

INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 6, No. 2 - February 2017

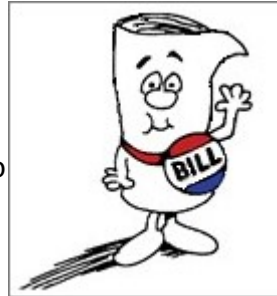
Deep in the Heart of Taxes

Dear Friends,

I'd say Punxsutawney Phil got it wrong this year, at least for Florida. The sun is shining, the air is warm and the start of MLB Spring Training is just days away. As the season when pitchers and catchers report back to the field, this time of year is a favorite for me. It's also the time that members of our Florida Legislature report to Tallahassee for the preparatory weeks ahead of our annual Legislative Session.

There are many key issues facing lawmakers this year: from access to quality water sources to the best way to bring business to our state to many other top topics, there will be no shortage of robust debate.

From time to time, we all must assess the work we're doing and ask ourselves if there are ways we can be performing more efficiently and effectively. In addition to participating in several broader insurance policy discussions, this year we're doing just that.



We're focusing on enhancing current programs, making adjustments to further protect policyholders when insurance companies fail financially, and honing our fraud-fighting plans that will give our investigators even more tools to put fraudsters behind bars. With ongoing conversations involving access to health care, raising rates in the workers' comp world, and rising water losses driving up property insurance costs, it's more important now than ever to eliminate the fraud that further drives up these costs for all of us.

Unclaimed Property

I'll partner with Senator Jeff Brandes and Representative Chuck Clemons on a bill aimed at further streamlining our nationally-recognized unclaimed property program. Many are not aware that homeowners sometimes have funds remaining following foreclosure proceedings. The way it stands now, individuals known as surplus trustees can become registered to work with the judiciary and Clerks of Court to return those funds to the foreclosed-upon homeowner — automatically getting two percent of those funds without doing any work and earning an additional and non-negotiable 10 percent fee on top of that.

We believe that our unclaimed property team can process these returns at an equal, if not higher speed than the trustees — and at no charge. With that in mind, this measure removes the Surplus Trustee Program and allows our staff to work on returning these accounts directly and at no cost to the consumer.

VERIFY
BEFORE ✓
YOU SELL

Agents should **routinely** verify the licensure of the companies for which they're selling. If you suspect an entity is not authorized or licensed to transact insurance in Florida, from Florida or with residents of Florida, please notify our office. Report suspected unlicensed activity. Call 877-MY-FL-CFO (1-877-693-5236).
[Read more >>](#)

Insurance Rehabilitation and Liquidation

For a policyholder, hearing that their insurance company has failed financially is something of a nightmare. Not knowing if their claims will be paid and wondering whether their health care providers will still see them — these are just a few of the worries that can run rampant. I wish I could say it never happens, but when it does, our Department steps up and steps in to help.

This process is called receivership, and our team works to determine if the company can be saved through rehabilitation or if it must be liquidated. There are usually many debtors — from missed mortgage payments to unpaid vendors and health care providers to policyholders owed repayment for out-of-pocket costs — and there likely isn't enough money to go around. We triage the debts and Florida law layers them by priority, aiming to repay policyholders whenever possible.

We're working with Senator Kathleen Passidomo and Representative Jake Raburn on a set of common sense changes that clarify deadlines, streamline payments and outline the obligations of the insurance company to cooperate with our staff. We believe these changes will improve the receivership process to the benefit of all policyholders in our state.

Insurance Fraud

I'm working with Senator Jeff Brandes and Representative Holly Racschein to tackle the ever-evolving issue of insurance fraud in Florida. We've made significant strides so far, and we couldn't have done so without the partnership of the fraud-fighting units housed within many of our state's insurance companies and the dedicated prosecutors who take our cases to trial. With this bill, we hope to further improve our processes and hone our techniques so that the Department of Financial Services can continue to stay a step ahead of the criminals who seek to defraud Floridians.

This legislative change will strengthen our fight by more closely aligning our fraud investigators with those who work within these in-house fraud-fighting units. We'll provide in-depth training on how to spot fraud to industry members and they will provide important data about the fraud each company is facing specifically. By gathering better data, the Department will be armed with the information needed to make strategic staffing decisions that place resources where the hot beds for fraud are happening.

Assignment of Benefits

Last, but certainly not least, you've likely read about a brewing brouhaha over an insurance tool called an assignment of benefits, often shortened to its initials: AOB. By signing a document and assigning your rights, you, as the policyholder, allow those who will be making repairs to your home or car to work directly with your insurance company regarding their payment. At its core, consumers use the tool to streamline the repair process and take some of the stress off their plates.

However, there's been a skyrocketing increase in the number of lawsuits filed when AOBs are involved in insurance claims. Insurance companies say that AOBs can be abused to inflate the cost of a claim, while repair vendors say an AOB is a tool that holds insurance companies accountable for payment. In any case, insurance costs are multiplying, and it's starting to cause an increase in insurance rates for all homeowners.

There are many voices in this conversation. It's going to be a difficult conversation, but the time is now to address this problem before we see rates skyrocket out of control. If you own a home in our great state, you'll want to stay tuned to this conversation.

As you can see, we're full steam ahead, and I am confident that we're heading into another successful session for Floridians. We'll keep you up to date as we move forward!

Sincerely,



Jeff Atwater
Chief Financial Officer
State of Florida





Volume 6, No. 2 - February 2017

News You Can Use

- Updating you on what's going on

****Consumer Alert** Check Scam Involving Florida's Department of Financial Services**

The Florida Department of Financial Services has recently become aware of a scam in which consumers receive fraudulent checks that are made to appear as if they have been issued by the Department. In some cases, checks appear to be signed with a forged signature of Chief Financial Officer Jeff Atwater. These fraudulent checks have been received and reported by consumers who were not expecting to receive funds from the Department.

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

Florida Division of Workers' Compensation Launches Online Employer Coverage Assistance Program

To assist Florida business owners with obtaining workers' compensation coverage to protect their employees from the detrimental impacts of on-the-job injuries, the Florida Division of Workers' Compensation has launched an online insurance company database called the Coverage Assistance Program (CAP). This new database allows employers to easily search for insurance companies that are actively offering workers' compensation policies for their industry type.

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

CONSUMER ALERT: Florida NFIP Policyholders Have 60 More Days to File A Proof of Loss Associated with Hurricane Matthew Claims; Proof of Loss Extension Associated with Hurricane Hermine Claims Has Expired

At the request of Insurance Commissioner David Altmaier, the Federal Emergency Management Agency (FEMA) has granted another extension giving National Flood Insurance Program (NFIP) policyholders in Florida an additional 60 days to file a complete, signed, and sworn proof of loss in support of their insurance claim for flooding damages associated with Hurricane Matthew. Typically, NFIP policyholders have 60 days to file a proof of loss with their insurance company following the initial date of loss. With this latest extension, Florida NFIP policyholders will have received a total of 180 days to file a proof of loss for damage caused by Hurricane Matthew.

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

Former Associate Pastor Convicted of Investment Fraud

The Florida Office of Financial Regulation (OFR) announced that Wesley Alan Brown was found guilty of 19 felony charges, including organized scheme to defraud, for his role in an investment scam. Brown faces up to five years in prison for each felony conviction, and up to 30 years in prison for the organized scheme to defraud conviction. He was remanded into the custody of the Flagler County Jail to await sentencing

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

[Click to read more recent news >>](#)

Make Sure You Don't Miss Important Information From Us

We highly recommend 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 this 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 affecting 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

Change of address and notification to appointing insurers when changing agencies

Licensees who change agency employers should not only change their address information, but should also notify any insurers or others they are appointed by. We also recommend licensees change their [MyProfile](#) password when changing employers, especially if the former agency-employer had access to the account.

Five Attempt Limit on License Exams

Section [626.281\(2\)](#), F.S. defines the limit on the number of licensing exam attempts an individual is allowed during a given period of time. The limit is five attempts for the same exam type during a twelve month period. This law creates a rolling time window looking back from the current date for exactly one year. All exams for a particular license attempted during that window count towards the five exam limit. Individuals who have reached the five exam limit are not permitted to sit for their next exam attempt until the one year time window only contains four exams.

Individuals in this situation should count back their five most recent exam attempts to determine the oldest of the five. Taking the date of the oldest of the five and adding one year to that date will determine the next date the individual will again be eligible to sit for the exam.

A specific example of the application of this law would be an individual taking a general lines (2-20) exam for the very first time on June 1, 2016, and failing the exam. After this first attempt, the individual sat for the exam four more times between June 2, 2016 and December 30, 2016. This individual will not be eligible to sit for the exam again until June 1, 2017.

Note: After three unsuccessful attempts, Bail Bond (limited surety) license exam candidates must repeat a 120-hour pre-licensing course and obtain a grade of 80 percent or higher before being eligible to attempt the exam again.

Title Insurance Agencies as Escrow Agents

The Florida Statutes do not prohibit the acceptance of escrow funds outside a title insurance transaction and [s.877.101](#), F.S. specifically identifies licensed title insurance agencies as an entity that may accept escrow funds.

PLEASE NOTE: Accepting escrow funds for a transaction outside one that results in the issuance of a title insurance policy may not be covered under your agency's surety and fidelity bonds. You should also check your agency's errors and omission coverage.

Reporting of Actions - Criminal, Administrative, Securities and Other

Subsection [626.451\(7\)](#), F.S., requires each licensee to advise the Department within 30 days after having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of one year or more under the laws of the United States, any state of the United States, or any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section [626.536](#), F.S., requires each licensee (including insurance agencies) to submit to the Department a copy of the order, consent order, or other relevant legal documents within 30 days after the final disposition of any administrative action taken against the licensee by a governmental agency or other regulatory agency in this or any other state or jurisdiction relating to the business of insurance, the sale of securities*, or activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty.

Subsection [626.6215\(6\)](#), F.S., requires agencies and their officers to advise the Department within 30 days after an individual licensee's violation is known or should have been known by one or more of the partners, officers, or managers acting on behalf of the agency. An example would be an action taken against a license or registration for violations of state or federal securities or commodities law, such as an action taken by FINRA. Failure to do so could result in administrative action against the license(s) of the agency and/or majority owner, officer, partner, manager, director, or other person who manages or controls the insurance agency.

Actions may be reported via the [NIPR's Attachment Warehouse](#), which may also satisfy reporting requirements for other states you are licensed in.

*Securities regulatory agencies include but are not limited to the U.S. Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA), and state securities regulators such as the Florida Office of Financial Regulation.

The Florida Statutes Now Available Online

The most current Florida Statutes can now be viewed at [Online Sunshine - Title XXXVII Insurance](#).

Education Central

- Things to know about your continuing education

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: How to Handle "Unreturnable" Bail Bond Collateral

Bail bond agents contact us asking what their obligations are in maintaining older files where they have not been able to return the collateral to the proper party. In many cases this is because the indemnitor moved without notifying the bail bond agent or agency.

The bail bond agent wants to destroy the old bail bond records to make room for the records of the new bonds being written. The law allows a bail bond agent to destroy the records related to the premium payment of a bail bond, three (3) years after the payment was made. However, collateral is not the property of the bail bond agent, agency or the insurer, so the records relating to the collateral must be maintained while the collateral is being held by them. No records concerning collateral may be destroyed until the full amount of the collateral is returned to its rightful owner.

The question we get is what is to be done when all efforts to return the collateral have been unsuccessful?

The CFO takes great pride in the Division of Unclaimed Property, which may be the proper and legal way to consummate some of these types of situations. This problem affects almost every business owner in the country and there is a way to get the money back to the proper owner, or the proper owner's heirs, while relieving the holder (in this case, a bail bond agency) from custody and liability.

- Go to www.fltreasurehunt.org
- Click on the "Report & Remit Unclaimed Property" link
- Review the procedures for remitting unclaimed property in Florida
- Submit the funds/property and you are done!

The Division of Unclaimed Property may require the submitter to have tried to return the property for at least five (5) years before they submit the property to the State. Once that time has expired and the submitter is able to document their attempts to try to return the property, they can complete the forms required and send the property to the State. The exact requirements are found in the Reporting Instructions Manual on that Division's website.

The Division of Unclaimed Property does hold education workshops at various locations around the state for anyone holding unclaimed property. If you are interested in attending a Holder Education Workshop, please check the Calendar of Events on their website, www.fltreasurehunt.org. You can also contact them at:

Florida Department of Financial Services
Division of Unclaimed Property
200 East Gaines Street
Tallahassee, Florida 32399-0358
EReporting@MyFloridaCFO.com
(850) 413-5522
(850) 413-3018 fax

Surplus Lines Export Eligibility

The Department continues to receive questions from agents seeking guidance on how to comply with the export eligibility requirements set forth in sections [626.916\(1\)\(a\) – \(d\)](#), Florida Statutes, while simultaneously meeting the needs and demands of their clients. Because the Department recognizes the difficulty agents have in understanding the statutory provisions within the surplus lines law with regard to export eligibility, we are providing questions previously addressed by the department and our responses those to questions:

Question #1

The structure in question is a residential condominium building with a replacement cost in excess of \$1 million. Therefore, only one admitted insurer is required on the DE. The customer desires ordinance & law coverage, agreed value, and sewer/water backup coverage. The agency represents four admitted insurers who write this line of coverage. Three of the admitted insurers will not offer these coverages, but one will. For the sake of discussion, the coverage under the surplus lines insurer who will offer the quote and the one admitted insurer is identical. Can the agency legally export this by listing one of the three admitted insurers on the DE, or does the fact that they have one (of four) admitted insurers willing to provide the coverage prohibit them from honestly completing the DE?

Answer #1

The language in s. 626.916(1)(a) clearly indicates that “The full amount of insurance required *must not be procurable*, after a diligent effort has been made by the producing agent to do so, from among the insurers authorized to transact and actually writing that kind and class of insurance in this state...” If the agent is aware of an admitted insurer willing to write the required coverage the agent should not complete a diligent effort form which suggests they are not. Doing this would be a clear attempt to circumvent the intent of the law.

Question #2

If the insured requests a specific coverage or amount of coverage that is not available with an admitted insurer, is there a specific level or difference between what an admitted insurer is offering and what a surplus lines insurer is offering before the diligent effort form can be properly completed and the policy exported? For example, if the insured requests a residential (or commercial residential) property insurance policy with \$5,000 of coverage for wind damage to trees, and the agent does not have access to an admitted insurer that will offer that coverage and/or that amount of coverage as part of a property insurance policy or on a stand-alone basis, then can the agent complete a diligent effort form and export the policy? In simpler terms, if there is **any** coverage that the insured requests and it’s not available in the admitted market, can that risk be exported assuming the DE is honestly and properly completed?

Answer #2

The purpose of the surplus lines portion of the insurance code is to make available to consumers coverage they need but cannot obtain in the admitted market. The situation described suggests that an insured is unable to obtain a specific limit or type of coverage needed. Pursuant to s. 626.916(1)(a) F.S., the agent should attempt to layer the coverage if “the full amount of insurance” is not obtainable in the admitted market. The last sentence of s. 626.916(1)(a) F.S., says “If it is not possible to obtain the full amount of insurance required by layering the risk, it is permissible to export the full amount.” So responding in “simpler terms,” coverage that the insured requests which is not available in the admitted market can be exported assuming a diligent effort is honestly and properly completed.

Bail Bond Agents - Alert - April 1, 2017 Deadline for Registration

Florida Statutes [s.648.42](#) requires bail bond agents to register and file their current power of attorney form with the county they reside, and each county they will be posting bonds, by April 1 of every odd year. For more information about registering, bail bond agents should contact the surety companies they are appointed to represent with and the sheriff and clerk of the circuit court in the counties where they will be posting bonds.

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 [[s.626.0428\(4\)\(f\)](#), F.S.]

Title Agency Data Call 2017

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, 2017 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://apps8.fldfs.com/DCAM/Logon.aspx>.

(The user's guide for DCAM is located at: <https://apps8.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, 2017**.

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 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 of Insurance Agent and Agency Services' web page [Compliance Information](#). Additional information is available by type of license at our [Frequently Asked Questions](#) web page.

Note: Some information in archived articles may now be out-of-date or superseded by changes in Florida law. Please be sure you refer to the most current law.

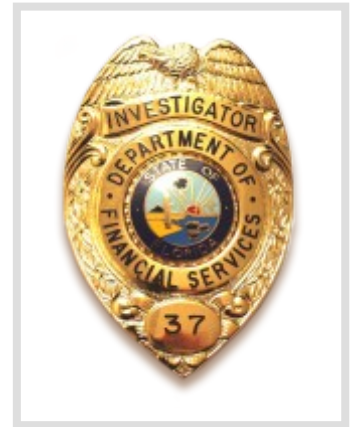
Case Notes

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 Investigative and Forensic Services](#) for criminal investigation.

Case: Investigators looking into a revoked bail bond agent's activities discovered a licensed bail bond agent had aided and abetted the revoked agent by executing a transfer bail bond for the revoked agent.

Disposition: License suspended for 90 days.

Case: The investigation was opened when investigators conducting a review of another licensee located evidence that a customer representative was transacting general lines insurance without the proper license.



The customer representative, an officer of the insurance agency at which the policies were sold, signed insurance applications with a rubber stamp bearing the signature of a general lines agent without his knowledge or consent. In fact, the general lines agent was not even employed at the subject's agency. Investigators established the violations from witness and customer affidavits and documentation from the involved insurance companies. In addition to the fraudulent use of the general lines agent's signature stamp, investigators found the subject also signed customer's names on the applications.

Disposition: License revoked.

Case: An investigation was opened on an agency after an investigative follow-up on a revoked customer representative found the agency appeared to have aided the revoked licensee in transacting insurance while revoked. Investigators determined the former licensee transacted 133 policies at automobile dealerships while revoked. In addition, the sales were conducted without supervision by a licensed and appointed general lines agents.

Investigators visited each dealership to determine who represented the agency at each location and to confirm a general lines agent had been designated as agent in charge for each. The agency operated 12 locations throughout a tri-county area within automobile dealerships, and were open an average of 12 hours a day. The investigation revealed the agency rotated 57 customer representatives to different locations on a daily basis to ensure they were properly staffed.

Investigators later received a complaint that a *licensed* customer representative employed by the agent sold an automobile policy that did not offer commercial use coverage to a consumer who used their vehicle for business. The policyholder had an accident and the claim was denied by the insurance company.

A condominium association alleged the agency failed to forward the annual renewal premium it paid for its director and officers' policy. The agency never placed the coverage with the insurer, although it was confirmed the association's funds had been deposited into the agency's bank account. The association first became aware

of the issue when it received collection letters from the insurer for unpaid premium. The agency failed to offer an adequate response to the association when questioned about the premium and the non-renewed policy. The association received a refund check from the agency a year later.

Disposition: Agency fined \$35,000. The revoked customer representative was arrested by the Department's Division of Investigative & Forensic Services for transacting general lines insurance without a license.

Case: An investigation was opened after the Department received a complaint from a county's contractor certification division. The county alleged that an Agent in Charge (AIC) of an agency had allowed her staff to create and disseminate fraudulent certificates of liability insurance. During the course of the investigation 14 fraudulent certificates of liability insurance were identified along with a falsified loss run and a non-renewal notice of a policy that did not exist. The Florida Insurance Code holds an agency's AIC accountable for violations committed by staff, regardless of whether he or she handles the specific transactions.

Disposition: The Agent in Charge was fined \$7,500 and placed on probation for one year.

Case: An investigation was opened on a life/health/variable annuity and industrial fire or burglary agent after the Department received a complaint from an insurance company that the agent had failed to forward \$2,242 in premiums received from policyholders. Investigators determined the agent collected the premium from 24 policyholders in a three week period. The agent had a cash bond with the insurance company which repaid all but \$318 in premiums.

Disposition: The agent was initially suspended for 90 days and ordered to pay \$318 in restitution to the insurance company. After failing provide proof to the Department that restitution was made within the 90 days, the agent's license was suspended for an additional 60 days. .

Case: An investigation was opened after policyholders who contracted with a public adjuster to assist with their claim alleged the adjuster cashed a settlement check from the insurance company and refused to release funds to the policyholders. The public adjuster advised the policyholders he would drop off the check for their endorsement but never did. During the course of the investigation, a copy of the negotiated check with the "policyholder's endorsement" was obtained from the insurance carrier by investigators and shown to the consumers. The consumers denied the signatures endorsing the check were their's. When the investigators questioned the public adjuster about the signatures, he said he'd used a "third-party" independent adjuster to deliver \$6,400 in cash to the consumers, but was unable to provide proof of delivery.

Disposition: License suspended for 12 months and ordered to pay \$6,400 in restitution to the consumers. The licensee is required to pay the restitution in full before applying for reinstatement of his license.

Case: This case was opened by investigators when the Department received notice from a clerk of county courts of a Final Judgment issued against a bail bond agent. He had failed to resolve the judgment within 35 days as required, but continued to issue new bonds. Investigators audited the agent's records and determined he executed 49 bail bonds while the judgment was outstanding.

Disposition: Fined \$2,000.

Case: Investigators opened a case on a life/health/annuity and general lines agent after learning of her arrest by the Department's Division of Investigative & Forensic Services (DIFS). The agent was charged with nine (felony) counts of "False and Fraudulent Insurance Claim – Less than \$20,000". DIFS' detectives alleged the agent filed multiple fraudulent insurance claims on behalf of herself and members of her family. The agent entered a plea of nolo contendere to all counts.

Disposition: License revoked.

Enforcement Actions

- January 2017

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.

LAST/BUSINESS NAME	FIRST NAME	LICENSE	LICENSE TYPE	DISPOSITION	FINE/COST	RESTITUTION	CITY, STATE	DOCUMENTATION
A FREEBIRD BAIL BOND INC			Bail Bond agency	Investigative Cost	\$1,000		Jacksonville, FL	Consent Order
ANDERSON	MARK	W080172	Life, Health, Variable Annuity	Revocation			Orlando, FL	Search
BIERNAT	JEFFREY	W231293	Life, Health, Variable Annuity	Monetary Penalty	\$500		Lansdale, PA	Consent Order
CAPITAL TITLE, INC.		W203605	Title Agency	Investigative Cost	\$2,500		Margate, FL	Consent Order
CHRISTIAN	LADONNA	P055726	Bail Bond	Investigative Cost	\$1,000		Maitland, FL	Consent Order
CONERLY	DOROTHY	A052757	Title	Probation 1 year	\$1,250		Wauchula, FL	Consent Order
CUMMINGS	GLENN	A059210	Life, Health, Variable Annuity	Monetary Penalty	\$2,500/\$2,500		Brandon, FL	Consent Order
DURNIN	KELSEY	W206105	Health	Revocation			Port St Lucie, FL	Notice of Revocation
FAIRWATER TITLE COMPANY, LLC		W283641	Title Agency	Investigative Cost	\$1,000		Port St Lucie, FL	Consent Order
FIRM TITLE CORPORATION		E111142	Title Agency	Investigative Cost	\$2,500		Sunrise, FL	Search

FOUNDATION TITLE & SETTLEMENT SERVICES LLC		P084733	Title Agency	Investigative Cost	\$1,000		Melbourne, FL	Consent Order
GUARDIAN LAND TITLE INC		A105999	Title Agency	License Surrender			Bushnell, FL	Consent Order
HAAS	ROY	A306793	General Lines	Suspension 6 mos		\$402.24	Lake Worth, FL	Consent Order
IRON LION TITLE LLC DBA PENNY TITLE		W094099	Title Agency	Investigative Cost	\$1,000		Orlando, FL	Consent Order
JONES, JR	SYLVESTER	A134849	Bail Bond	Suspension			Daytona Beach, FL	Notice of Temporary Suspension
KELLY	MICHAEL	A139023	Bail Bond	Suspension 6 mos			Port Orange, FL	Consent Order
LEGAL TITLE SERVICES OF SOUTHWEST FLORIDA, LLC		W240347	Title Agency	License Surrender			Sanibel, FL	Consent Order
MALONEY	TIMOTHY	P207799	Public Adjuster	Monetary Penalty	\$2,500		Lake Worth, FL	Consent Order
MITCHELL	BROOKS	P059680	Life, Health, Variable Annuity	Revocation			Jacksonville, FL	Search
MONTERO	JANETTE	A182553	Bail Bond	Revocation			Miami, FL	Order of Revocation
PARADISE BEACH TITLE, LLC.		W214340	Title Agency	Investigative Cost	\$1,000		Boca Raton, FL	Consent Order
PUNTES	SERGIO	D049159	General Lines	Revocation			Miami, FL	Search
QUIROZ	PERCY	W219657	Public Adjuster	Suspension 3 mos			Fort Lauderdale, FL	Order of Suspension
RIECHE	JONATHAN	W247032	Customer Representative	Suspension 3 mos			Opa Locka, FL	Consent Order
ROCK TITLE INC.		P067348	Title Agency	Investigative Cost	\$1,000		Fort Lauderdale, FL	Consent Order
TITLE COMPANY OF AMERICA INC		A265815	Title Agency	Investigative Cost	\$2,500		Doral, FL	Consent Order
TODD	DREW	W150724	Bail Bond	Suspension 6 mos			Palm Bay, FL	Order of Suspension
TOPALIAN	ROGER	A266622	Life, Health, Variable Annuity	Revocation			Boca Raton, FL	Search
VALENZUELA	JAVID	P109695	Public Adjuster	Monetary Penalty	\$3,500		Miami, FL	Search
VATH	JOHN	A272516	Managing General Agent, Bail Bond	Monetary Penalty	\$750		Apollo Beach, FL	Consent Order
WAUCHULA ABSTRACT & TITLE CO INC		A279112	Title Agency	Monetary Penalty	\$1,250		Wauchula, FL	Consent Order

WOMBLE	TERESA	A289477	Life, Health	Revocation			Tallahassee, FL	Consent Order
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Bureau of Licensing

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