

Welcome to The Pulse!



Agents should routinely verify licensure of the companies for which they're selling.

[Read more >>](#)

Dear Friends,

Two-way communication is a critical component in finding ways we can better serve you. After reading feedback provided through this newsletter's survey, we will be making some changes that we hope will serve you better. We heard that you wanted a text-only PDF-version of this publication to download and we have now implemented this feature. You can click the "Download PDF-version" at the bottom right of each issue's home page to save or print the entire issue in one document.

There was also feedback about The Pulse's content containing a lot of enforcement but not much praise for the industry. Keeping the "bad apples" out of the marketplace to maintain the good reputation that our licensees have earned is part of this department's unrelenting mission. The consumers of Florida should expect the person they are entrusting with their money is providing them the best service. Enforcement is necessary to weed out the unscrupulous individuals who only want to take advantage of others. We want you to know that we are doing our very best to preserve the integrity of the profession that insurance professionals deserve.

As far as the current legislative session, we are waiting to see what laws will be passed. A lot can happen in the final days of the session. When we know more, we will be sure to keep you informed in the next couple of issues of any laws that will affect your license.

Please continue to let us know how we can improve our communication to you with The Pulse.

Thank you,

Jeff Atwater

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News You Can Use

- Updating you on what's going on

Notice of Rule Development - Repeal of Subsection (5)(d) of Rule 69B-220.201

A Notice of Rule Development has been filed with the Florida Department of State to repeal subsection (5)(d) of Rule Chapter 69B-220.201, Florida Administrative Code, relating to adjuster ethical requirements. The repeal of this subsection is required due to the enactment of subsection 626.854(11), Florida Statutes, by the Florida Legislature. Subsection 626.854(11) supersedes the above referenced rule provision. If requested, a hearing will be held on May 10, 2011.

[Click here to read the notice >>](#)

Amendments to Rule Regarding Bail Bond Forms

Amendments to Rule 69B-221.051, Florida Administrative Code, relating to bail bond forms became effective April 18, 2011.

[Click here to read the amended rule >>](#)

Florida CFO Atwater: Statement Regarding Legislative Efforts to Fight Auto Insurance Fraud

Florida Chief Financial Officer Jeff Atwater released the following statement recognizing Senators Chris Smith (D-Oakland Park), John Thrasher (R-Jacksonville), and Garrett Richter (R-Naples) for their efforts to pass two measures that will help fight automobile insurance fraud—requiring law enforcement officers to list all passengers in an accident and the creation of civil penalties for those convicted of auto insurance fraud, the proceeds of which will be used to fund additional anti-fraud efforts.

[Click here to read the press release >>](#)

CFO Jeff Atwater Announces Arrest of Boca Raton Man for Scamming Senior out of \$25,000

Florida CFO Jeff Atwater announced the arrest of a former Boca Raton insurance agent for scamming a 78-year-old Miami woman out of \$25,000. Jeffrey Schneider, 44, has been charged with four felony counts including scheme to defraud and theft from a person over 65 years of age. Schneider acted without a license, which was revoked in March 2010 for numerous licensure violations.

[Click here to read the press release >>](#)

Florida Office of Insurance Regulation to Hold Public Hearing on Life Insurance Companies' Practices

On May 19, 2011, the Office will conduct a public hearing to evaluate a potential industry practice that involves claim settlement practices, use of the U.S. Social Security Administration's Death Master File, and compliance with

unclaimed property laws.

[Click here to read the advisory >>](#)

CFO Atwater's Department Wins \$76 Million Judgment Against Former Aries Insurance Company Owners

Florida CFO Jeff Atwater announced that a judgment has been entered against the former owners of Aries Insurance Company, Inc. for more than \$76 million. The insolvency of Aries Insurance Company left approximately 58,000 policyholders and creditors with unpaid claims when it was ordered into receivership in 2002 and two state guaranty funds were triggered to pay those claims.

[Click here to read the press release >>](#)

CFO Atwater Announces Arrest of Suspended Delray Beach Insurance Agent for Scamming Seniors Out of Life Savings

Florida CFO Jeff Atwater announced the arrest of Larry Yale Krakow, 53, of Delray Beach, on charges of organized scheme to defraud and grand theft involving numerous senior annuity transactions in the Palm Beach County area. The arrest follows a nine-month suspension and a \$25,000 fine previously levied against Krakow following an extensive administrative review by Department's Division of Agent and Agency Services. The arrest was made by the Department's Division of Insurance Fraud.

[Click here to read the press release >>](#)

Make Sure You Get Official Notices From Us

Add **FloridaAgentLicensing@MyFloridaCFO.com** to your e-mail software's Trusted or Safe Senders List to ensure you are able to receive all notifications from us. Licensees who have a valid e-mail address on file with us, as required by law, receive important e-mail notifications when something that affects your application, license, continuing education, or appointment(s) occurs. Additionally, we can 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 important to you. You are still required to abide by the Florida Insurance Code regardless of whether you read the information we provide.

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In The Know

- Keeping you informed is what it's all about

Changes to MyProfile Delayed

As we mentioned in the past couple of issues, we expect to be making changes to **MyProfile** soon. After receiving some additional suggestions for improvement, we decided to take the opportunity to implement those now while we were already making enhancements instead of later. We hope to have these completed and online by the beginning of June. The major enhancement allows you to create your own username and password; eliminating the need for logging in with a social security number or federal employer identification number. You will only need to enter that information when you create your new username and password. You will also be able to use any internet browser you wish, including your mobile device. This means you can use Firefox, Safari, Chrome, or any of the other browsers in use today - and not limited to just Internet Explorer. We will e-mail more detailed information prior to implementation of the changes with guidance on creating your new account. For this reason, we are reminding you that it is essential to have your correct e-mail address on file with us now through your [MyProfile](#) account so you do not miss this upcoming important communication.

You can look forward to other enhancements on the horizon that include simplified license applications, allowing online payment of CE fines, and much more.

Your License and (Appointment) Renewals

Agent and adjuster **licenses** do not renew in Florida. The only thing about them that renews is any **appointment** associated with the license. Appointments last for two years and then must be renewed or they will be terminated. There is no **license** renewal fee to be paid as Florida agent and adjuster licenses do not renew. As long as you are current with your continuing education (CE) requirements in your Florida or your home state, depending on your license type, and maintain a current appointment your Florida license will remain active. Appointments for individuals can be terminated up until the month of renewal by the licensee or the appointing entity (insurance company, adjusting firm, or licensee that self-appoints). Renewal invoices are e-mailed on the first of each month to appointing entities and appointment changes cannot be made to the invoice afterward. When submitting an appointment, it is important to complete the submittal and click "pay and submit" or else the appointment will not be effectuated.

If a license that requires an appointment goes 48 months without one, the license will be terminated. To re-obtain the license following termination, the individual will have to apply and qualify as a first-time applicant.

Submitting Original Documents To Us

If you ever have to send original certified court documents to us but you would like to have them returned to you, we can do that. After we have received the original documents and reviewed them, you may submit a written request to us to return the specified original documents to you at the address you provide in your request. The request needs to be received by us within 90 days of when you sent the documents to us.

Education Central

- Things to know about your continuing education

How to Search for Approved CE Courses

Looking for continuing education (CE) courses to be sure you get all your hours completed? Our online course search can easily help you out and lists those courses approved by the Department.

- Go to our website at www.MyFloridaCFO.com/Agents
- Click on **Education Central** on the left.
- Click on **Find a CE Course** in the left column. This will open the CE Course Search.
- Select the **Course Authority** for the type of license held or course you need to take.
- You can also make other choices, like **Study Method** and **Location**, to narrow your search results.
- If you click on **Perform an Advanced Search**, you will have additional options to narrow your search results, such as **Course Date** and **Course Level**.

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.

Education Course Providers: The Cover Page That Gets You Covered

Would you like your courses processed faster? Many course submissions are delayed in receiving approval because of missing information and lack of clarity in the outline. We would like to save you time and trouble in drafting an acceptable outline for submitting with a course application.

Here are some quick tips:

1. Understand that your material has to be relevant to insurance agents or adjusters and qualify as serving the purpose of increasing their professionalism, ethics, or competence; not about salesmanship or selling skills.
2. It can't be about the book! Courses that are geared to sharing tips on increasing an agent's or adjuster's amount of business are not acceptable material for CE credit. Save yourself the time and money; don't submit this type of material.
3. Q&A time does not count towards CE hours.
4. Only a 10 minute break is allowed per hour.
5. When in doubt, [read Rule 69B-228.080, F.A.C.](#)
6. Include a cover page and a timed outline with as much detail as possible. [Click here to see an example](#)

Compliance Corner

We continue to see a pattern of noncompliance in the areas noted below. This section has been created to assist you in keeping your insurance business in compliance. The items are intended as reminders only and are not necessarily the exact text of the [Florida Statutes](#) or [Florida Administrative Code](#). The legal cites have been provided for your further reference.

Fines for Agency License Expiration

Agency* licenses are good for three years and must be renewed. If your agency license expires because you have not filed an application for renewal and conducted business while the agency license was expired, you will be fined upon filing for reinstatement of the license. To renew the agency license, simply log in to [MyProfile](#) using the agency's login account information. Once logged in, select "Renewal" and proceed with the renewal process. There are no fees to renew an agency license.

*This does not apply to title insurance agencies, which must maintain an appointment with a title insurer to remain active.

Public Adjuster Apprentice Appointments

Public adjuster apprentices must be appointed by a licensed all lines public adjuster or a public adjusting firm that employs a licensed all lines public adjuster throughout their entire apprenticeship. The apprentice license is effective for no more than 18 months unless the license expires due to lack of maintaining an appointment; is surrendered by the licensee; is terminated, suspended, or revoked by the department; or is canceled by the department upon issuance of a public adjuster license. The department may not issue a public adjuster apprentice license to any individual who has held such a license within 2 years after expiration, surrender, termination, revocation, or cancellation of the license. If the apprentice doesn't apply for the public adjuster license prior to the expiration of the apprentice license, they will have to wait 2 years and apply for the apprentice license again. Upon becoming a public adjuster, the licensee will need to obtain an appointment prior to adjusting.

[See [§626.8541](#) and [§626.8651](#), Florida Statutes]

Licenses Offering Tax Prep Services

The Department of Financial Services does not regulate tax preparation businesses, however we would proceed with enforcement action if a licensee were using the tax preparation services as an inducement to purchase insurance. For example, if you will perform tax preparation services for a consumer for free if they purchase or renew insurance with you, then that would be a violation of the Florida Insurance Code.

Using Insurance Company Names in Life, Health, or Annuity Advertisements

When advertising for life, health or annuity products, if there is a reference in the advertisement to a specific policy feature, interest or bonus rate, premium amount, etc., the name of the insurer issuing the policy needs to be disclosed in the advertisement. Furthermore, that insurer needs to approve the advertisement prior to dissemination. Making any alterations to an advertisement that has already been approved by the insurer could cause it to no longer be compliant.

[See [69B-150.114](#), Florida Administrative Code]

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Enforcement Actions

- March 2011

Some of the following disciplinary actions were resolved through a settlement process resulting in an order for discipline. Notification of disciplinary 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.

Copies of disciplinary actions can be located by searching the [Division of Legal Services' database](#). For further information, you may make a public records request via [e-mail](#).

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 do so is in violation of Section 626.9541(1)(c), Florida Statutes.

LAST/BUSINESS NAME	FIRST NAME	LICENSE NUMBER	DISPOSITION	FINE	COST	RESTITUTION	CITY, STATE	LICENSE TYPE
Altamonte Springs Title Company		D087981	Surrendered				Altamonte Springs, FL	Title
Berman	Janet	A020251	Suspended 3 Months and Restitution			\$395	Davie, FL	General Lines
Beske	Craig	P163331	Revoked				Tampa, FL	Life, Health, Variable Annuity
Caicedo, Sr	Juan	P176366	Suspended 3 Months				Hialeah, FL	Public Adjuster
Choice Title Services of North FL Inc		P089961	License Surrendered				Tallahassee, FL	Title
Coast Title of Volusia County Inc		E097919	Probation and Fined	\$1,500			Orlando, FL	Title
Cochran	Ashly	D066943	Revoked				Tavares, FL	Life, Health, Variable Annuity
Cruises R Us Inc			Cease & Desist				Plantation, FL	Unlicensed
Daft	Cynthia	A060350	Revoked				Tampa, FL	Title
Doan	Daniel	A069487	Fined	\$15,000			Fruitland Park, FL	Life, Health, Variable Annuity
Dohalick	Diana	P125770	Revoked				Seminole, FL	Life, Health, Variable Annuity
Florida Title & Abstract Inc		E084909	Fined	\$500			Orlando, FL	Title
Galiana Gonzalez	Ivon	P101774	Suspended 3 Months				Miami, FL	Public Adjuster
Gary	Loutonia	A094154	Fined	\$500			Stuart, FL	General & Surplus Lines
Hernandez Jr	Jose	A117348	Probation and Fined	\$1,500			Miami, FL	General Lines
Hird (Pimentel)	Gloria	A207544	Suspended 3 Months and Restitution			\$2,500	Daytona Beach, FL	Bail Bonds
Horizon Title & Escrow Services LLC		P049046	Revoked				Jacksonville, FL	Title
Hylton	Dana	E099358	Revoked				Jacksonville, FL	Title
J & K Title Agency LLC		E077597	Suspended 3 Months				Orlando, FL	Title

Jackson	Darrell	P184136	Revoked				Tampa, FL	Life, Health, Variable Annuity
Knapp	Daniel	A143376	Revoked				New Port Richey, FL	General Lines
L Excellence Title Co		E167812	Suspended 1 Years				Miami, FL	Title
Lakeside Title and Escrow Agency Inc		P000368	Fined	\$500			Altamonte Springs, FL	Title
Legacy Title & Escrow Inc		E128659	Suspended 3 Months				Middleburg, FL	Title
London Title LLC		P068106	Suspended 3 Months				Upper Saddle River, NJ	Title
Lues & Denice Title Services LLC		P115478	Suspended 3 Months				Berlin, NJ	Title
Mailey	Matthew	E101057	Probation and Fined	\$2,500			Miami, FL	Public Adjuster
McNeese Title LLC		E068564	Fined	\$500			Destin, FL	Title
Melody	Michael	D023388	Suspended 3 Months				Marco Island, FL	Public Adjuster
Moses II	Paul	A185599	Surrendered				Winter Park, FL	Life, Health, Variable Annuity
Negron	Edelvis	E161322	Fined	\$500			Miami, FL	Public Adjuster
Oliva	Otto	A195815	Fined	\$500			Coral Gables, FL	Public Adjuster
Ortiz	Gloria	D085771	Surrendered				Altamonte Springs, FL	Title
Pearce	Alan	E161518	Revoked				Lakeland, FL	General Lines
Perez	Alexis	P113767	Suspended 3 Months				Miami, FL	Public Adjuster
Preferred Title & Escrow Inc		D013539	Fined	\$300			Cooper City, FL	Title
Premiere Advantage Title LLC		P177821	Suspended 3 Months				Miami, FL	Title
Ramathibela	Christine	P113551	Fined	\$500			Opa Locka, FL	Public Adjuster
Ransberger	Joseph	A215122	Revoked				Palm Beach Gardens, FL	Life, Health, General Lines
Schellbach	Michael	P179632	Fined	\$1,000			Miami, FL	Life, Health, Variable Annuity
Sikes	Kimberly	E019802	Suspended 6 Months				Lakeland, FL	Customer Representative
Straub (Work)	Cheryl	E070645	Probation and Fined	\$3,500			Longwood, FL	Title
Title Express LLC		E053085	Fined	\$500			Weston, FL	Title
Tkacz	Patrick	P164084	Suspended 3 Months				Mays Landing, NJ	Public Adjuster
Wheeler	Winslow	P139961	Revoked				Jacksonville, FL	Life, Health, Variable Annuity

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 of a title insurance agent alleged that she misappropriated escrow funds, failed to remit premiums due to an insurer and failed to disperse funds in accordance with the HUD-1 Settlement Statement.
Disposition: License revoked and permanently banned from the insurance industry.

Case: An investigation of a life, health and variable annuity agent alleged that he submitted fraudulent insurance applications to an insurer, including one without accepting premium.
Disposition: License revoked.

Case: An investigation of a title insurance agency alleged that an officer overcharged for a recording fee, charged separate line items that were part of the closing fee, failed to reconcile the escrow account, failed to maintain proper records, and failed to provide a current business address to the Department.
Disposition: License surrendered for 24 months.

Case: An administrative complaint filed against a life, health and variable annuity agent and his agency alleged that he allowed unlicensed employees to solicit and sell health insurance on behalf of the agency, some of which made misrepresentations to customers.
Disposition: The agency was fined \$10,000 and the agent \$5,000. The agent also was required to implement a corrective action plan at the agency that included ensuring all the employees obtained a license.

Case: An investigation of a nonresident managing general agent (MGA) alleged that it failed to require a customer representative to cease performing all customer representative duties without a supervising agent, failed to designate a new licensed and appointed general lines agent to supervise the customer representative.
Disposition: Fined \$10,000 and probation for 12 months.

Case: An investigation of a roofing company alleged that it advertised itself to conduct public adjusting activities, which it was not licensed to do.
Disposition: Fined \$5,000 and ordered to cease and desist from advertising itself as able to conduct public adjusting activities.

Case: An investigation of an automobile warranty licensee alleged it distributed misleading advertisements for automobile warranty products.
Disposition: Fined \$5,000.

Case: An investigation of a general lines agent alleged he failed to return unearned premium to an insured in a timely manner.
Disposition: Fined \$2,500 and probation for 12 months.

Case: An investigation of a public adjuster apprentice alleged that he solicited an adjusting contract for services without the direct supervision and guidance of the supervising public adjuster.
Disposition: Fined \$2,500 and probation for 12 months.

Case: An investigation of a public adjuster alleged that he adjusted a claim prior to being appointed.
Disposition: Fined \$2,000 and probation for 12 months.

Contact Us

- We're always here for you

Bureau of Licensing

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

[MyProfile](#) - Check your up-to-the-minute application status, education information, and more

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

Bureau of Investigation

Title@MyFloridaCFO.com - For title insurance matters

BailBond@MyFloridaCFO.com - For bail bond matters

askDFS@MyFloridaCFO.com - For all other matters not related to licensing or education

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We welcome suggestions and inquiries concerning *The Pulse*. Please direct them to [Matthew Guy](#).

The Pulse Editor/Publisher

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Agents are reminded to update any change in their name, addresses (including e-mail) 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 account and update it as well.

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