commercial collection agencies with the office.

This section increases application and renewal fees for commercial collection agencies to \$800. The office maintains that this is necessary to pay for the increased oversight authority provided in the bill. The bill amends this section by inserting the word "applicant" where necessary to clarify that an applicant is not necessarily a person who has received a registration. The bill also provides that a registration that is not renewed by the end of the calendar year, expires, but may be reactivated within 1 month of its expiration if a late fee equal to the registration fee is paid. The bill clarifies that the office does not have to process an application unless both the completed application form and any applicable fees are received.

⁶ See s. 559.725, F.S.

⁷ See s. 559.725(6), F.S.

⁸ See s. 559.725(8), F.S.

⁹ See s. 559.725(10), F.S.

¹⁰ See s. 559.730(3), F.S.

¹¹ See s. 559.730, F.S.

¹² See s. 559.730(7), F.S.

¹³ See s. 559.78, F.S.

Section 3.

Section 559.546, F.S., provides requirements relating to registrants being issued a valid surety bond.

The bill inserts the word "applicant" where necessary to clarify that an applicant is not necessarily a person who has received a registration.

Section 4.

The bill creates s. 559.5471, F.S., to provide the office with enforcement authority and provides the commission with rulemaking authority to provide for electronic submission of forms and fees. This section provides for subpoena authority to compel production of books, records, and documents necessary for an investigation or examination and provides the office with the authority to assess costs associated with an investigation.

Section 5.

The bill creates s. 559.5473, F.S., to provide the office with the authority to seek injunctive relief for a person who has violated or is about to violate any provision of the act and provides authority for the appointment of a receiver to administer the property of an entity.

Section 6.

The bill creates s. 559.5474, F.S., to provide the authority for the office to issue a cease and desist order for violations of the act and provides that the office may seek an order of restitution for collected funds due to creditors from a debtor without valid proof of debt.

Section 7.

The bill creates 559.5475, F.S., providing the office with the authority to utilize certain documents created by a financial examiner as evidence.

Section 8.

The bill creates s. 559.5476, F.S., requiring registrants to maintain books, accounts, records, and documents necessary to determine the registrant's compliance with the act. The bill provides that the office may authorize for maintenance of records to be at a location other than the principal place of business. The bill provides the office with rulemaking authority to prescribe the required books and records.

Section 9.

The bill creates 559.5477, F.S., providing administrative remedies including suspension or revocation of a license and fines of up to \$1,000 per violation. Violations upon which administrative action may be commenced include: conviction of a crime involving fraud, dishonest dealing, or moral turpitude, a final judgment in a civil action upon the grounds of fraud, embezzlement, misrepresentation, or deceit, other revocations of a license, failure to maintain the surety bond, failure to maintain books and records, payment with insufficient funds, and registrations made with false information.

Section 9 provides that a registrant may request to terminate its registration by delivering written notice to the office and permits the office to deny a requested termination if the office believes the registrant has committed an act that would be grounds for denial, suspension, or revocation. The action of

revocation or suspension of the registration is subject to review according to chapter 120, F.S. Any fine imposed will be payable to the office and the office will deposit the fine into the Regulatory Trust Fund. The bill provides that any administrative action brought to impose revocation, suspension, or a fine must be brought within 2 years after the date of the violation.

Section 10.

Section 559.55, F.S., provides definitions for Part VI of chapter 559, F.S., relating to consumer collection practices.

The bill amends s. 559.55, F.S., to change the definition of "debt" to include any obligation for the payment of money arising out of a legal order. The bill amends the definition of "Out-of-state consumer debt collector" to eliminate the requirement of a "business" presence by a creditor. This section defines the Federal Trade Commission Act to mean "the federal legislation regulating unfair or deceptive practices or acts, as set forth in 15 U.S.C. ss.41 et seq." This section provides definitions for a person who controls an applicant; and provides definitions for the "Principal of a registrant or applicant.

Section 11.

Section 559.552, F.S., states the relationship of state and federal law and states that the continued applicability of the federal Fair Debt Collection Practices Act is not limited by this part.

The bill amends s. 559.552, F.S., providing that the act shall be construed in accordance with interpretations of the Federal Trade Commission Act and the Fair Debt Collection Practices Act by the Federal Trade Commission.

Section 12.

Section 559.553, F.S., provides for the requirements of registration of consumer collection agencies.

The bill amends s. 559.553, F.S., to make technical and stylistic changes.

Section 13.

Section 559.555, F.S., provides for the registration of consumer collection agencies.

The bill amends s. 559.555, F.S., by altering registration requirements. The bill allows the office to do background checks on applicants and their principals and controlling persons. The bill allows the office to deny an application if the applicant, principal, or controlling person has committed a violation of 559.72, F.S., has committed a crime involving fraud or dishonest dealing, has been convicted of a felony, has been subject to administrative action, has filed bankruptcy in the past 7 years. Section 13 requires the applicant to have a surety bond in the amount of \$50,000 for the benefit of consumers and provides for annual expiration of a license with a 1 month grace period for reactivation upon paying a late fee.

Section 14.

Section 559.565, F.S., provides for the enforcement against out-of-state consumer debt collectors who collect debt in Florida without first registering pursuant to ch. 559, F.S. Currently the fine for such a violation is \$1,000.

The bill amends s. 559.565, F.S., by increasing the fines for out-of-state consumer debt collectors from \$1,000 to \$1,000 per violation.

Section 15.

Section 559.72, F.S., provides for prohibited practices for persons collecting consumer debts, including simulating a law enforcement officer, using violence, making public one's credit information, and other similar prohibited actions.

The bill amends s. 559.72, F.S., the list of prohibited practices to include: 1) using any means to threaten to harm the physical person, property, or reputation of a person to collect a debt, 2) mail any communication to a debtor that indicates that the purpose of the communication is to collect a debt on the outside of the envelope, 3) communicate with a debtor at an unusual time or place known or should be known to be inconvenient for the debtor.

Section 16.

Section 559.725, F.S., describes the duties of the Division of Consumer Services of the Department of Financial Services. The Division of Consumer Services is responsible for receiving and maintaining records of inquiries, correspondence, and complaints from consumers concerning collection agencies.

The bill amends 559.725, F.S., to clarify that any person to file a complaint with the office. The bill provides authority to the office to investigate or examine a registrant. The bill removes requirements to classify complaints by type. The bill removes requirements for sworn complaints and removes requirements to furnish a copy to the registrant and await the resolution of the complaint. The bill removes the requirement for a written warning notice to the registrant and removes the requirement requiring written reprimands for over 5 complaints. The bill removes the requirement to issue a notice of intent to revoke or suspend a license and provides for other agencies the authority to refer complaints to the office.

Section 17.

Section 559.726, F.S., is created to provide the office with enforcement authority and provides the commission with rulemaking authority to provide for electronic submission of forms and fees. This new section provides for subpoena authority to compel production of books, records, and documents necessary for an investigation or examination and provides the office with the authority to assess costs associated with an investigation.

Section 18.

The bill creates s. 559.7262, F.S., to provide the office with the authority to seek injunctive relief for a person who has violated or is about to violate any provision of the act and provide authority for the appointment of a receiver to administer the property of an entity.

Section 19.

The bill creates s. 559.7263, F.S., to provide the authority for the office to issue a cease and desist order for violations of ch. 559, F.S.

Section 20.

The bill creates 559.7264, F.S., to provide the office with the authority to utilize certain documents created by a financial examiner as evidence.

Section 21.

The bill creates s. 559.7265, F.S., requiring registrants to maintain books, accounts, records, and documents necessary to determine the registrant's compliance with the act and provides the office with rulemaking authority to prescribe the required books and records.

Section 22.

Section 559.730, F.S., provides administrative procedures for the office in the case of revoking or suspending the registration of any person who has been in violation of s. 559.72, F.S., which describes prohibited practices of consumer debt collectors.

The bill amends 559.730, F.S., to provide administrative remedies including suspension or revocation of a license and fines of up to \$1,000 per violation. Violations include: conviction of a crime involving fraud, dishonest dealing, or moral turpitude, a final judgment in a civil action upon the grounds of fraud, embezzlement, misrepresentation, or deceit, other revocations of a license, failure to maintain the surety bond, failure to maintain books and records.

This section removes requirements for mitigating factors in revoking or suspending a license such as the following: 1) Repeated violations by one employee 2) If there was no intent or was a result of a bona fide error 3) Consideration of the number of complaints versus the volume of business 4) If affirmative steps have been taken to remedy a violation.

Section 22 provides that the act does not preclude a remedy available under the Federal Trade Commission Act, or the Florida Deceptive and Unfair Trade Practices Act. This section also provides that remedies are in addition to remedies otherwise available under state or local law.

Section 23.

The bill amends s. 559.77, F.S., to provide that if an inconsistency exists between federal law or state law, the provision more protective of the consumer or debtor shall prevail.

Section 24.

Section 559.785, F.S., provides that it is a misdemeanor for any person to engage in collection practices if that person is not registered with the office.

The bill amends s. 559.785, F.S., to increase criminal penalties from a first degree misdemeanor to a third degree felony. The bill provides for additional acts that constitute criminal acts such as operating a business without a license, engaging in activity after revocation or suspension, and engaging in collection activity while subject to an injunction. This section also provides certain acts that constitute a second degree misdemeanor such as relocating a business without notice to the office and assigning or attempting to assign a registration.

Section 25.

The bill repeals ss. 559.547 and 559.563, F.S. These provisions related to void registrations where a registration was obtained with false identification.

Section 26.

Provides the Office of Financial Regulation, for the 2004-2005 fiscal year, seven positions in the sum of \$450,575, appropriated from the Regulatory Trust Fund for the purpose of enforcing this act.

Section 27.

This bill will take effect July 1, 2004.

C. SECTION DIRECTORY:

Section 1. Amends s. 559.544, F.S. Clarifies that a person must be registered as a commercial collection agency prior to doing business. Inserts the word "applicant" with or in lieu of the word "registrant" to clarify the status of an applicant for licensure.

Section 2. Amends s. 559.545, F.S. The bill amends this section by inserting the word "applicant" where necessary to clarify that an applicant is not necessarily a person who has received a registration. This section increases application and renewal fees for commercial collection agencies to \$800. The office maintains that this is necessary to pay for the increased oversight authority provided in the bill. The bill also provides that a registration that is not renewed by the end of the calendar year, expires, but may be reactivated within 1 month of its expiration if a late fee equal to the registration fee is paid.

Section 3. Amends s. 559.546, F.S. Inserts the word "applicant" where necessary to clarify that an applicant is not necessarily a person who has received a registration.

Section 4. Creates s. 559.5471, F.S. Provides the Office with enforcement authority. Provides the commission with rulemaking authority to provide for electronic submission of forms and fees. Provides for subpoena authority to compel production of books, records, and documents necessary for an investigation or examination. Provides the office with the authority to assess costs associated with an investigation.

Section 5. Creates s. 559.5473, F.S. Provides the Office with the authority to seek injunctive relief for a person who has violated or is about to violate any provision of the act. Provides authority for the appointment of a receiver to administer the property of an entity.

Section 6. Creates s. 559.5474, F.S. Provides the authority for the Office to issue a cease and desist order for violations of the act.

Section 7. Creates 559.5475, F.S. Provides the office with the authority to utilize certain documents created by a financial examiner as evidence.

Section 8. Creates s. 559.5476, F.S. Requires registrants to maintain books, accounts, records, and documents necessary to determine the registrant's compliance with the act. Provides the office with rulemaking authority to prescribe the required books and records.

Section 9. Creates 559.5477, F.S. Provides administrative remedies including suspension or revocation of a license and fines of up to \$1,000 per violation. Violations upon which administrative action may be commenced include: conviction of a crime involving fraud, dishonest dealing, or moral turpitude; a final judgment in a civil action upon the grounds of fraud, embezzlement, misrepresentation, or deceit; other revocations of a license; failure to maintain the surety bond; failure to maintain books and records; etc.

Section 10. Amends 559.55, F.S. Amends the definition of "debt" to include any obligation for the payment of money arising out of a legal order. Amends the definition of "Out-of-state consumer debt collector" to eliminate the requirement of a "business" presence by a creditor. To qualify as an out-of-state debt collector the entity must 1) collect from debtors in this state; and 2) solicit creditors who have a presence in this state. Provides a definition of the "Federal Trade Commission Act". Provides definitions for a person who controls an applicant; and provides definitions for the "Principal of a registrant or applicant.

Section 11. Amends s. 559.552, F.S. Provides that the act shall be construed in accordance with interpretations of the Fair Debt Collection Practices Act by the Federal Trade Commission.

Section 12. Amends s. 559.553, F.S. Provides technical language for clarification purposes.

Section 13. Amends s. 559.555, F.S. Changes registration requirements. Allows the office to do background checks on applicants and their principals and controlling persons. Allows the office to deny an application if the applicant, principal, or controlling person has committed a violation of 559.72, F.S., has committed a crime involving fraud or dishonest dealing, has been convicted of a felony, has been subject to administrative action, has filed bankruptcy in the past 7 years. Section 13 requires the applicant to have a surety bond in the amount of \$50,000 for the benefit of consumers and provides for annual expiration of a license with a 1 month grace period for reactivation upon paying a late fee.

Section 14. Amends s. 559.565, F.S. Increases the fines for out-of-state consumer debt collectors from \$1,000 to \$1,000 per violation.

Section 15. Amends s. 559.72, F.S. Amends prohibited practices to include: 1) using any means to threaten to harm the physical person, property, or reputation of a person to collect a debt; 2) mail any communication to a debtor that indicates that the purpose of the communication is to collect a debt on the outside of the envelope; 3) communicate with a debtor at an unusual time or place known or should be known to be inconvenient for the debtor.

Section 16. Amends 559.725, F.S. Permits any person to file a complaint with the Office. Provides authority to the Office to investigate or examine a registrant. Deletes requirements to classify complaints by type. Deletes requirements for sworn complaints. Deletes requirements to furnish a copy to the registrant and await the resolution of the complaint. Deletes the requirement for a written warning notice to the registrant. Deletes the requirement requiring written reprimands for over 5 complaints. Deletes the requirement to issue a notice of intent to revoke or suspend a license. Provides for other agencies the authority to refer complaints to the office.

Section 17. Creates s. 559.726, F.S. Provides the Office with enforcement authority. Provides the commission with rulemaking authority to provide for electronic submission of forms and fees. Provides for subpoena authority to compel production of books, records, and documents necessary for an investigation or examination. Provides the office with the authority to assess costs associated with an investigation.

Section 18. Creates s. 559.7262, F.S. Provides the Office with the authority to seek injunctive relief for a person who has violated or is about to violate any provision of the act. Provides authority for the appointment of a receiver to administer the property of an entity.

Section 19. Creates s. 559.7263, F.S. Provides the authority for the Office to issue a cease and desist order for violations of the act.

Section 20. Creates 559.7264, F.S. Provides the office with the authority to utilize certain documents created by a financial examiner as evidence.

Section 21. Creates s. 559.7265, F.S. Requires registrants to maintain books, accounts, records, and documents necessary to determine the registrant's compliance with the act. Provides the office with rulemaking authority to prescribe the required books and records.

Section 22. Amends 559.730, F.S. Provides administrative remedies including suspension or revocation of a license and fines of up to \$1,000 per violation. Violations upon which administrative action may be commenced include: conviction of a crime involving fraud, dishonest dealing, or moral turpitude; a final judgment in a civil action upon the grounds of fraud, embezzlement, misrepresentation, or deceit; Other revocations of a license; failure to maintain the surety bond; failure to maintain books and records.

This section deletes requirements for mitigating factors in revoking or suspending a license such as the following: 1) Repeated violations by one employee 2) If there was no intent or was a result of a bona fide

error 3) Consideration of the number of complaints versus the volume of business 4) If affirmative steps have been taken to remedy a violation.

Section 22 provides that the act does not preclude a remedy available under the Federal Trade Commission Act, or the Florida Deceptive and Unfair Trade Practices Act. This section also provides that remedies are in addition to remedies otherwise available under state or local law.

Section 23. Amends s. 559.77, F.S. Provides that if an inconsistency exists between federal law or state law, the provision more protective of the consumer or debtor shall prevail.

Section 24. Amends s. 559.785, F.S. Increases criminal penalties from a first degree misdemeanor to a third degree felony. Provides for additional acts that constitute criminal acts such as operating a business without a license, engaging in activity after revocation or suspension; engaging in collection activity while subject to an injunction. This section also provides certain acts that constitute second degree misdemeanor such as relocating a business without notice to the office, assigning or attempting to assign a registration.

Section 25. Repeals ss. 559.547 and 559.563, F.S. These provisions related to void registrations where a registration was obtained with false identification.

Section 26. Provides the office with 7 positions and \$450,575 which the office deems necessary in order to enforce the bill based on the increased oversight authority provided.

Section 27. This bill will take effect July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the Office of Financial Regulation, the bill is expected to have a recurring annual impact of \$614,100 due to increases in fees to collection agencies. The office also expects some increased revenues due to fines from enforcement actions but the amount is indeterminate.

2. Expenditures:

According to the Office of Financial Regulation, the bill is expected to have a recurring expenditure of \$418,642 and a non-recurring expenditure of \$31,927 to state government.

The bill provides the office with 7 positions and \$450,575 which the office deems necessary in order to enforce the bill based on the increased oversight authority provided.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

According to the Office of Financial Regulation, the bill is not expected to affect local government revenues.

2. Expenditures:

According to the Office of Financial Regulation, the bill is not expected to affect local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to the Office of Financial Regulation, the fiscal impact on the private sector is difficult to project. All firms licensed or applying for licensure will have to obtain and maintain a surety bond. The cost of the surety bond will largely be driven by the financial condition of the company. If the entity's financial strength is good, their collateral requirement could range from 0 to a small percentage of the bond amount. If the entity's financial strength is weak, their collateral requirement could be up to 100% of the bond amount. In either case, there is an annual premium that generally runs in the 3-5% range of the bond amount.

The collection companies will experience an increase in fees to \$800 each, \$600 for consumer collection companies and \$300 for commercial collection companies. This represents the increased revenue to the state identified above as \$614,100.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Financial Services Commission to create rules to require electronic submission of forms and documents and to designate, by rule, the minimum amount of information that must be in a registrant's books.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Subcommittee on Banking and Securities recommended one strike all amendment to the bill in the meeting on March 24, 2004. The following differences occur between the original bill and the strike all amendment:

- Increases application and renewal fees for commercial collection agencies to \$800. The office maintains that this is necessary to pay for the increased oversight authority provided in the bill.
- The amendment conforms the commercial registration requirements to the consumer registration requirements by clarifying that the office may require any information relative to the application in order to determine eligibility for registration. It further clarifies the information that must be provided on an application.

- The amendment conforms the commercial registration requirements with the consumer registration requirements by clarifying that the office will conduct an investigation upon receipt of an initial application.
- The amendment changes the word “office” to “commission” in several places to properly reflect the rulemaking function of the commission.
- Deletes an unnecessary reference to the Florida Deceptive and unfair Trade Practices Act.
- Provides the office with 7 positions and \$450,575 which the office deems necessary for the in order to enforce the bill based on the increased oversight authority provided.

In the meeting on March 31, 2004, the Commerce Committee adopted the strike all amendment recommended favorably by the Subcommittee on Banking and Securities.