

ADVISORY: CHANGE IN CONSUMER COLLECTION LAW

Effective October 1, 2014, the laws for Consumer Collection Agencies registered under Part VI of Chapter 559, Florida Statutes have changed.

New applicants will be required to submit fingerprints for persons listed as a "Control Person" on the registration application form through a Livescan vendor approved by the Florida Department of Law Enforcement (FDLE).

Companies that were registered prior to October 1, 2014, will be required to submit fingerprints for persons that meet the definition of "Control Person" to a Livescan vendor **prior to having their next renewal approved**.

Each person listed on the Application for Registration form as a "Control Person" must submit fingerprints through a live-scan vendor approved by the Florida Department of Law Enforcement and published in the Florida Department of Law Enforcement's website (<https://www.fdle.state.fl.us/criminal-history-records/registered-livescan-submitters>) for submission to the Florida Department of Law Enforcement for a state criminal background check and to the Federal Bureau of Investigation for an FBI criminal background check (ORI Number: **FL924860Z**). The cost of fingerprint processing shall be borne by the registrant and paid directly to the Livescan vendor.

Resubmission of the prints for the state criminal background check may be required if incorrect information (social security number, date of birth, etc...) is provided to the Livescan vendor. Resubmission of prints will result in additional costs to the individual being reprinted.

For questions regarding this notice, contact the Florida Office of Financial Regulation at 850-410-9895 (Option 1).

Effective October 1, 2014, 559.55(4) FS. "Control person" means an individual, partnership, corporation, trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. The term includes, but is not limited to:

- (a) A company's executive officers, including the president, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, and other individuals having similar status or functions.
- (b) For a corporation, a shareholder who, directly or indirectly, owns 10 percent or more or that has the power to vote 10 percent or more, of a class of voting securities unless the applicant is a publicly traded company.
- (c) For a partnership, all general partners and limited or special partners who have contributed 10 percent or more or that have the right to receive, upon dissolution, 10 percent or more of the partnership's capital.
- (d) For a trust, each trustee.
- (e) For a limited liability company, all elected managers and those members who have contributed 10 percent or more or that have the right to receive, upon dissolution, 10 percent or more of the partnership's capital.