

THE INTERCOM

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PUBLICATION FOR AGENTS AND ADJUSTERS FROM
THE STATE OF FLORIDA DEPARTMENT OF INSURANCE

Bill Nelson
Treasurer/Insurance Commissioner/Fire Marshal

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CHANGES IN APPOINTMENT RENEWAL PROCEDURES FOR LICENSEES

The Department has proposed changes to Rule 4-211.004, Florida Administrative Code, which will extend initial appointments from 24 to 36 months, depending upon the licensee's birth month. The rule changes, which will eliminate partial appointment terms, will reduce the amount of paperwork required for the appointment process and is expected to cut appointment fees for agents and agencies by more than \$9 million. Implementation is scheduled to begin July 1, 1997.

Commissioner Bill Nelson has also created a blue-ribbon panel to find other ways to streamline the insurance regulatory process. Alex Sink, president of NationsBank Florida, former University of Florida President Marshal M. Criser, and Judson Green, president of Walt Disney Attractions, Inc., have agreed to serve on the three-member panel to examine DOI's operations from a private business perspective.

Currently, in most cases, an appointing entity (i.e., the insurer, insurance agency or adjusting firm, agent, adjuster, licensee) pays \$60 for an initial appointment which, depending upon the effective date of the appointment and the licensee's birth month, can be valid for as few as two (2) months or as many as 12 months. The appointment is valid until the licensee's next birth month—at which time it is subject to renewal. If renewed, the renewal appointment fee is \$60, and unless cancelled at an earlier date by the licensee or appointing entity, the appointment is valid for two (2) years—expiring the last day of the licensee's birth month two years later.

Under the new procedure, initial appointments will be valid for a mini-

Continued on page 2



The Department of Insurance will see Total Quality Management (TQM) advance to new dimensions during 1997 as we move ahead with the "Quality First" theme. The Total Quality effort initially began in 1992. During the beginning phase, several teams were formed and processes improved as a result of our Quality efforts. Three Department teams were invited to compete in the Governor's Sterling Awards Team Showcase, and we were one of only two state agencies represented at that year's event. The Department recognizes the benefits of the Quality concepts and our commitment and involvement are being revitalized.

The "Quality First" theme was recently selected by majority vote at a meeting of the senior managers. Commissioner Nelson's complete support of TQM has led to his

appointment of Candy Crawford, Deputy Fire Marshal/Insurance Consumer Services, as facilitator of our TQM efforts. The new theme will serve as a constant reminder to all employees and will be the catalyst that will bring increased levels of quality to every process. Candy Crawford has employed Dr. Barbara French to launch this new phase of Quality throughout the Department.

The advancement of Quality Management is sure to raise everyone's awareness of the importance of delivering better customer service—internally and externally. The new and stronger emphasis on Quality will be evident as the spirit of teamwork continues to invade the organization and everyone benefits. We will be spreading the common language of Quality to all of our customers in 1997. ■

CONTINUING EDUCATION RECIPROCAL AGREEMENTS

Florida's continuing education law for agents and customer representatives (Section 626.2815, F.S.) provides that the Department of Insurance may enter into reciprocal agreements with other states which have comparable requirements. (Such reciprocity does not apply to nonresident adjusters or bail bond agents.) Florida currently recognizes reciprocal arrangements with the states listed below.

Arkansas	Nevada
California	New Hampshire
Colorado	New Jersey
Delaware	New Mexico
Georgia	New York
Idaho	North Carolina
Indiana	North Dakota
Iowa	Ohio
Kansas	Oklahoma
Louisiana	Oregon
Maine	Pennsylvania
Maryland	South Carolina
Massachusetts	South Dakota
Michigan	Texas
Minnesota	Virginia
Mississippi	Washington
(P&C Only)	West Virginia
Missouri	Wisconsin
Montana	Wyoming
Nebraska	

CHANGES

Continued from page 1

mum of 24 and a maximum of 36 months. The length of time the initial appointment is valid depends upon the issue month and the licensee's birth month.

For example:

- An agent was appointed by XYZ Insurance Company as a life including variable annuity and health insurance agent on February 15, 1997. The agent's birth month is also February—the same month the appointment was effective. Under the new procedure, the appointment will expire the last day of February in the year 1999, and then be subject to renewal. If renewed, the appointment will be valid for 24 months, expiring the last day of the birth month (February 2001) and every 24 months thereafter.

- An agent was appointed by ABC Insurance Agency as a Customer Representative effective February 15, 1997. The customer representative's birth month is January. Under the new procedure, the appointment will expire the last day of January in the year 2000, and then be subject to renewal. If renewed, the appointment will be valid for 24 months, expiring the last day of the birth month (January 2002) and every 24 months thereafter.

In the case of firms (managing general agents, title agencies, etc.), the license issue month is used rather than the birth month.

Important—A Florida insurance license authorizes the licensee to be appointed to transact insurance or adjust claims for the classes of insurance identified on the license (Section 626.103, F.S.).

An **appointment** with an insurer

or employer authorizes a licensee to transact insurance or adjust claims on behalf of the appointing entity (Section 626.104, F.S.).

Without an appointment, a licensee cannot transact the business of insurance. Licensed insurance representatives should not assume that they are eligible to begin selling insurance, adjusting losses, etc., until they have been properly appointed. Both licensure and appointment are required.

Pursuant to Florida Statutes, the insurance company or the employer has 45 days in which to notify the Department of a licensee's appointment. During this time, the licensee is permitted to transact insurance on behalf of the appointing entity.

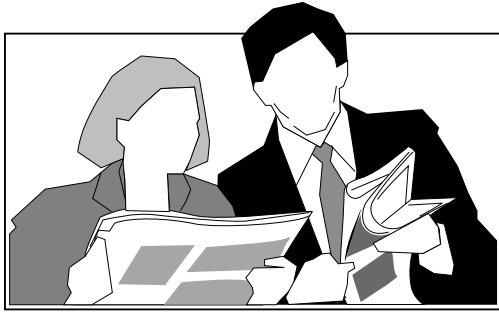
Appointments and subsequent renewals for certain types and classes of licenses are initiated and handled by the licensee. These include surplus lines agents, health care risk managers, reinsurance intermediary brokers and managers, and self-employed independent or public adjusters. ■

NOTARY BONDS ADVERTISING

Advertisements for the sale of notary bonds and errors and omission coverage must set forth separately the cost of the insurance to be provided.

Agencies selling notary bonds and errors and omission coverage for notaries in the state of Florida often

include non-insurance products and services in the overall purchase price or fi-



... the cost of the insurance products must be distinguished from other charges.

nancing of these insurance products. Typically, the agency will file the notary application and fee with the Office of the Secretary of State and provide a notary stamp to the consumer. Other items included in some offers are plaques and decals which the consumer can use in their of-

fice to identify themselves as a notary.

The provision of the entire notary package by the agency is permissible; however, the cost of the insurance products must be distinguished from other charges. Section 626.9541 (1)(p), Florida Statutes, provides that "When the premium or charge for insurance ... is included in the overall purchase price ... of merchandise or property, the vendor ... shall separately state and identify the amount charged and the amount to be paid for the insurance...." Section 626.9541 (1)(n), Florida Statutes, further provides that advertisements for the sale of real or personal property or services may not include the offer of insurance without making an "identifiable and additional charge."

Advertisements should not set forth a "package price" for the agency's services and products without also including disclosure of the cost of the insurance products. Each insurance product should carry a separate premium disclosure unless filed with the Department as a combined product with a single premium. The disclosure of the cost of the insurance products should be in text that is calculated to fairly communicate the information. ■

From the Division of Insurance Fraud

The Professional and Organized Fraud Investigative Team (PROFIT) is making a difference. The Team was formed in September 1996 and operates within the Division of Insurance Fraud.

The purpose of PROFIT is to target and prosecute those who participate in racketeering and organized insurance fraud.

Bogus health insurance claims in Florida have risen in cost to over \$4 billion per year. Medical insurance fraud accounts for more than three quarters of the total amount.

PROFIT has made several raids on fraudulent operations, seized records, and their investigators are currently analyzing evidence in connection with a suspected insurance fraud ring.

Q & A

Q Are individuals who are not licensed to sell insurance permitted by Statute to be stockholders in a corporation which has a properly licensed agent selling health, life, and disability insurance?

A Yes, Florida Statutes provide that unlicensed individuals may be stockholders in an incorporated life and/or health insurance agency in which all insurance products are being sold (transacted) by properly licensed and appointed agents. Transacting insurance is defined in Section 624.10, F.S.

Further, Section 626.794, F.S., provides that insurers and licensed and appointed **life** insurance agents may share commissions with an incorporated insurance agency if all employees, stockholders, directors, or officers who solicit, negotiate, or effectuate life insurance products are qualified life insurance agents holding valid licenses and appointments. Section 626.838, F.S., addresses the sharing of commissions for **health** agents.

Flood Zone Information

The City of Palm Bay participates in the National Flood Insurance Program (NFIP). As part of the NFIP, the city of Palm Bay offers verbal and written flood insurance rate map determinations for properties within the City of Palm Bay. They have asked that we include notice of these services in *The Intercom*. Requests for information should be addressed to 2145 Palm Bay Road, NE, Palm Bay, FL 32905; telephone (407) 952-3437.

Advertising Life and Annuity Products

Effective May 27, 1996, the Florida Department of Insurance adopted amendments to Part II of Rule 4-150 governing life insurance and annuity advertising in the State of Florida. A summary of the changes follows:

- Deletes “Lead Generation Devices” as a type of advertisement. The deletion of this type does not affect the Department’s regulatory jurisdiction of such advertising methods.
- Requires that advertisements clearly identify life insurance or annuity contracts as the products being promoted in any advertising method. The rule [4-150.105(3)] further requires that the full generic name of the product be stated in an advertisement—for example, whole life insurance policy, variable life insurance policy, level term life insurance policy, immediate annuity contract, etc.
- Prohibits deceptive comparisons of an annuity with a certificate of deposit, as well as the use of terms that would portray to a prospective purchaser that an annuity is anything other than an annuity contract issued by a life insurance company.
- Requires that invitations to join an association, trust or discretionary group, which involve the purchase of insurance, must solicit insurance coverage on an application separate and distinct from the one used for membership. Any applicable membership fees or dues must also be disclosed separately on the application. Such fees or dues should be clearly identified so that the applicant understands that they are not part of the premium for insurance coverage.
- Prohibits the use of any advertisement which might refer to premium solely as a “deposit,” and references to reinsurers and holding companies are restricted.

- Requires that an insurer’s system of control regarding agent advertising must include periodic notification that approval must be obtained from the insurer **prior** to using or placing an ad. Agents, brokers, or others authorized by the insurer to disseminate advertising, should receive such advisements at least annually. The notice should include the name, title, and location of the individual or division within the company designated to receive and approve proposed agent advertising.

Insurance companies are responsible for determining compliance, and each system of control must provide a method by which adherence to the prior approval requirements can be monitored. The system of control must also include consequences for noncompliance. Most agent contracts contain a prior approval provision and companies are aware of, and refer to, DOI Rule 4-150 when advising their agents. The new notification requirements should address those instances where an agent might otherwise be unaware of company approval guidelines. These changes, which became effective November 27, 1996, should assist agents in obtaining more timely approval and company assistance with the advertising of life and annuity products.

The Department has periodically reminded licensees of the importance of seeking company approval of all life, annuity, and health insurance advertisements prior to use. Please remember that failure to do so may result in the assessment of penalties and may create a permanent record of non-compliance.

To request a copy of Rule 4-150 governing life, annuity, health and small employer health benefit plan advertising, please contact Kim Dixon, Field Insurance Regional Administrator, Bureau of Life and Health Insurer Solvency and Market Conduct Review,

200 East Gaines Street, Tallahassee, FL 32399-0327, telephone (904)413-5122, FAX (904)488-7061. ■



DOI’s Home Page can be accessed through the Web site <http://www.doi.state.fl.us>. By choosing the applicable menu, users can download information on a variety of insurance-related issues. Here’s a brief listing:

- Educational insurance guides:
 - Automobile
 - Home
 - Small Business
 - Life
 - HMOs
 - Health Insurance
 - Medicare Supplement and Other Insurance for Seniors
- Disaster preparedness:
 - “Preparing for a Disaster”
 - “Help After a Disaster”
 - “Flood Fact Sheet”

More information will be added in the very near future as DOI’s Home Page continues to expand. **The Intercom** will provide regular updates.

Comments or suggestions regarding the Web site can be e-mailed to webmaster@doi.state.fl.us. For more information on how to access DOI’s Home Page, contact Raleigh Close at (904)413-5816.

PREPAID LEGAL EXPENSE INSURANCE

Prepaid legal expense plans are designed to help reduce the cost of legal services for the average consumer. Public acceptance and interest in prepaid legal service plans have been notably increasing over the past several years. Conceptually, prepaid legal expense insurance may be compared to its counterparts in the health insurance field. Legal service plans today vary widely in price, benefits, and the way in which services are furnished.

Prepaid legal service plans are regulated by either federal or state law. In Florida, most plans are regulated by the Department of Insurance under the Legal Expense Insurance Act, Chapter 642, Florida Statutes. However, there are certain plans that are exempt from this Act. Exempt plans are regulated by either the federal government or The Florida Bar.

Legal service plans which are part of an employee welfare benefit package are regulated by the U.S. Department of Labor under the Employee Retirement Se-



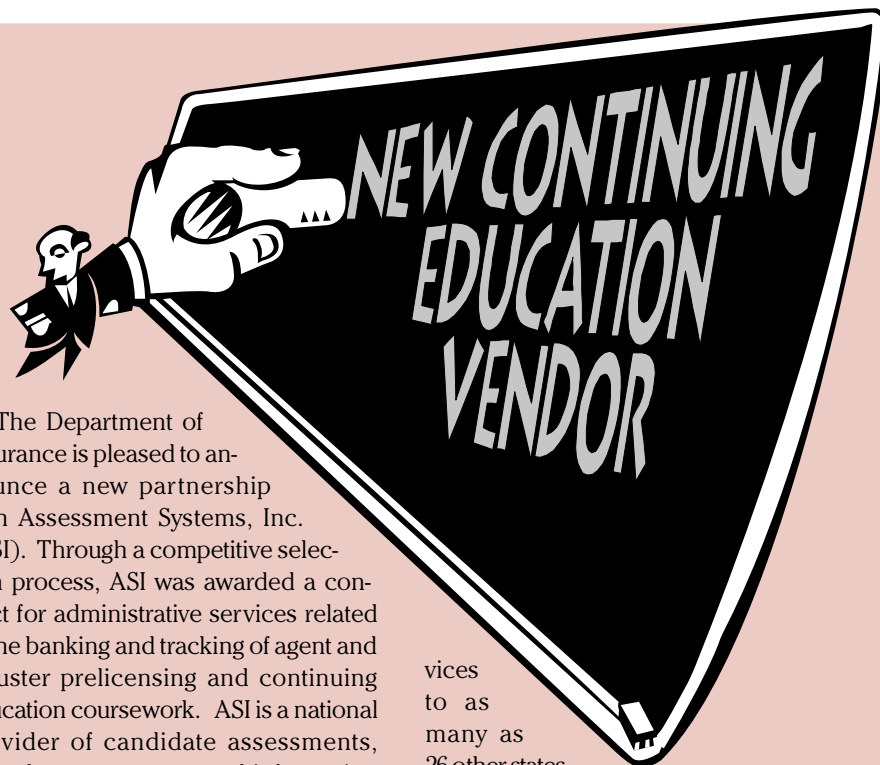
curity Act of 1974. The Florida Bar regulates legal service plans set up for the members of a church, cooperative, educational institution, credit union, organization of employees, or other affiliated groups.

Prepaid Legal Expense organizations which are subject to Department regulation must obtain a certificate of authority (company license) prior to doing business in Florida. A General Lines License (2-20) or a Legal Expense License (2-56)

and appointment with an authorized insurer are required for any person who solicits, negotiates, sells or executes legal expense insurance contracts on behalf of an insurer in the State of Florida. Regulations pertaining to licensure and appointment/s can be found in Chapter 626, Florida Statutes. Applicable fees are defined in Section 624.501, Florida Statutes.

For more information regarding the licensure/appointment procedure, please call the DOI Bureau of Agent Licensing at (904)922-3137, Ext. 1101.

Special note: The Bureau of Agent & Agency Investigations is observing an increase in the number of "sliding" violations in connection with Prepaid Legal Expense Insurance. General Lines and Legal Expense Agents are strongly cautioned that the Unfair Trade Practices Act (Section 626.9541 (1) (z), F.S.) prohibits the marketing of such products in a deceptive or misleading manner. Licensees who engage in such practices risk serious penalties — up to and including suspension or revocation of licensure. ■



The Department of Insurance is pleased to announce a new partnership with Assessment Systems, Inc. (ASI). Through a competitive selection process, ASI was awarded a contract for administrative services related to the banking and tracking of agent and adjuster prelicensing and continuing education coursework. ASI is a national provider of candidate assessments, records management, and information resource management services. They currently provide insurance-related ser-

vices to as many as 26 other states.

ASI will also perform functions related to course provider and instructor ap-

provals, and they will distribute a Continuing Education Information Guide and a Provider/Course Catalog. Additionally, a toll-free telephone line, dedicated to Florida's program, will be established for inquiries regarding available courses and other continuing education records.

Department staff will continue the responsibility of reviewing and approving course content, as well as continuing education non-compliance notification and enforcement. Upon completion of the transition to ASI, Department staff expects to perform on-site course audits throughout the state.

To ensure an orderly transition, ASI will assume its duties on a progressive or incremental basis beginning July 1, 1997. Detailed information will be sent to all approved course providers, instructors, and licensed insurance representatives in advance of the transition. ■

NEW COMPANIES



Mayo Health Plan, Inc. was authorized as a Florida HMO on 12/6/96. Address: 4168 Southpoint Pkwy, Suite 102, Jacksonville, FL 32216; telephone (904)296-2646.

American Fidelity & Liberty Insurance Company was authorized on 11/21/96. Lines of business: Accident and Health. Address: P. O. Box 190, Parkesburg, PA 19365; telephone (215) 380-1851.

Healthy Palm Beaches, Inc. was authorized as a Florida HMO on 11/21/96. Address: 324 Datura St, Suite 401, West Palm Beach, FL 33401; telephone (407)659-1270.

Victoria Select Insurance Company was authorized on 11/15/96. Lines of business: Private Passenger Auto Liability, PPA Physical Damage. Address: 5915

Landerbrook Dr, Cleveland, OH 44124; telephone (216)461-3461.

Medics Ambulance Service, Inc. was authorized on 11/1/96. Lines of business: Ambulance Service. Address: 1776 E. Sunrise Blvd, Fort Lauderdale, FL 33304; telephone (305)763-1776.

OOIDA Risk Retention Group, Inc. was authorized on 11/4/96. Lines of business: Other Liability. Address: P.O. Box 306, Montpelier, VT 05601; telephone (802)229-5042.

Manulife Reinsurance Corporation was authorized on 10/14/96. Lines of business: Life, Variable Annuities, Group Life and Annuities, Variable Life, Accident and Health. Address: P.O. Box 600, Buffalo, NY 14201; telephone (416)926-0100.

Florida Hospitality Mutual Insurance Company was authorized on 9/26/96. Lines of business: Workers' Compensation. Address: 9485 Regency Square Blvd, Suite 415, Jacksonville, FL 32225; telephone (800)329-4340.

Reciprocal Alliance Risk Retention Group was authorized on 12/24/96. Lines of business: Other Liability. Address: 500 Interstate Blvd, South, Suite 303, Nashville, TN 37210; telephone (804)747-8600.

Randmark, Inc. was authorized on 12/31/96. Lines of business: Prepaid Dental Service Plans. Address: 500 W. Main St, Louisville, KY 40402; telephone (502) 580-3778.

Vision Health Care, Inc. was authorized on 12/31/96. Lines of business: Optometric Services. Address: 100 W. Bay St, Jacksonville, FL 32202; telephone (904)356-9431.

National Grange Mutual Insurance Company was authorized on 12/30/96. Lines of business: Allied Lines, Farm-owners Multi Peril, Homeowners Multi Peril, Commercial Multi Peril, Ocean Marine, Inland Marine, Earthquake, Workers' Compensation, Other Liability, PPA Liability, Commercial Auto Liability, PPA Physical Damage, Commercial Auto Physical Damage, Fidelity, Surety, Glass, Burglary and Theft, Boiler and Machinery, Mobile Home Multi Peril, Mobile Home Physical Damage, Multi Peril Crop. Address: 55 West St, Keene, NH 03431; telephone (603)352-4000.

AmHS Insurance Company Risk Retention Group was authorized on 1/23/97. Address: P.O. Box 530, Burlington, VT 05402; telephone (802) 864-5599.

DON'T CONFUSE THE TWO:

The July-Oct. 1996 (Volume 6, No. 3) issue of *The Intercom* contained a summary on International Marine Underwriters. The entity named in the "UNAUTHORIZED ENTITY CASE SUMMARIES" has **no association or connection** with International Marine Underwriters of Atlanta, Georgia. The Georgia-based company is the Marine Division of Commercial Union Insurance Company, a licensed Florida insurer. If you have any questions or need further clarification, please contact Denise Prather, Division of Insurance Fraud, at (904)413-4036.

UPDATE

DOI INFORMATIONAL BULLETIN 96-003

If you have questions regarding DOI Informational Bulletin 96-003, pertaining to Hurricane Deductibles, please direct your calls to Verne Iverson, Bureau of Property and Casualty Forms and Rates, at (904)413-5366. The referenced Bulletin was included in the Jul-Oct 1996 issue of *The Intercom*.



DISCIPLINARY ACTIONS SEPT.-DEC. 1996

Many of the following disciplinary actions have been resolved through consent orders based upon settlement stipulations in which there was no finding or admission of guilt by the licensee. The Department believes that notification of these actions is in the public interest and, although 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. Inquiries should be directed to: Bureau of Agent and Agency Licensing, 200 East Gaines Street, Larson Bldg, Tallahassee, FL 32399-0319; telephone (904) 922-3137.

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

SUSPENSIONS

Last Name,	First,	MI	City	St.
Bryant	Jonathan	R	Fort Lauderdale	FL
Charles	Pierre		Hollywood	FL
Forcine, Sr	Ralph	E	Jacksonville	FL
Garmon	Arthur	C	Tampa	FL
Gonzalez	John	E	Tampa	FL
Hernandez	Maxine	P	Sanford	FL
Hird	James	R	Miami	FL
Kanner	Abraham	L	Deerfield Beach	FL
Lann	David	K	Hollywood	FL
Lindsay	Larry	W	Winter Haven	FL
Lindsay	Kimberly	S	Winter Haven	FL
* Matacchiero	Robert	M	St Petersburg	FL
Norris	Nancy	J	Pompano Beach	FL
Shores	James	P	Norcross	GA
Thompson	Carl	A	Punta Gorda	FL
Wild	William	E	Pompano Beach	FL
Zolnoski	Duane	A	Lakeland	FL

* License reinstated effective 02-04-97.

REVOCATIONS

Last Name,	First,	MI	City	St.
First Guaranty Title & Escrow Inc			Pompano Beach	FL

First Guaranty Title & Escrow of FL			Deerfield Beach	FL
Advocate Guaranty Title			Clearwater	FL
Al-Saffar	Nabil	M	Dallas	TX
Alfaro	Jorge	L	Miami	FL
Alison	Daniel	L	Pensacola	FL
Apple Title Company			Naples	FL
Bacon, Jr	Howard	C	Coral Gables	FL
Barker Title Agency of Ft Laud			Fort Lauderdale	FL
Belford	Melvin		Riviera Beach	FL
Brown	Kenneth	W	Key West	FL
Byrd	Larry	D	Sanford	FL
Calzon, III	Benny		Tampa	FL
Carmona	Teresita	D	Miami	FL
Carter	Elbert	E	Pensacola	FL
Caywood	George	E	Ocala	FL
Conway	Lynn	M	Tampa	FL
Dale	Larry		Cocoa	FL
Dauphin	Stanwick		Miami	FL
DeMarco	Robert	T	Dunedin	FL
Dittman	Bradley	S	Sarasota	FL
Doxsee	Thomas	A	Havana	FL
Doxsee	Jeffrey	D	Tallahassee	FL
Ferguson	Noel	W	Fort Lauderdale	FL
Forney	Deborah	A	Port Charlotte	FL
Franklin	William	B	Pensacola	FL
Frazier	Richard	K	Tampa	FL
Gagliardi	Joseph	M	Campbell	CA
Gambles	Anthony		Orlando	FL
Graham	Bill	J	St Petersburg	FL
Hamilton	Larry	D	Macon	GA
Hernandez	Maxine	P	Sanford	FL
Hitchcox	Troy	E	St Petersburg	FL
Houle	Dennis	A	St Petersburg	FL
Jordan	Tracy	L	New Port Richey	FL
Konitzer	Thomas	J	Ruskin	FL
Law & Title Group Inc			Clearwater	FL
Lehman	Albert	V	Tequesta	FL
Lenders Title Inc			Hiialeah	FL
Lomazzo	Samuel	A	Fort Lauderdale	FL
Manno	Philip		Deltona	FL
Pearson	Dion	D	Louisville	KY
Perks	Charles	F	Punta Gorda	FL
Sermons	James	E	Pensacola	FL
Smallwood	Gary	M	Winter Park	FL
Smith	Addie	M	Lehigh Acres	FL
Stanford	John		Holly Hill	FL
State Title & Abstract Inc			Clearwater	FL
Stevenson	Rita	A	Jacksonville	FL
Strasdas	Voldemar	A	Boca Raton	FL
Straus	Judd	B	Miami	FL
Thibodeau	Normand	A	West Palm Beach	FL
Tresca	Paul	H	Palmetto	FL
Walker	Bruce	C	Tarpon Springs	FL
Whitaker	Christopher	P	Tallahassee	FL
Williams	Janice	E	Marianna	FL
Winner Boats of Florida Inc			Sarasota	FL
Wooten	Benny	R	St Petersburg	FL
Yost	Gary	C	Allentown	PA

THE INTERCOM

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Adjuster's Qualifications • Fingerprint Information
Nonresident Agents • Bail Bonds
Managing General Agents • Terminations
Customer Representatives • Mediator Approval

License Control Section (904) 922-3137 Ext. 1100

Certification & Clearance Letters
Forms
Appointment Renewals
Company & Agency Name Changes
Mailing Lists



NAME/ADDRESS CHANGE?

If your name, residence address, principal business street address, or mailing address changes, you must notify the Department within 30 days of the change. Licensees who fail to comply are in violation of Chapter 626.551, F.S., and are subject to investigation and possible disciplinary action.

Please mail your notice of change to:
Bureau of Licensing
Department of Insurance
200 East Gaines Street
Tallahassee, FL 32399-0319

A name change necessitates the re-issuance of your insurance license. Please remember to enclose the \$5 fee and a copy of your marriage certificate, divorce decree, or other documentation at the time you request re-issuance.

Department of Insurance
Division of Agent and Agency Services
200 East Gaines Street
Tallahassee, FL 32399-0318.

BULK RATE
U.S. Postage
PAID
Permit No. 996
So. Fla Facility