

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.042 Third-Party Voter Registration
 Organizations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

Based upon written comments received prior to the scheduled public hearing concerning delivery of voter registration applications by mail, the proposed rule has been changed to add a new paragraph (4)(d) and revisions have been made to paragraph (7)(a) to read:

(4)(d) Delivery of the voter registration application by the organization to the Division or a supervisor of elections may be accomplished by in-person delivery or mail.

(7)(a) For each non-blank registration application that an organization delivers to the Division or supervisor of elections, a voter registration official shall record the date and time of delivery on the bottom portion of the reverse side of the application in a manner that does not obscure any other entries. For purposes of this rule and not for voter registration purposes, an application is considered delivered to the Division or a supervisor of elections at the time the application is actually delivered by the organization by in-person delivery or, if mailed, the date of delivery shall be the date of a clear postmark, if one is present on the mailing envelope. If a postmark is not present or unclear, the date of delivery to the Division or a supervisor of elections is the actual date of receipt. If the date of delivery is the mail postmark, the applicable 48-hour period for the determination of fines pursuant to Section 97.0575, F.S., shall be based upon a whether the postmark is within two days of the date when the applicant completed the voter registration application, unless the organization provides documentation at the time of mailing the application that the date the applicant completed the application was on an earlier date than when the applicant delivered the application to the organization. For a determination of a fine based upon the application being received by mail after the book closing date, a clear postmark on or before the date of book closing will excuse the fine. If an organization delivers more than one application at the same time, those applications shall bear the same date and time of delivery regardless of when the applications are processed.

No other changes to the proposed rule have been made.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: RULE TITLE:
12E-1.0051 Undistributable Collections

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 27, July 8, 2011 issue of the Florida Administrative Weekly.

The following is added at the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes (or any other statute) before becoming effective for the following reasons: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), Florida Statutes, and 2) based on past experiences with child support distribution activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-138.001 NAIC Financial Condition
 Examiners Handbook Adopted

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 27, July 8, 2011 issue of the Florida Administrative Weekly.

If adopted, the proposed rule amendment is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes (or any other statute) before becoming effective for the following reasons 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), Florida Statutes, and 2) based on past experiences with adopting the newest versions of NAIC Financial Condition Examiners Handbooks and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC as set forth in Section 129.541(2)(a), Florida Statutes.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.: RULE TITLES:
69V-180.040 Consumer Collection Agency
 Complaint Form and Procedures
69V-180.080 Consumer Collection Agency
 Records

69V-180.090 Consumer Collection Agency
Records Retention and Destruction
69V-180.100 Guidelines for Imposing
Administrative Penalties

NOTICE OF PUBLIC HEARING

The Financial Services Commission, Office of Financial Regulation, announces a hearing regarding the above rule, as noticed in Vol. 37, No. 26, July 1, 2011 Florida Administrative Weekly.

DATE AND TIME: September 20, 2011, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of Rules 69V-180.040, .080, .090, and .100, F.A.C., relating to consumer debt collection. A notice of change for Rules 69V-180.080 and 69V-180.100, F.A.C., is published in this edition of the Florida Administrative Weekly to address comments from the staff of the Joint Administrative Procedures Committee and industry representatives.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Andrea Moreland, Office of Financial Regulation, at (850)410-9601, email: andrea.moreland@flofr.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.: **RULE TITLES:**
69V-180.080 Consumer Collection Agency
Records
69V-180.100 Guidelines for Imposing
Administrative Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 26, July 1, 2011 issue of the Florida Administrative Weekly.

The proposed rules have been changed to address comments from the staff of the Joint Administrative Procedures Committee; ACA International; Encore Capital Group, Inc.; and DBA International. Subsection (4) and paragraphs (d) and (e) of Subsection (9) of Rule 69V-180.080, F.A.C., are amended to clarify records requirements. The introductory paragraph of Rule 69V-180.100, F.A.C., and the heading of the chart that contains the guidelines for imposing administrative penalties are amended to clarify that the description of the

violations provided in the guidelines are a summary of the statutory violations and are provided solely for the purpose of ease of reference. The changes are as follows:

69V-180.080 Consumer Collection Agency Records.

(1) through (3) No change.

(4) A record of receiving cash payments made to the registrant from a debtor. The records shall include:

(a) Name of the registrant;

(b) Name of debtor;

(c) Date and amount of payment received; and

(d) The balance within the records after payment.

(9) Basic information about the debt including, at the minimum:

(d) The amount of the debt at the time of charge-off or at the time of receipt of the debt by the registrant for purposes of collection and an itemization of all interest, fees, or charges added to it by the registrant;

(e) If the debt collector is a debt buyer or is an assignee holding title to the debt, the debt buyer's or assignee's bill of sale or other written document executed by the debt buyer or assignee that contains when and from whom the debt was acquired.

69V-180.100 Guidelines for Imposing Administrative Penalties.

Pursuant to Section 559.730(3), F.S., listed below are guidelines applicable to each ground for disciplinary action that may be imposed by the Office against a person for a violation of Part VI, Chapter 559, F.S. In determining an appropriate penalty within the range of penalties prescribed in this rule for each occurrence as based upon the violation, the Office shall consider the circumstances set forth in subsection (25). The third column of the guidelines provides a summary of the statutory violations solely for the purpose of ease of reference. Persons subject to the rule should review the full text of the Florida Statute cited in the second column of the guidelines for the complete description of the violation.

	Statute	Violation Description Summary	1st Occurrence	2nd Occurrence	3rd & Subsequent Occurrences
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**Section IV
Emergency Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1SER11-02
RULE TITLE: Third-Party Voter Registration Organizations