



# Florida House of Representatives

*Representative Ritch Workman*

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Legislative and Regulatory Activities Division  
Office of the Comptroller of the Currency  
400 7th Street, SW., Suite 3E-218  
Mail Stop 9W-11  
Washington, DC 20219

Robert E. Feldman  
Executive Secretary  
Attention: Comments  
Federal Deposit Insurance Corporation  
550 17th Street, NW.  
Washington, DC 20429

Re: Docket ID OCC-2013-0005: Proposed Guidance on Deposit Advance Products  
Federal Deposit Insurance Corporation 6714-01-P

Mr. Feldman:

I write to express my views regarding the Office of the Comptroller of the Currency (OCC) and Federal Deposit Insurance Corporation's (FDIC) recently proposed guidance on bank deposit advance products. I encourage the agencies to carefully consider American consumers' need for a range of reliable short-term credit options, and that their regulation is clear, consistent and doesn't inadvertently pick winners and losers. In particular, the agencies must closely examine any potential consequences of such regulations on consumers' ability to access credit when they need it. Consumers want and benefit from having more alternatives, not fewer, and this need is better served in a competitive marketplace.

As a member of the Florida House of Representatives, I have participated in critical debates on short-term credit and consumer financial services, emphasizing the need to ensure consumers have continued access to needed credit with essential consumer protections. Based on my experience as an elected official, I am concerned that

**Committees: Finance & Tax Subcommittee (Chair); State Affairs Committee; Rules & Calendar Committee; Government Operations Subcommittee; Ethics & Elections Subcommittee**

such expansive regulation does not adequately address consumers' need for short-term credit or reflect their experience, nor does it get to the root of the financial challenges confronting many consumers. Florida continues to be a leader in the consumer financial services industry, continually refining our regulatory structure to better protect consumers and ensure our financial products are appropriately used. The regulations we have established in Florida should serve as a model for other states as we focus on providing effective financial safeguards for consumers while preserving access to credit.

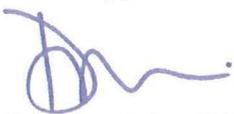
There are a variety of competitive credit choices available to customers, including credit cards and short-term options such as overdraft programs and advances from banks, credit unions and retail lenders. Of these short-term options, overdraft programs are far and away the most frequently used. According to economic research firm Moebs Services, an estimated 38 million consumers – or 26 percent of those with checking accounts – are frequent overdraft users. This is roughly twice as many as those borrowing advances from banks or retail lenders.

Individual short-term credit options should not be examined or regulated in a vacuum or inconsistently. It is imperative that any regulatory framework consider the practical use of the available credit options, require uniform disclosure requirements to ensure consumers are properly equipped with any and all information necessary to compare services, and apply regulations equally to all comparable products. Only in this way can you avoid reducing credit options.

The adoption of arbitrary rules, as opposed to rules and regulations to encourage a healthy and competitive marketplace, ultimately dictate the winners and losers to the detriment of the consumers taking advantage of the offered products.

I encourage the OCC and FDIC to carefully consider the short-term credit experiences and perspectives of consumers, with an eye toward rulemaking that consistently and fairly regulates the services consumers depend upon.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ritch Workman". The signature is stylized with a large initial "R" and a long, sweeping underline.

Representative Ritch Workman