Florida Saves Week

Dear friends,

As the month of February comes to a close, I would like to highlight the importance of Florida Saves Week. Established by a resolution of the Florida Cabinet, Florida Saves Week serves as a reminder to people across our state to be mindful of their financial decisions to secure a safe and strong financial future.

We should all watch how we spend and save where we can to avoid accumulating too much debt. By paying close attention to current and future needs as well as the importance of credit, we can establish a blueprint to prepare for planned and unplanned life events. We at the Department of Financial Services have created useful resources for Floridians in all life stages.

Here are just a few financial questions that the Your Money Matters website can help answer:

- How much can I afford to pay in rent or on a mortgage?
- How much can I afford to spend on a car payment each month?
- What is my credit score and what does it mean?
- What should I finance? What should I save for?

After working for decades and wanting to retire, an entirely new set of financial questions may arise. On Guard for Seniors is a section of our website along with Your Money Matters that is dedicated to managing finances in retirement. It includes information about the following:

- Annuities: Are they right for me?
- Reverse Mortgages: What should I know?
- Long Term Care: How does it work, and how much does it cost?

Thousands of active-duty and retired servicemen and women choose to call Florida home. Serving in the military presents unique challenges and opportunities specific to finances. Just look for the Financial...
Frontlines section on our website for information on answering questions like these:

- How do I protect my assets while I'm deployed?
- What are the protections of the Civil Relief Act?
- Can I start preparing my post-service finances now?

Again, I encourage you to visit our website and take advantage of the many tools we have available to help you feel confident about your financial future.

Sincerely,

Jeff Atwater
Chief Financial Officer
State of Florida
News You Can Use

- Updating you on what's going on

Additional Grand Theft Charges Filed Against Orange County Insurance Agent

The Florida Division of Insurance Fraud (DIF), which operates under the direction of CFO Jeff Atwater, announced that additional charges have been filed against Orange County insurance agent Mario Ferreri, owner of Orlando-based Financial Management Resources. After being arrested last year for allegedly stealing more than $1,000,000 from his clients, Ferreri is in the spotlight again as another victim has come forward in suspicion that a $95,000 check intended for an annuity payment may have also been stolen by the insurance agent.

In February 2013, the Department’s Division of Insurance Agent and Agency Services' Bureau of Investigation received a complaint from Lincoln Life Insurance Company stating their suspicions that Ferreri had stolen two of his client’s insurance premium payments and used the money for his personal benefit. After an extensive review, the case was referred to colleagues in the Division of Insurance Fraud due to its criminal nature.

DIF’s investigation revealed that Ferreri had gained the trust of two of his clients and convinced them to make their premium payment checks payable to one or more of Ferreri’s companies instead of their respective insurance companies. By doing so, Ferreri claimed that he would be better able to manage their investments. It wasn't until the clients individually contacted their insurance carriers that they realized their payments had not been received.

Click here to continue reading>>

Georgia Insurance Agent Arrested for Stealing Thousands From Seniors

The Florida Division of Insurance Fraud (DIF), which operates under the direction of Chief Financial Officer Jeff Atwater, announced the arrest of William David Rodeffer III of Folkston, Georgia. Rodeffer allegedly accepted insurance premium payments from two clients for insurance policies that were never purchased. Nearly $40,000 in premium payments was paid to Rodeffer on these two policies, one of which was for workers’ compensation insurance. The consumer who believed he purchased a workers’ compensation policy had an employee who was injured, and as his employer, he was left to cover an added $30,000 in medical bills and lost wages. In total, early $70,000 in financial losses were caused by Rodeffer.

Once licensed as an insurance agent in Georgia, Rodeffer was working with an agent in Georgia but moved to Yulee when they opened a second office there. He applied for a license in Florida but was denied because of
his criminal history, so he was not qualified to transact insurance business in Florida.

The Division of Insurance Agent and Agency Services' Bureau of Investigation opened an investigation after The American Legion advised it had submitted premium to Rodeffer, but never received a policy after numerous attempts to contact him. Investigators audited Rodeffer's personal and business bank records and determined the victims' checks were deposited into the accounts. Due to the criminal nature of the violations, investigators referred their findings to DIF.

CFO Jeff Atwater Encourages Pensacola Residents to Call the Department of Financial Services for Insurance Claims Assistance

As damage continues to be surveyed from this week's severe weather in Pensacola, many residents now face a multitude of insurance-related questions as they survey damages to their homes and vehicles. CFO Jeff Atwater is offering assistance to area residents as they navigate the insurance claims process.

“Tornadoses can quickly turn a family’s life upside down and take away the very roof over their heads,” said CFO Atwater. “My thoughts and prayers remain with the Pensacola community as they continue to deal with the after effects of recent tornadoes. We stand ready and willing to answer any insurance questions residents may have.”

During this time, it is important for policyholders to understand their rights and responsibilities during the claims process. Residents are encouraged to download a copy of our Department’s homeowners’ insurance toolkit, which outlines the claims filing process in plain language.

Office Releases Assignment of Benefits Data Call Report

The Florida Office of Insurance Regulation (Office) has released the “2015 Review of Assignment of Benefits Data Call Report", which provides aggregated results from a data call requiring the participation of the top 25 personal residential insurance companies writing Homeowners (HO-3) and Dwelling Fire policies. Other personal residential property insurance companies also voluntarily participated in the data call.

The overall purpose was to assist in evaluating the impact to Florida's property claims as a result of an assignment of benefits from a policyholder to a third party for water or roof damage repair (i.e. water pipes busting, leaks from appliances, etc.).

A copy of the report can be accessed at: http://www.floir.com/siteDocuments/AssignmentBenefitsDataCallReport02082016.pdf

Florida State Fire Marshal’s Office Rules Leon High School Fire Arson

Investigators with the Florida State Fire Marshal’s Office, Bureau of Fire and Arson Investigations and the Tallahassee Fire Department have determined that the fire that occurred February 1st at Leon High School in Tallahassee was intentionally set and an act of arson. Fire investigators are working jointly with the Leon
County Sheriff’s Office to identify the person(s) responsible for this act. At this time, the investigation remains open and ongoing.

Anyone with information regarding this fire is asked to call the Florida Advisory Committee on Arson Prevention Arson Tip Line at 1-877-NOARSON (1-877-662-7766). Students, teachers, and community members can elect to remain anonymous if they wish. A reward of up to $5,000 is being offered for information that results in an arrest and conviction.

Click here to read press release>>

Office Approves Aetna Inc.'s Application to Acquire Humana's Florida-based Affiliates

The Florida Office of Insurance Regulation (Office) issued a Consent Order approving, with additional requirements, Aetna Inc.’s application to acquire 100% of the issued and outstanding voting securities of Humana Health Insurance Company of Florida, Inc., Humana Medical Plan, Inc., Careplus Health Plans, Inc., and CompBenefits Company. The proposed acquisition of Humana’s Florida companies is part of Aetna’s proposal to acquire Humana, Inc.

Click here to continue reading>>

Office Approves Removal of Up to 66,500 Policies from Citizens for April 2016 Take-Out

The Florida Office of Insurance Regulation (Office) has approved the removal of up to 65,000 personal residential policies and 1,500 commercial residential policies from Citizens Property Insurance Corporation (Citizens). The following two companies have been approved to participate:

- Anchor Property & Casualty Insurance Company – approved to remove up to 10,000 personal residential policies (8,164 Personal Lines Account and 1,836 Coastal Account)

- Heritage Property & Casualty Insurance Company – approved to remove up to 55,000 personal residential policies (35,000 Personal Lines Account and 20,000 Coastal Account) and up to 1,500 commercial residential policies (1,300 Commercial Lines Account and 200 Coastal Account)

Citizen’s Personal Lines and Commercial Lines Accounts are primarily non-coastal properties and the Coastal Account is coastal properties. The take-out periods are April 19, 2016 for personal residential impacting both the Personal Lines/Coastal Account policies and April 12, 2016 for commercial residential impacting both the Commercial Lines/Coastal Account policies. This is part of the state’s ongoing depopulation effort to reduce the number of policies in the state-created Citizens and transfer them to the private insurance market.

Click here to continue reading>>
Make Sure You Don't Miss Important Information From Us

We highly recommend that licensees routinely check their MyProfile accounts for messages from the Department. We send an email notification when a message has been sent to remind you to check your MyProfile account but on rare occasions you may not receive that email. For that reason, we suggest you add our domains dfs.state.fl.us and MyFloridaCFO.com to your email software's Trusted or Safe Senders List to ensure you are able to receive email notifications from us. Licensees who have a valid email address on file with the Department, as required by law, are sent important email notifications when something that affects their application, license, continuing education, or appointment(s) occurs. Additionally, we will keep you informed with warnings regarding new schemes and scams being marketed to licensees. You can update your contact information through your MyProfile account. We want to keep you informed in a timely manner of pertinent information. You are still required to abide by the Florida Insurance Code regardless of whether you read the information we provide or attempt to provide.

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In The Know

- Keeping you informed is what it's all about

Notice of Development of Rule 69B-186.010, Unlawful Inducements Related to Title Insurance Transactions

The Florida Department of Financial Services, Division of Insurance Agent & Agency Services, hereby provides Notice of Development of Rulemaking to Rule 69B-186.010, Florida Administrative Code, relating to Unlawful Inducements Related to Title Insurance Transactions. This notice has been filed with the Florida Department of State and is being officially published in the Florida Administrative Register on February 22, 2016.

The purpose of the intended rulemaking is to amend the rule to conform it to statutory language regarding unfair methods of competition and deceptive practices in the transaction of title insurance. The Department also intends to develop new language regarding the payment of fees and the rebate or the reimbursement of such fees in connection with such transactions.

A rule development workshop has been scheduled for April 7, 2016, 10:00 a.m. – 12:00 noon.

You may access the full text of the notice via the following link: https://www.flrules.org/gateway/View_Notice.asp?id=17191618

Citizens Relaunches Fraud Awareness Campaign Eliciting Agents’ Support

Citizens Property Insurance Corporation is embarking on a long range initiative to address insurance fraud, particularly as it relates to water loss claims that have risen at an alarming rate in recent years, especially in South Florida.

“Fraud: Identify It. Report It. Help Stop It.” is a public education campaign to increase awareness among Citizens agents, employees, policyholders and the public of the costs of insurance fraud and the ways to prevent it. In 2016, Citizens will reach out to agents and policyholders through mailers and other media to provide practical advice and spread the word that insurance fraud is everyone’s concern.

“At Citizens, we fight fraud all year long, but we can’t do it alone,” said Barry Gilway, Citizens President, CEO and Executive Director. “Knowledge and vigilance are powerful tools to identify, report and stop
costly fraud.”

Statewide, water loss claims account for a third of every premium dollar collected by Citizens. In Miami Dade County, water claims soak up more than half of every dollar paid by Citizens policyholders. Those losses come despite evidence that other factors including construction type and age of home are not significantly different in Miami-Dade than in other parts of the state.

Fraudulent claims hurt nearby policyholders who must shoulder the burden of higher rates. Florida law requires that losses within a particular geographic territory be paid by policyholders within that territory. For 2016, Miami-Dade personal lines policyholders will see an average rate increase of more than 6 percent. Were it not for water claims, nine out of 10 Miami-Dade policyholders would see rate decreases next year.

Citizens has already taken internal steps to strengthen its fraud fighting resources by bolstering analytics and data mining capabilities for its Special Investigation Unit (SIU), Office of Internal Audit and Claims information Technology, Security and Agency Audit Departments.

Citizens’ investigators work closely with other agencies, particularly the Department of Financial Service to detect and prosecute fraudsters. The rate of referrals of possible fraud by Citizens to the Department’s Division of Insurance Fraud has more than tripled since 2010.

“Fraud is a serious crime and affects us all. That is why it is critical that Citizens addresses this issue,” said Joseph Theobald, Citizens SIU Director. “Everyone at Citizens plays an important role in helping to stop fraud.”

CMS and Marketplace News

CMS Consumer Tax Tool for the 2015 Tax Season

With the 2015 tax season underway, CMS has made the Health Coverage Tax Tool available to help consumers with their tax questions. The tax tool helps consumers claim the affordability exemption and calculate their Premium Tax Credit (PTC).

Consumers should access the tax tool only if one of the following situations applies:

- The information on the consumer’s health care tax Form 1095-A about his or her “second lowest cost Silver plan” is missing or incorrect in Part III, Column B of the form.
- The consumer wants to claim an “affordability exemption,” meaning 2015 coverage was unaffordable to the consumer. If he or she qualifies for this exemption, the consumer does not have to pay the fee for not being covered in 2015.

Additional information on these situations is available at: [https://www.healthcare.gov/tax-forms-and-tools/](https://www.healthcare.gov/tax-forms-and-tools/). Watch for additional emails from CMS in the coming weeks providing information on additional tools and information on tax season readiness.

Remember: While you may provide information to consumers about this new tool, the tax credit reconciliation process, and the tax forms they will receive, it is important that you not provide any tax filing advice or answer any tax filing questions. Please refer those seeking answers to their questions or
Updated Tax Materials Now Available

CMS has just released a number of tax-related resources at [Marketplace.CMS.gov](http://Marketplace.CMS.gov), which you can access by selecting the “Technical Resources” link. You can share these resources with consumers to help them understand the effect of having health coverage on their 2015 federal taxes.


For additional resources that summarize the fact sheets content, you can also check out the drop-in articles “[How Health Coverage Affects Your Taxes](http://www.CMS.gov/HowHealthCoverageAffectsYourTaxes)” and “[No Health Coverage in 2015? What That Means for Your Taxes](http://www.CMS.gov/NoHealthCoveragein2015WhatsThatMeansforYourTaxes).”

Please refer consumers seeking answers to their questions or advice regarding their personal situations to a tax professional for assistance or to the tax assistance options available, direct consumers to: [IRS.gov/freefile](http://IRS.gov/freefile) or [IRS.gov/VITA](http://IRS.gov/VITA).

New Marketplace Resources Available

The Centers for Medicare & Medicaid Services (CMS) has posted slides from the January 26 session of the “Open Enrollment: Operational Updates and Announcements for Agents and Brokers Participating in the Federally-facilitated Marketplaces (FFMs)” webinar series on the [Agents and Brokers Resources webpage](http://AgentsandBrokersResources.webpage).

You can now find the full set of slides from the Open Enrollment weekly webinar series on the webpage. These webinars include information for you on how to help consumers select, enroll in, and use their Marketplace coverage, such as the HealthCare.gov look-up features and how to prepare for tax season.

Looking for additional Marketplace resources? Check out the new [Agent and Broker Roadmap to Resources](http://AgentandBrokerRoadmaptoResources), a quick guide to resources for CMS and our federal partners that we have developed to help you navigate the FFMs and other health coverage topics.

The Florida Statutes Are Available Online

The Florida Statutes can be viewed at [Online Sunshine - Title XXXVII Insurance](http://OnlineSunshine.TitleXXXVIIInsurance).
Education Central

- Things to know about your continuing education

Roll Over, CE!

You have just completed a 24-hour continuing education course. Excited, you look at your continuing education (CE) transcript knowing you have accomplished your requirements for this cycle. You see 19 hours applied to your elective credit requirement, 5 hours are missing. What happened to the missing credits?

Continuing education credits will roll over one CE compliance cycle. Rolled over credits are applied to the elective category.

This means the remaining 5 credits will roll over to the next compliance cycle.

What if you complete two (2) 24 hour continuing education courses within one compliance cycle? How many credits can be rolled over?

You can carryover the number of elective credits you are required to complete within a compliance cycle. If the elective credits are fulfilled during the next compliance cycle, any remaining CE credits are lost.

For example:

You are required to complete 19 elective credit hours during the 2013, 2015 and 2017 CE compliance cycles. During the 2013 CE compliance cycle, you completed 48 hours of elective credit hours. The hours will be applied as follows:

2013 CE Compliance Cycle
Elective requirement – 19 Hours Applied

2015 CE Compliance Cycle
Elective requirement – 19 Hours Applied

2017 CE Compliance Cycle
Elective requirement – 0 Hours Applied
*The remaining 10 hours were not applied towards a CE compliance cycle. You would be required to complete 19 hours of CE electives to fulfill the 2017 CE compliance cycle.

Log in to your MyProfile account (https://dice.fidfs.com/public/pb_index.aspx) to monitor your CE transcript and records.

**Test Your Knowledge - Life Insurance Word Search**

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Are You Compliant with Your CE or Not?

To be CE compliant requires more than just taking CE courses. Below are a few suggestions for remaining CE compliant:

- CE requirements change. You should regularly review your CE status through your MyProfile account. Your total hours have specific allocation requirements that must be met. Be sure to take all the right categories of CE courses.
- Check for late hours. Hours taken after your due date will still post on your compliance evaluation screen, but they will be noted as "Late". Though your hours requirement may have been met, late completion of your continuing education requirement will result in penalties.
• Check prior evaluation periods. Always check previous compliance periods to make sure you are not delinquent for a prior period. Be sure to click on VIEW ENFORCEMENT NOTICE just below the Not Compliant text to check for any outstanding fines.
• Check your transcript. The same course cannot be taken with the same provider within a three-year period and receive credit. This is noted on your transcript as a duplicate course. You will need to take a different course to meet your CE requirement.

We wish you success in completing your hours to remain knowledgeable in an ever-changing insurance market. And remember, your CE compliance date is your DUE date, not your DO date.

Because many factors may affect your continuing education requirement (e.g. licenses held, number of years licensed, etc.), we encourage you to periodically check your MyProfile account to determine your individual continuing education compliance requirements and status. You will also be able to find more approved CE courses after logging in to your MyProfile account versus the public search option, which limits the results to the first 100 course offerings.
Compliance Corner

This section has been created to assist you in keeping your insurance business in compliance. The items are intended as reminders only. Note: Division publications may include references to the Florida Statutes and/or the Florida Administrative Code. The laws noted in our publications are/were in effect at the time of publication but may have been repealed, amended or replaced and new laws may have been enacted subsequently.

Compliance Topic of the Month: Public Adjusters - Conflict of Interest

Public adjusters are reminded to avoid conflicts of interest while performing the duties under their license. A public adjuster may not participate, directly or indirectly in:

- the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by the licensee
- may not engage in any other activities that may be reasonably construed as a conflict of interest, including soliciting or accepting any remuneration from, of any kind or nature, directly or indirectly; and may not have a financial interest in any salvage, repair, or any other business entity that obtains business in connection with any claim that the public adjuster has a contract or an agreement to adjust. [Sec. 626.8795, F.S.]

General Lines Agents Rights Following Termination of Insurer Appointment

We are frequently contacted by licensees whose appointment with an insurer has terminated and they want to know what they are legally allowed to do for the customers they sold insurance to under the appointment. Following the termination of his or her agency appointment as to an insurer, the agent may continue to service, and receive commissions or other compensation relative to, policies written by him or her for the insurer during the existence of the appointment.

The agent may countersign all certificates or endorsements necessary to continue such policies to the expiration date, including renewal option periods, and collect and remit premiums due, but shall not, without the consent of the insurer, change or modify the policy in any way nor increase the hazards insured against therein. [Sec. 626.754, F.S.].

This guidance does not consider an agent or agency's contract terms with the appointing insurer.
Insurance Agency Names

Naming your insurance agency can take time and creativity. Many agency owners formally register their agency names with the appropriate state agencies before applying for a license. The Department has guidelines for agency names and we recommend you consult those laws before spending time and money to formally organize your agency entity only to have your chosen name disapproved.

The Department may disapprove the use of any true or fictitious name, for several reasons including use by another agency or insurer; a name that may mislead the public in any respect; or the name states or implies that the agency is an insurer, motor club, hospital service plan, state or federal agency, charitable organization, entity that primarily provides advice and counsel rather than sells or solicits insurance, or is entitled to engage in insurance activities not permitted under licenses held or applied for.

A fictitious name, or as more commonly known, doing business as (DBA), must be properly registered with the Department of State, Bureau of Corporations; however, the Department has determined that the use of multiple fictitious names (DBAs) is misleading to the public. Accordingly, no insurance, bail bond, or title agency, adjusting firm, or any other business entity regulated by the Department of Financial Services, Division of Agent and Agency Services may use more than one DBA per business entity.

If you have concerns whether your intended agency name will be disapproved, please contact AgentLicensing@MyFloridaCFO.com. [Sec. 626.602, F.S.]

Liability of General Lines Agent for Wrongful Acts

A general lines insurance agent who is an officer, director, or stockholder of an incorporated general lines insurance agency shall remain personally and fully liable and accountable for any wrongful acts, misconduct, or violations of any provisions of this code committed by such licensee or by any person under his or her direct supervision and control while acting on behalf of the corporation under Sec. 626.734, F.S.

The statutes should not be construed to render any person criminally liable or subject to any disciplinary proceedings for any act unless such person personally committed or knew or should have known of such act and of the facts constituting a violation of the Florida Insurance Code.

Agency License Cancellation for Failure to Designate an Agent in Charge

An insurance agency location may not conduct the business of insurance unless an agent in charge is designated by, and providing services to, the agency at all times. If the agent in charge designated with the Department ends his or her affiliation with the agency for any reason and the agency fails to designate another agent in charge within 30 days and such failure continues for 90 days, the agency license shall automatically expire on the 91st day from the date the designated agent in charge ended his or her affiliation with the agency [Sec. 626.0428(4)(f), F.S.]
Title Agencies: 2016 Administrative Surcharge is Due Now

Subsection 624.501(27)(e)2, F.S., requires any title insurance agency licensed in Florida on January 1 of each year to remit an administrative surcharge of $200 to the Florida Department of Financial Services. Therefore, we are reminding all title agencies that the January 30th deadline for payment of the 2016 administrative surcharge has passed. If you have not yet paid the surcharge for your agency, you are now subject to a late fee penalty of not less than $500, in addition to the surcharge.

If you have not made your surcharge payment, it is imperative that you contact the Department immediately to bring your agency into compliance. You may contact us at Title@MyFloridaCFO.com. Failure to take immediate action will result in administrative proceedings against your agency license.

NOTE: This surcharge is not related to the one imposed on each new policy written due to the receiverships of National Title Insurance Company and K.E.L. Title Insurance Group, Inc.

Please log in to the MyProfile account for your title agency and make sure the correct email address is on file. While doing so, we also recommend you do the same for your individual MyProfile account.

Occasionally we discover agencies that were not aware of the reminder because of the retirement or termination of the employee assigned to monitor the email address provided to the Department. Failure to open the email sent by the Department containing the administrative surcharge reminder does not release an agency from the January 30 deadline. Please verify your information soon so this does not happen to you. If you need our assistance, you may contact us at Title@MyFloridaCFO.com. We can assist you through the steps to update your information. Be proactive; do not procrastinate.

Failure to pay the surcharge on or before January 30, 2016 could result in administrative action which could include a fine or a suspension of the agency’s license, in addition to the original surcharge. Payment must be made securely online via the title agency's MyProfile account. Paper checks are not accepted.

Note: To make sure you receive email notices from us, add email addresses Title@dfs.state.fl.us and Title@MyFloridaCFO.com to your email account's "Safe Senders" or other list.

Title Agency Data Call 2016

2016 marks the second year title insurance agencies are required to submit information to the Florida Office of Insurance Regulation (OIR) under the data call required by section 627.782(8), Florida Statutes. Title agencies have until June 1, 2016 to make their submission to the OIR. The OIR will send an email to each licensed title agency in Florida to remind them of the new law with instructions on how to complete the process accurately.

The Title Agency Data Call is performed by the title agency by first downloading the template from the OIR website to complete offline. To do this, the agency will need to create an account and subscribe to your agency in the Data Collection and Analysis Modules (DCAM) used by the OIR, which is located at https://apps.fldfs.com/DCAM/Logon.aspx. (The user's guide for DCAM is located at: https://apps.fldfs.com/DCAM/Help/DCAMUserGuide.pdf)

Once the agency's data template form is completed and the agency is ready to certify it is accurate, the
agency must upload the form to the OIR before the deadline, June 1, 2016.

The data template has seven tabs or worksheets:

1. Version: includes the OIR contact information and reporting date reminder
2. Instructions: data template must be downloaded from DCAM for the purpose of reporting information
3. Report_Lines: Two columns extend down a series of questions and required responses (enter either text or numeric in the two columns, as shown)
4. Schedule A: Additional agency information
5. Schedule B: Agent activities
6. Schedule C (Residential): Title agent statistical information submission for 1-4 residential units
7. Schedule C (Commercial): Title agent statistical information submission for commercial units

Each agency's submission must contain a Filing Certification signed by an agency officer (electronic signature accepted), stating the information provided is accurate to the best of their knowledge and belief. A sample copy is available on the OIR's website at: www.floir.com/siteDocuments/CertificationOfTitleDataSubmissionExample.pdf

The agency may include a cover letter, but this is an optional component for the filing.

Each agency is encouraged to include any additional or optional information that is deemed important to the overall submission. These optional items may be uploaded as PDF documents under the "Other Information/Documents" component.

It is important to know that the agency's submission is not considered to be complete until the agency receives an email receipt showing the agency's file log number. If you make a submission but do not receive the confirmation email, please let OIR know.

If you have any questions regarding this filing process, please contact the OIR's Market Data Collections Unit at 850-413-3147 or via email: TitleAgencyReporting@floir.com.

Compliance Information

Department licensees and consumers can access compliance information at the Division's web page Compliance Information. Additional information is available by type of license at our Frequently Asked Questions web page.
Case Notes

The following are instances in which licensees or other persons violated the Florida Insurance Code and the administrative action the Department has taken against them. Note: All administrative investigations are subject to referral to the Division of Insurance Fraud for criminal investigation.

Case: An investigation was initiated after a defendant's attorney complained to the Department that a bail bond agent charged the indemnitor fees for the storage of collateral and excessive fees for picking up the defendant. Investigators determined that the bail bond agent charged $5,565 in fees associated with the storage of collateral and charged $1,000 for the surrender of the defendant. The maximum a bail bond agent can charge for fees associated with a pick up is $100 when there is no forfeiture of the bond.
Disposition: Fined $2,500 and ordered to pay $6,465 in restitution to the indemnitor.

Case: A complaint was received from an insurer alleging a contractor was acting as a public adjuster without a license, and an investigation was opened.. The contractor advertised on its website that it was an "insurance replacement specialist that excels in the arena of insurance contracting". The website indicated the company would work with an insurance company for the proper estimation of costs. The investigation revealed an officer of the firm contacted the insurer and attempted to negotiate the overhead and profit expense with their adjuster, on a roofing loss the insurer had previously paid. The company also attempted to collect a supplemental amount for a new roof for the policyholder’s house. The contractor presented the insurer with a signed contract between the policyholder and the roofer that authorized the unlicensed contractor to negotiate the claim and the terms of the homeowners policy.
Disposition: Prohibited by Department Consent Order from acting as a public adjuster or be subject to a fine up to $50,000.

Case: An investigation was opened after review of a title agent's flyer that promoted an open house for a Realtor® and provided food for the event. During an agency inspection investigators reviewed 15 files and determined that the title agent had overcharged for recording fees and failed to secure a prior title policy, even though a reissue rate had been given, and was sponsoring open houses on behalf of a Realtor®, an unlawful inducement to purchase title insurance.
Disposition: Fined $5,000 and placed on probation for one year.

Case: Investigators received referrals from several insurance companies that received public adjusting contracts signed by two public adjuster apprentices. The public adjuster apprentices met with insureds
without being accompanied by the primary public adjuster, instructed the insureds sign the contracts and then signed the contracts as licensed public adjusters. The Department conducted an investigation and determined that the primary public adjuster allowed the public adjuster apprentices to effectuate public adjusting contracts without supervision.

Disposition: Fined $3,000, placed on probation for one year.

Case: A title agent engaged in a fraudulent transaction to make a profit by billing a title agency’s escrow account for a consumer’s homeowner’s insurance premium and diverting the funds to himself. To conceal his actions, the agent issued a false homeowner's insurance policy to the consumer.

Disposition: License revoked.

Case: Investigators were informed of an administrative action taken against a life, health and variable annuity agent by the Financial Industry Regulatory Authority (FINRA). Over a five year period, the agent referred several firm customers to an investment in which the customers invested more than $3 million in real estate securities issued by the third party. The agent failed to make the appropriate disclosures to his firm that these customers were purchasing the securities or that he was being compensated for the referrals. The agent was barred by FINRA and failed to inform the Department of the action within 30 days as required.

Disposition: License surrendered.

Case: The investigation of an unlicensed person acting as a public adjuster was opened after the SIU (Special Investigative Unit) of an insurance company advised the Department that the subject was attempting to negotiate the settlement of insurance claims without a public adjuster's license.

One of the claims she unlawfully adjusted was a reopened claim for additional damage which was not paid by the insurer because the insured never had the original roof damage repaired. In another, an insured complained after the subject was unsuccessful in her attempts to reverse a claim denial. The insurer confirmed that the subject attempted to obtain a copy of that consumer's policy to demand an appraisal but was denied access to the policy because she was not a licensed adjuster. The subject contacted the insurer about another claim to ask why it had been paid without agreement from the attorney she was working for and why attorneys' fees were not included.

During the course of the investigation, it was determined that while employed by several different attorneys, the subject had issued the same "contract" which appeared to be pre-signed by the attorney employing her, advising the insurance company that they should deal with the unlicensed adjuster, referred to in the contract as a "loss consultant".

Disposition: Prohibited by Department Consent Order from acting as a public adjuster or be subject to a fine up to $50,000.

Case: Investigators opened a case after receiving a referral from an insurer's SIU (Special Investigative Unit). The insurer alleged that a public adjuster negotiated a contract with a consumer who was under emotional distress at the time the contract was signed. Investigators determined the contract was not signed by the second insured as required and no affidavit was provided to stipulate that the first insured had the authority to enter the contract on behalf of the other; the contract did not specify the type of claim, listed a fee exceeding the 20% allowed, and the right of rescission period was inaccurate, along with other contract violations.

During the course of the investigation, the Department determined the adjuster's representatives used business cards that misrepresented their credentials by displaying the public adjuster's license number
on the unlicensed individuals' business cards. Investigators also found the adjuster had failed to return a $10,000 check to another consumer and was allowing an unlicensed person to adjust claims. The claim check was returned to the consumer after the Department intervened. Disposition: Fined $5,000 and placed on probation for one year.

Case: Investigators opened a case after receiving notification of a Final Judgment issued against a bail bond agent. An audit of the bail bond agent's records found that the bail bond agent continued to execute bail bonds while the judgment remained outstanding for more than 35 days, a violation of Florida Statutes. Disposition: Fined $875.
Enforcement Actions

- January 2016

Some of the following enforcement actions were resolved through a settlement process resulting in an order for discipline. Notification of enforcement actions is in the public interest. While every effort is made to provide correct information, our readers are cautioned to check with the Department before making a decision based upon this listing. This listing does not reflect pending appeals or requests for hearings. The license or registration status may have changed since the filing of these orders. We suggest that you search the Licensee Search or make a public records request to verify the current status of any license or registration.

IMPORTANT NOTE: Actions taken before July 1, 2015 are located at FLDFS Final Orders. Actions taken after July 1, 2015, can be searched for at the Florida Division of Administrative Hearings’ (DOAH) website. For further information, you may make a public records request via email or contact the Public Records Unit.

Warning: No part of this listing may be used by a licensee to gain an unfair competitive advantage over any person named herein. Any licensee who does so could be in violation of Section 626.9541(1)(c), Florida Statutes.

<table>
<thead>
<tr>
<th>Last/ Business Name</th>
<th>First Name</th>
<th>License</th>
<th>License Type</th>
<th>Disposition</th>
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Consent Order
Order of Suspension
Order of Revocation
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<td>FL Jacksonville, FL Consent Order</td>
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</tbody>
</table>
Contact Us

- We're always here for you

Bureau of Licensing

AgentLicensing@MyFloridaCFO.com - For general inquiries about licensing.

Education@MyFloridaCFO.com - For education-related questions (prelicensing, continuing education, providers, etc.)

MyProfile - Check your up-to-the-minute application status, education information, and more.

Licensees are reminded to update any change in their name, addresses (including email) or phone numbers by logging in to their MyProfile account. If you also have an agency license, don't forget to log in to your agency's MyProfile account and update it as well.

200 East Gaines Street
Larson Building, Room 419
Tallahassee, FL 32399-0319

Bureau of Investigation

Compliance issues, licensees and insurers only:

Title@MyFloridaCFO.com - For title insurance matters

BailBond@MyFloridaCFO.com - For bail bond matters

Adjusters@MyFloridaCFO.com - For adjuster matters

For all other matters not related to licensing or education:

askDFS@MyFloridaCFO.com -

200 East Gaines Street
Larson Building, Room 412
Tallahassee, FL 32399-0320

Title Insurance Data Call
TitleAgencyReporting@floir.com - For questions about the filing process
TitleDataCall@floir.com - For all other questions about the data call

Insurance Insights Editor/Publisher

Susan Jordan

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