

Deep in the Heart of Taxes

Dear Friends,

Can you hear me now? In the time it takes for you to answer that question, you could have already fallen victim to a scam. Tax season has arrived and for some of us, filing our taxes may not be the most burdensome of tasks, but that can quickly change as scammers and fraudsters are more active now than any other time of the year. Unfortunately, Floridians are often targeted by scammers as our high number of senior residents are among the most likely to be targeted. February is Senior



Independence Month and while conversations with our parents and grandparents about their independent living and home safety may have already begun, we must remember that discussing how to protect our seniors' finances is equally as important.

Recent reports show that consumers lose about \$50 billion each year to scammers, with phone scams targeting seniors accounting for a large percentage of that total. History has shown that phone scams seem to be the easiest to orchestrate, but there are many ways consumers can be scammed via email, postal mail or even face to face.

Here are some of the most recent scams that have been used to target seniors:

- **"Can You Hear Me Now?"** - Callers claiming to be from the IRS ask the question, "Can you hear me now?" The scammers record the consumer's response and if the consumer says "Yes," the caller hangs up and calls back. During this second conversation, the caller asks the consumer if they are aware of money that is owed and that the consumer must provide payment. The caller then uses the previous 'yes' recording to manipulate the phone records to show false proof of the consumer acknowledging and agreeing to provide the payments.
- **Grandparent Scam** - Callers claim to be a grandchild who has been arrested in another country and needs money to get back to the U.S. Callers warn that telling mom or dad can make the problem worse, and consumers are asked to wire money to any number of overseas locations.
- **Debt Collection** - Via telephone call or postal mail, phony debt collectors demand money to cover unpaid debts. Often times, consumers are threatened with legal action if payments are not made. The Department has a wide range of free resources and information to ensure our seniors are protected from the scammers who seek to defraud them. If you're interested in learning more through one of our live "Be Scam Smart" workshops, visit our [Operation S.A.F.E \(Stop Adult Financial Exploitation\) webpage](#) to sign up for a workshop near you. Next week, our team will be in Arcadia on February 7, and Wauchula on February 8 demonstrating how to avoid being scammed, what to look for, and how to report a potential scammer.

**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 >>](#)

The Department has a wide range of free resources and information to ensure our seniors are protected from the scammers who seek to defraud them. If you're interested in learning more through one of our live "Be Scam Smart" workshops, visit our [Operation S.A.F.E \(Stop Adult Financial Exploitation\) webpage](#) to sign up for a workshop near you. Next week, our team will be in Arcadia on February 7, and Wauchula on February 8 demonstrating how to avoid being scammed, what to look for, and how to report a potential scammer. In addition to our workshops, I encourage all Florida families to visit our [Your Money Matters webpage](#) this month to become familiar with the Department's multiple videos and scam fact sheets to help inform, empower and protect yourselves and your loved ones from those who may wish to steal from them. An informed community is a better-protected community and we all have a part to play.

Sincerely,



Jeff Atwater
Chief Financial Officer
State of Florida



News You Can Use

- Updating you on what's going on

Insurance Commissioner Announces Agreements for 10-Year Long-Term Care Insurance Rate Guarantees by MetLife & Unum

Florida Insurance Commissioner David Altmaier has made rate filing decisions on long-term care insurance products for Metropolitan Life Insurance Company (“MetLife”) and two subsidiaries of the Unum Group, Unum Life Insurance Company of America and Provident Life and Accident Insurance Company (“Unum”). These decisions reflect agreements by MetLife and Unum to give their policyholders guaranteed certainty about the cost of their long-term care insurance for the next 10 years. Rates approved by the Office will be phased-in by the insurance companies incrementally over an initial three-year period, with average monthly premium increases ranging from \$4 to \$44 for MetLife and \$5 to \$55 for Unum. During the next seven year period, rates will be guaranteed, with no additional rate changes for affected policyholders. In addition to the rate guarantee, policyholders will also be given a range of benefit options to choose from in mitigating the rate increase. These include allowing the policyholder to accept a reduction or removal of the inflation factor, reduction in the daily benefit provided for in the policy or an increased elimination period. It also includes a non-forfeiture provision that allows policyholders who do not wish to make future premium payments to accept a paid-up policy with maximum benefits equal to the premiums they have already paid for in the policy.

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

Consumer Finance Companies Fined \$500,000

The Florida Office of Financial Regulation announced a settlement agreement with three internet consumer loan businesses, CashCall, Inc., Western Sky Financial, LLC and WS Funding, LLC, who acted together in an organized scheme to charge Floridians exorbitant and illegal rates of interest on personal installment loans. The settlement resulted in a \$500,000 fine, revocation of CashCall, Inc.’s consumer finance license and a lifetime ban on licensure by the Florida Office of Financial Regulation for all control persons affiliated with the three companies.

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

Florida Office of Financial Regulation Releases Annual Fast Facts

The Florida Office of Financial Regulation (OFR) today released the fourth edition of its annual Fast Facts, providing consumers and industry groups a broad overview of the agency’s duties and achievements in the 2015-16 Fiscal Year.

Commissioner Drew J. Breakspear said, “Our annual Fast Facts highlights the agency’s key functions and successes in a handy, pocket-sized booklet. The Fast Facts is a valuable consumer education tool that can help

Floridians learn more about what we do and how we can help them. We are proud of the good work done by our licensing, examination, consumer resources and investigative staff in protecting consumers and helping the financial services industry thrive.”

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

Office Issues 2016 Workers' Compensation Annual Report

The Florida Office of Insurance Regulation (Office) has released the 2016 Workers' Compensation Annual Report to the Florida Legislature. The Office is required by law to annually evaluate competition in the workers' compensation market and to investigate and use data in its review of associated rate filings.

For more information on this subject, please visit the Office's [Workers' Compensation webpage](#).

[Click here to read 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

Citizens' Maximum Coverage Limit Decreased Effective January 1, 2017

As required by Senate Bill 1770, enacted by the Florida Legislature in 2013, and by approval of Citizens' Board of Governors, Citizens will decrease allowable maximum policy coverage limits.

Effective January 1, 2017, for new business and renewals, the following personal residential risks no longer are eligible for coverage under Florida law:

- A structure that has a dwelling replacement cost (Coverage A) of \$700,000 or more
- A single condominium unit with a combined dwelling and contents replacement cost (Coverage A and C) of \$700,000 or more
- A tenant contents policy with a Coverage C limit of \$700,000 or more

Note: The maximum coverage limit changes reflected above will not affect policy forms where lower maximum coverage limits already exist.

Because the Florida Office of Insurance Regulation (OIR) determined there is not a reasonable degree of competition in Miami-Dade and Monroe counties, these two counties are exempt from the decreased coverage limit of \$700,000. The maximum coverage limit of less than \$1 million will continue to apply to risks in these two counties.

Citizens will comply with the nonrenewal guidelines in Florida Statute 627.4133 and mail affected policyholders nonrenewal notices in advance of nonrenewal dates of **January 1, 2017**, or later. The nonrenewal will be effective at the end of each policy's current term.

Agency principals will receive a separate email soon containing a list of affected policyholders, in order to assist them with securing coverage elsewhere.

Citizens' website, systems and manuals will be updated to reflect this change.

[Click here to read the bulletin at Citizens' website>>](#)

Depopulation: Policyholder Choice

Citizens Personal Lines Bulletin: December 21, 2016

Citizens is changing the depopulation process for all personal lines assumptions, beginning with the February 21, 2017, assumption. These changes are designed to increase policyholder choice and bring greater efficiency and transparency to the process for policyholders, agents, takeout companies and Citizens. The new process also integrates changes required by HB 931, passed in the 2016 legislative session.

Highlights of the changes are outlined below. Over the coming weeks, Citizens will provide training to agents who have customers selected to participate in this assumption, as well as details about website and system enhancements.

Policyholder Highlights

- Citizens will notify policyholders via U.S. mail of any available offers from participating companies interested in assuming their policies, starting January 4, 2017. The mailing will include a Policyholder Choice Form that includes all available offers and estimated renewal premiums for the assumption period. Policyholders will be able to choose their preferred insurance company or elect to remain with Citizens.
- Policyholders will have until February 3 (30 days) to return their Policyholder Choice Form to Citizens or contact their agent to register their choice.
- If a policyholder's choice is not received by February 3, the policy will be assumed by one of the participating companies that made an assumption offer to the policyholder.
- Post assumption opt-outs no longer will be available.

Agent Highlights

- On January 4, Citizens will email agency principals a complete list of policies to which participating companies are extending offers for the February 21 assumption.
- On January 4, the agent of record will receive a PolicyCenter® activity notifying them of their customers' policies that have been selected. Copies of all customer correspondence are available in PolicyCenter.
- Agents will be able to register policyholder choices in PolicyCenter. Citizens encourages agents to reach out to affected policyholders to help them understand their options and ensure they complete the policyholder choice process.

Upcoming Agency Education and Support

If your agency has policyholders selected to participate in a personal lines assumption on or after February 21, you will receive an invitation to participate in webinars that outline the new process in more detail.

Florida Surplus Lines Services Office Fee - Decreased to 0.1% Effective April 1, 2017

BULLETIN: 2016-04

TO: FLORIDA SURPLUS LINES AGENTS, SURPLUS LINES INSURERS AND INDEPENDENTLY PROCURED COVERAGE (IPC) FILERS

FROM: GARY D. PULLEN, EXECUTIVE DIRECTOR, FLORIDA SURPLUS LINES SERVICE OFFICE

DATE: DECEMBER 14, 2016

The purpose of this bulletin is to notify you that the service fee charged by the Florida Surplus Lines Service Office (FSLSO) will be decreased from 0.15% to 0.1% effective **April 1, 2017**.

All new and renewal policies with an effective date **on or after April 1, 2017** will incur a service fee of 0.1% of the total gross premium as defined in [Florida Statute 626.9325](#). The service fee percentage charged on the premium is based on the effective date of the policy; the FSLSO service fee is charged on all applicable Florida policies.

The service fee for all endorsements, audits, installments, cancellations or return premium transactions applicable to policies effective prior to 04/01/2017 will be the same percentage as the inception date of the policy being endorsed.

EXAMPLE ONE: The service fee for a policy with an effective date of 01/01/2017 is 0.15% of the total gross premium. An additional premium endorsement to the policy with an endorsement effective date of 06/01/2017 is 0.15%. If a cancellation takes place with an effective date of 8/01/2017, the service fee credit is 0.15%.

EXAMPLE TWO: The service fee for a policy with an effective date of 04/01/2017 is 0.1% of the total gross premium. An additional premium endorsement to the policy with an effective date of 06/01/2017 is 0.1%. If a cancellation takes place with an effective date of 08/01/2017, the service fee credit is 0.1%.

Again, the service fee percentage charged on the premium is based on the effective date of the policy. For an electronic copy of the bulletin, please visit: www.fslso.com/publications.

Business rules for calculating the correct service fee will be programmed into the FLSO's management system. No changes need be made for SLIP or XML batch filing, however, you may need to contact your agency's information technology vendor or staff regarding needed revisions to your agency management system that may be necessary to calculate the revised service fee.

FLSO's Tax Estimator provides instant access to the most current tax rates and is available in a mobile application for Apple or Android devices. To use the Tax Estimator, visit www.fslso.com/estimate.

FLSO also provides a free Tax Estimator web service application for businesses desiring to make the Tax Estimator available from their internal agency management system or third party website. Contact Tiffany Maruniak (tmaruniak@fslso.com) for more information.

As always FLSO can be reached toll free at 800.562.4496, or email us at easy@fslso.com or visit our website at www.fslso.com.

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: Surplus Lines Export Eligibility

The Department has received numerous 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

*Agent A has a condominium association client with a commercial residential policy that Agent A has placed with an admitted insurer. Upon renewal, the client asks Agent A to move its commercial residential policy to a surplus lines insurer, but Agent A refuses and states that he cannot move the policy from an admitted insurer to a surplus lines insurer because he is not able to legally complete a diligent effort form. The client then contacts Agent B and asks Agent B to place its commercial residential policy (at renewal) with a surplus lines insurer. Agent B does not have access to an admitted insurer that is willing to write this risk, and despite Agent B's knowledge that the risk is currently insured with an admitted insurer, Agent B does not have access to the admitted insurer that currently insures the risk. Thus, Agent B properly completes a diligent effort form (he gets declinations from 3 admitted insurers that he **does** have access to but who are not willing to write the risk) and then Agent B places this risk with a surplus lines insurer at renewal. Has Agent B followed the law by properly completing a diligent effort form, despite the fact that he has moved a commercial residential policy from the admitted market to the surplus lines market at renewal?*

Response

Agent B has followed the law by properly completing and documenting diligent effort, despite the fact that the policy was moved from the admitted market to the surplus lines market. The law does not compel an agent to seek quotes from companies they are not affiliated with. To meet the requirements of the law, the writing agent must seek the required coverage in the admitted market from insurers "actually writing that kind and class of insurance in this state," and properly document those efforts in accordance with [s. 626.916](#), F. S. Failure by Agent B to make the required diligent effort or to properly document that effort could lead to administrative action being taken against the agent.

Question 2

Agent A has a condominium association client with a commercial residential policy (\$70 million total insured value) that Agent A has placed with an admitted insurer. The policy is coming up for renewal and the admitted insurer currently insuring the risk will renew the policy but will not offer full law and ordinance coverage, which for this risk, the agent and client both believe is a necessary coverage since the condominium association

buildings were built in the 1970's and do not comply with current building codes. Agent A cannot find stand-alone law and ordinance coverage for this risk either in the admitted market, or in the non-admitted market. Other than the current admitted insurer that will renew the risk without full law and ordinance coverage, Agent A does not have access to any other admitted insurers that are willing to write this risk at all given the age of the buildings. Agent A completes a diligent effort form listing the current insurer as declining to write the risk with full law and ordinance coverage, and listing two other admitted insurers that are not willing to write the risk due to the age of the buildings. Agent A then places the risk, with full law and ordinance coverage, with a surplus lines insurer. Has Agent A properly complied with the export law?

Response

Agent A has properly complied with the export law. In this scenario, the full amount of required insurance was not procurable based on a diligent effort by the agent. Technically the agent went beyond the requirements of the law in obtaining 3 declinations as [s. 626.914](#), F. S. only requires 1 declination for risk where the residential structure has a dwelling replacement cost of \$1 million or more. The agent also attempted to layer the risk as required by law and the diligent effort also established that layering was not an option. Since full law and ordinance coverage was established as a requirement by the client, the agent was obligated to attempt to procure that coverage. Given that the documented diligent effort did not result in identifying an admitted insurer willing to write the required coverage, the policy is eligible for export.

Question 3

Agent A has a condominium association client with a commercial residential policy renewal coming up in about 30 days (\$40 million total insured value) that Agent A has placed with an E & S insurer. The board is very savvy and has some members who are very familiar and comfortable with the E&S market. The board insists on coverage only from an AM Best "A" rated company with large financial size (policyholder surplus). It is nonnegotiable. They have no problem with E&S and want to stay with current carrier which is offering a renewal. There is no admitted AM Best A rated carrier that will write this risk.

Even though the board has no interest in admitted carriers that do not have an AM Best rating, the admitted carriers are quoting for Agent A and other agents. Hence Agent A is not able to complete a diligent effort search because he has an admitted market willing to write the required coverage. Agent A asks DFS if he should follow the customer's instructions and renew the coverage in the E & S market? Or alternatively, does the DFS force the client to insure with a non AM Best rated company against their wishes.

Response

In this scenario the insured has expressed a requirement as to the type of insurer they are willing to accept. The statute provides for export only to obtain the full amount of insurance required. The rating of the carrier is a preference of the insured, and is unrelated to the amount of insurance required. A consumer cannot be compelled to enter into or continue a contract with an insurer they do not wish to do business with. However, the agent is still bound by the requirements of the law. The law does not provide an exception for wishes of the consumer. Given the information provided, it would not appear this agent could legally export this policy.

Consumers have the option of independently procuring insurance directly from the surplus lines market. Those who wish to do so should be aware of the requirements set forth in [s. 626.938](#), F. S., and can consult with the Independently Procured Coverage (IPC) Procedures Manual located at <http://www.fslso.com/Comply/ProceduresManuals>.

*In addition to the questions and answers above, Department legal staff has directed our attention to a case which is illustrative of the Department's interpretation of key provisions of the surplus lines law. Case No. 99-1914 (DOAH July 7, 2000; DOI Oct. 4, 2000), *Dep't of Ins. v. Bandel*, addresses many concerns which might be raised by agents. <https://finalorders.fldfs.com/ViewImage.aspx?disn=86436>*

Moving forward, the Department will aggregate questions relating to additional hypothetical scenarios and will periodically publish our responses here. We will not be providing pre-approval of specific transactions for

agents.

To summarize the Department's position regarding allegations of improper export, we will investigate complaints on a case-by-case basis and take regulatory action where the facts of the specific case warrant action. Discipline for a violation can range from a letter of guidance, to a monetary penalty, or even suspension or revocation of a license. Monetary penalties can be assessed commensurate with the amount of premium collected on a per count basis. If no violation is uncovered, the case will be closed without action and the investigation will remain a confidential record.

Importance of Maintaining Valid E-Mail Addresses in MyProfile

We have noticed that many times agencies will provide an email address in its [MyProfile](#) record for someone who is in a supporting role in the agency, and when the employee leaves the agency, it fails to update the address. The email address is immediately invalid and the agency will become non-compliant under [s.626.551](#), F.S. if the address is not updated within 30 days.

It may be a good practice for agencies to use a general or generic email address in its MyProfile account such as "Info@agencydomain.domainextension", making sure the Owner/Agent in Charge has access to the address. It is important that **ALL** licensees maintain a valid email address because the majority of Department communications are sent via email and **all** licensees are required to maintain a valid email address.

Bail Bond Agents" How to Handle "Unreturnable" Collateral

Bail bond agents occasionally contact us asking what their obligations are in maintaining older files that still have collateral when the indemnitors have refused to visit the bail bond agency to collect the collateral and sign the collateral receipt form.

Because collateral is not the property of the bail bond agent or the insurer, neither can destroy any records concerning that collateral until it is returned to its rightful owner. In some cases, all efforts to do so have been exhausted. What should the bail bond agent do in such a case?

The CFO takes great pride in our Division of Unclaimed Property, which was created for exactly this type of situation. 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.

- 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 may require the submitter to have tried to return the property for five (5) years before they submit the property to the State. The exact requirements are found in the Reporting Instructions Manual on the Division's website.

You may also find the Bureau is holding an event in an area near you, which would allow you to meet with them in person and discuss any issues you, or others, are having in the bail bond industry. If you are interested in attending a Holder Education Workshop, check the [Calendar of Events](#) at the Division's website.

Title Agencies: 2017 Administrative Surcharge Was Due January 30

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 2017 has passed.

If your agency has not paid the 2017 surcharge, we encourage you to do so **immediately**. 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.

To pay the title surcharge, please go into the MyProfile account for your title insurance agency and click where the arrow is pointing and it says, "Title Surcharge Payment"

JEFF ATWATER, CHIEF FINANCIAL OFFICER
FLORIDA DEPARTMENT OF FINANCIAL SERVICES

Help | FAQ | Logout [Business Entity]

My Profile
USER: Title Agency Name

Click here to View Accepted Applications

LICENSSES, REGISTRATIONS OR CERTIFICATIONS Number: X123456

▶ Active

0412 - TITLE INS AGENCY - CORP OR FIRM

Current Contact Information

Agency street address
City State Zip Code
eMail@webaddress.com
UserName: LOGINNAME
Click here to view Complete Information

APPOINTMENTS

▶ Click here to review a list of your active appointments

PRINT LICENSES

▶ Please click below on the size of license you wish to download/print.

- Permanent Licenses - Size: Letter

Apply

- ▶ New License
- ▶ Address Change
- ▶ Login Information Change
- ▶ Email Address Change
- ▶ Letter of Certification
- ▶ Third Party Privileges
- ▶ Title Surcharge Payment
- ▶ Register to become an Appointing Entity

Links of Interest

- ▶ Our Home Page

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Occasionally we discover agencies were not aware of the reminder due to 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.

Failure to pay the surcharge on or before January 30, 2017 **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.

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., which ended December 31, 2016.

Title Agency Data Call 2017

2017 marks the third 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, 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.flor.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@flor.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 & Forensic Services](#) for criminal investigation.

Case: A case was opened on a customer representative after an insurance company reported the customer representative had submitted a life insurance application on a consumer. Customer representatives are prohibited from transacting life insurance under the Florida Insurance Code. The insurance company stated the application was allegedly submitted without without the consumer's knowledge or consent.



Investigators obtained a statement from the consumer who acknowledged speaking with the customer representative, but denied discussing life insurance or authorizing the purchase of a life insurance product. Investigation determined the life application was submitted electronically under the license number of the Agent in Charge, a general lines agent, also without her knowledge or consent. Investigators conducted an agency inspection but found no additional fraudulently submitted applications.

Disposition: License suspended for 12 months.

Case: The original source of this complaint was the Bureau of Licensing. This licensee had applied for a 21-05 agency license. The investigation of this case included extensive research on the agency's licensing history and prior administrative action of the corporate officers/owner.

A corporate officer of the agency applied for an agency license. However the majority of answers on the application were not answered accurately, particularly the questions dealing with the disclosure of the agency owner's prior administrative actions. The application failed to disclose any reference to prior actions taken by the Indiana or Nebraska insurance Departments. Equally troubling, the application failed to disclose all corporate officers.

Disposition: Fined \$2,500 for misrepresentations made on the licensing application.

Case: The Department was notified that a licensed insurance agent had consented to an Acceptance, Waiver and Consent entered by the Financial Industry Regulatory Authority (FINRA). Findings of fact and legal conclusions in the order included violations related to the sale of more than \$750,000 in private securities. A fine in excess of \$50,000 was imposed by FINRA and the agent's registration was suspended. An investigator took affidavits from consumers who were harmed due to the acts of this agent. The agent violated one or more of the provisions of the Florida Statutes and caused financial harm to consumers.

Disposition: License revoked.

Case: The Bureau of Investigation opened a case into the activities of a health insurance "call center" after receiving a number of complaints from former employees. Individuals who previously worked at the call centers alleged the call center was conducting activities that require an insurance license. Investigators conducted an inspection and discovered the agency did employ some licensed individuals, but they were not appointed to the insurance companies they were selling for. The call center owner claimed the company's

function was to refer callers to licensed agents.

Disposition: Fined \$5,000.

Case: This case originated after a Final Judgment was entered against a bail bond agent in the Hillsborough County Court. Judgment was entered due to the forfeiture of a bond executed by the subject agent. Satisfaction of the judgment was not paid within the required time period. It was alleged that the bail bond agent continued to execute bonds while the judgment remained unsatisfied for more than 35 days.

The bail bond agent was contacted and copies of bonds executed during the time the judgment remained unsatisfied were requested. The subject agreed to provide the requested documents, but they were never received. Multiple attempts were made to conduct an agency inspection but the agency was closed each time. Investigators obtained the needed documentation from the Surety Company and confirmed the bail bond agent did execute multiple bonds while the judgment remained unpaid for more than 35 days. The subject was found to have executed bail bonds while a judgment remained unpaid and failed to maintain a place of business that was open and accessible to the public during normal business hours.

Disposition: The bail bond agent was fined \$2,500 and placed on probation for one year. When the subject failed to pay the fine within 30 days, his license was suspended for 60 days. The subject is still required to pay the \$2,500 fine before the license can be reinstated and placed on probation

Case: This case was a referral that was received from a title insurance company indicating they had discovered shortages in the escrow account of a title agency. The shortages totaled \$241,510, and \$34,427 of that amount had been transferred from the escrow account to the operating account of the agency and subsequently disbursed to pay agency expenses. The insurance company attempted to conduct an audit and the owner of the title agency would not allow them access to the files.

The reconciliation records from the insurance company and the bank records were obtained for all of the bank accounts belonging to the title agency. The bank accounts disclosed \$34,427 was transferred from one escrow account to an operating account with no explanation. The bank records showed a payment of \$1,475.18 from the escrow account to make a payment on a Master Card credit account. In addition, the reconciliation records revealed shortages totaling \$241,510.

After the owner was made aware of the on-going investigation by the insurance company, two payments were made to the escrow account in the amounts of \$34,000 and \$150,000. The owner of the title agency did attempt to surrender the agency's license and indicated they were no longer conducting title insurance transactions. However, the surrender was not accepted due to the active investigation. Several attempts were made to conduct an agency inspection, but the owner said the records were no longer available.

When the owner of the title agency was formally notified of the Department's investigation, the shortages were funded in full and the insurance company confirmed the amounts paid. The allegations in this case were the title agency misappropriated escrow funds, failed to remit the statutorily mandated 2016 Administrative Surcharge to the Department and failed to submit the statutorily mandated 2016 Title Data Call filing to the Office of Insurance Regulation.

Disposition: License revoked.

Case: This case was opened based on information received from the Office of Insurance Regulation (OIR) that a title agency had not completed the statutorily mandated 2016 Title Data Call filing. When investigators visited the agency, the Agent in Charge (AIC) was not there. The AIC insisted that she had completed this requirement and was in fact speaking with the OIR to complete the filing. In mid-August investigators confirmed that the data call had still not been submitted so the investigative report was submitted possible administrative action against the agency.

Investigators made every effort to encourage this AIC to allow them to "walk her through" the process, but she was not cooperative. This case could have been easily resolved but developed into an administrative action against the agency.

Disposition: License suspended for three months.

Enforcement Actions

- December 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.

Last/Business Name	First Name	License	License Type	Disposition	Fine (\$)	Cost (\$)	City, State	Documentation
AGUERO	OLIVER	A002130	Life, Health	Revocation			Miami, FL	FINAL ORDER
ALL MOTORS ASSURANCE AGENCY INC		R027200	Agency	Monetary Penalty	\$3,000		Miami, FL	CONSENT ORDER
CEU INSTITUTE			Continuing Education Provider	Monetary Penalty	\$6,250		Lake Mary, FL	CONSENT ORDER
COCUZZO	GERALD	W258250	Life, Variable Annuity	Indefinite Suspension			Delray Beach, FL	NOTICE OF TEMPORARY SUSPENSION
CROSSROADS TITLE SERVICES, LLC		W221651	Title Agency	Administrative Surrender			Clearwater, FL	CONSENT ORDER
CUBBEDGE-WIGGINS	STEFANIE	A058866	Life, Health, Variable Annuity, General Lines	Probation 1 Year	\$2,500		Gainesville, FL	CONSENT ORDER
D & V MYSER INSURANCE AGENCY		R000975	Agency	Revocation			Plantation, FL	CONSENT ORDER
DANIELS	DAVID	P135843	All Lines Adjuster	Revocation			Deltona, FL	ORDER OF REVOCATION

DEBOER	MICHAEL	A064150	Life, Health, Variable Annuity	Revocation			Trinity, FL	CONSENT ORDER
DIXON	JONATHAN	W266464	Customer Representative	Revocation			Gainesville, FL	ORDER OF REVOCATION
GOLD TITLE PC		P043853	Title Agency	Investigative Cost		\$1,000	Andover, MA	CONSENT ORDER
GRACE TITLE INC		E094383	Title Agency	Monetary Penalty	\$4,500		Altamonte Springs, FL	CONSENT ORDER
GRANITUR	ERIC	P085370	Life, Variable Annuity	Indefinite Suspension			Vero Beach, FL	NOTICE OF TEMPORARY SUSPENSION
GROSS	WILLIAM	A105509	Life, Health, Variable Annuity	Monetary Penalty	\$7,500	\$7,500	Highland Beach, FL	CONSENT ORDER
GULFATLANTIC TITLE & APPRAISAL INC D/B/A CARROLLWOOD TITLE INC		D059855	Title Agency	Investigative Cost		\$1,000	Tampa, FL	CONSENT ORDER
GUNN	ESTER	W141831	Life, Health, Variable Annuity	Suspension 9 Months			Moore Haven, FL	CONSENT ORDER
HOTKA	TRACI	W289163	Life, Health, Variable Annuity	Revocation			Fort Myers, FL	ORDER OF REVOCATION
LAMENTA	FABIAN	W015103	Bail Bond Agent	Monetary Penalty	\$1,500		Chiefland, FL	CONSENT ORDER
LANDMARK TITLE OF FLORIDA INC		A148825	Title Agency	Investigative Cost		\$1,000	Palm Beach Garden, FL	CONSENT ORDER
LEGAL ELITE TITLE INC		W108068	Title Agency	Investigative Cost		\$1,000	Hollywood, FL	CONSENT ORDER
LIGHTHOUSE LAND TITLE COMPANY		D043383	Title Agency	Investigative Cost		\$1,000	Niceville, FL	CONSENT ORDER
MAGNOLIA TITLE AGENCY, LLC		W022152	Title Agency	Investigative Cost		\$2,500	Dade City, FL	CONSENT ORDER
MCNATT	JOSHUA	W062289	General Lines	Revocation			Satellite Beach, FL	ORDER OF REVOCATION
NELSON	STEPHEN	E130882	Public Adjuster	Suspension 3 Months			Dallas, TX	ORDER OF SUSPENSION
OCEANSIDE TITLE & ESCROW INC		E081839	Title Agency	Investigative Cost		\$2,500	Vero Beach, FL	CONSENT ORDER
OMNI ONE TITLE SERVICES, LLC		P003372	Title Agency	Investigative Cost		\$2,500	Cape Coral, FL	CONSENT ORDER
O'NEILL	MICHELLE	P116871	Life, Health, Variable Annuity, General Lines	Revocation			Lake Wales, FL	ORDER OF REVOCATION

PENA	MIRNA	E121814	Title	Indefinite Suspension			Naples, FL	NOTICE OF TEMPORARY SUSPENSION
POTTER	DAVID	P132534	Life, Health, Variable Annuity	Suspension 3 Months			Tampa, FL	CONSENT ORDER
RAMATHIBELA	CHRISTINE	P113551	Public Adjuster	Suspension			Miami, FL	NOTICE OF TEMPORARY SUSPENSION
RICHARDS	ROBERT	W209552	Life, Health, Variable Annuity	Probation 2 Years		\$5,000	Boynton Beach, FL	CONSENT ORDER
ROSMAN	MARIO	E053919	Public Adjuster	Monetary Penalty	\$500		Davie, FL	CONSENT ORDER
ROUSE	FELICIA	P129537	Bail Bond	Suspension 6 Months			Ocala, FL	ORDER OF SUSPENSION
SCHEVELING	AMY	W130722	Personal Lines	Revocation			St Augustine, FL	ORDER OF REVOCATION
SZE	DAVID	A259619	Life, Health, General Lines	Revocation			Plantation, FL	CONSENT ORDER
TITLE NOW, LLC		W245625	Title Agency	Monetary Penalty	\$2,500		Fort Lauderdale, FL	CONSENT ORDER
TRAVIS	SHEILA	P030256	Bail Bond	Indefinite Suspension			Pensacola, FL	NOTICE OF TEMPORARY SUSPENSION
TRILOGY TITLE SERVICES, INC.		W178052	Title Agency	Investigative Cost		\$1,000	Wellington, FL	CONSENT ORDER
VASQUEZ	GIOVANNY	P217885	Life, Health, Variable Annuity	Indefinite Suspension			Miami, FL	SEARCH
WILLIAMSON	ARBUTAS	P036021	Life, Health, Variable Annuity, General Lines	Revocation			Tallahassee, FL	NOTICE OF REVOCATION
WONG	VERA	A289538	General Lines, Health	Revocation			Plantation, FL	CONSENT ORDER

Contact Us

- We're always here for you

Bureau of Licensing

General inquiries for everybody - Agents, Adjusters and Agencies

AgentLicensing@MyFloridaCFO.com

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 compliance matters **NOT** related to Licensing or Education.

BailBond@MyFloridaCFO.com - For bail bond compliance matters **NOT** related to Licensing or Education.

Adjusters@MyFloridaCFO.com - For adjuster compliance matters **NOT** related to Licensing or Education.

askDFS@MyFloridaCFO.com - For all other compliance matters **NOT** related to Licensing or Education.

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Tallahassee, FL 32399-0320

Title Insurance Data Call

TitleAgencyReporting@flor.com - For questions about the filing process

TitleDataCall@flor.com - For all other questions about the data call

***Insurance Insights* Editor/Publisher**

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