



Volume 1, No. 2 - July 2012

# Continuing to Improve For You!

Dear friends,

The response to our rebranded newsletter, *Insurance Insights*, has been very positive. In addition to the new look and feel, we have received valuable feedback from you, our insurance professionals, on the licensing and compliance portion, and are making updates to ensure that it is more user friendly. Beginning August 1, you will be able to navigate to [www.MyFloridaCFO.com/Division/Agents](http://www.MyFloridaCFO.com/Division/Agents) and see all the information for our licensees and applicants in a more organized and simplified layout. Please be sure to read this month's [In The Know](#) section as it provides more details about the new site and what information you can expect to see.

**PROTECT YOUR HOMEBASE**  
 Insure • Secure • Recover  
 Chief Financial Officer Jeff Atwater

A disaster can strike your business or your home anytime. Take action and learn ways on how to prepare.  
[Read more >>](#)

As you can see, we take your [feedback](#) very seriously, and we look forward to hearing from you about these improvements.

Thank you,

**Jeff Atwater**  
**Chief Financial Officer**  
**State of Florida**



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## News You Can Use

- Updating you on what's going on

### Adopted Rule and Form Changes Regarding Customer Representatives

Amendments to Rule Chapter 69B-213, Florida Administrative Code, relating to customer representatives, have been adopted. The effective date of the rule amendments is July 30, 2012. The Designation or Deletion of Supervising Agent for Customer Representatives and Limited Customer Representatives form can be found on our [website](#) under the Forms section. Please know that only designations of supervising agents for customer representatives that are made or terminated after July 30, 2012, require the form to be submitted to the Department. Any designation made or terminated before July 30, 2012, are not required to be submitted to the Department. The form can also be emailed to the Department as indicated on the form.

[Click here to read the full text of the rule chapter, as amended >>](#)

### Adopted Rule Changes Regarding Appointment Renewal Procedures

Amendments to Rule 69B-211.004, Florida Administrative Code, relating to appointment renewal procedures, have been adopted. The effective date of the rule amendments is July 30, 2012.

[Click here to read the full text of the rule, as amended >>](#)

### Just a Few Clicks Away: Florida's Insurance Marketplace

Florida Health Choices, Inc. was established in 2008 by the Florida Legislature with the goal of increasing access to affordable, quality health care. Florida's Insurance Marketplace is the result. The Marketplace is a competitive web-based shopping experience that allows easy access to and side-by-side comparison of health care options. In 2012, Florida Health Choices began to roll out the Marketplace in phases and start by serving small businesses with 4 to 50 employees.

**What products will be offered?** Initially vendors will offer insurance and limited benefit plans. In later phases provider organizations may participate with prepaid service contracts offered by health clinics, health providers, pharmacies, service networks, group practices, and professional associations. Other groups may offer health services for a specified amount and type of service or treatment. Payroll services, medical savings accounts and other insurance options that are helpful to employers can also be offered.

**What part will agents play in the Marketplace?** Agents will be able to register online and guide small business clients through the process of obtaining quotes, picking a carrier and assist with enrolling employees. When they enroll, employees will have up to four different plans to choose from that are offered by the chosen carrier. The Marketplace will provide one point of access with standardized information for simultaneous quotes from multiple carriers. Agents will be able to manage their client groups, engage new client groups, monitor deadlines, send reminders, and more in this web-based portal.

**How can agents register in the Marketplace?** Starting in September 2012, agents will register online. There are no fees to register and participate in the Marketplace. The agent will enter their Florida License Number issued by the Florida Department of Financial Services and their last name. The system compares the information entered to data on file with the Florida Department of Financial Services to confirm the license is in an active status with the State of Florida. An email notification confirms the agent's active status in the Marketplace. After registration is complete, the agent will have 90 days to complete Marketplace training, but can immediately begin familiarizing themselves with the Marketplace.

Agents will be able to list their agency affiliation each time a new group is brought to the Marketplace. When an agent enrolls a new group, the Marketplace will notify the selected carrier and identify the responsible agent. Agent commissions will be paid by carriers through regular channels and will not be managed by the Marketplace.

The Marketplace will evolve and grow to include more vendors, products, and web-based functionality in each phase. Soon the Marketplace will be announcing carriers that have completed the on-boarding process and whose plans will be available to small employer groups in Fall 2012. To monitor the implementation progress of Florida's Insurance Marketplace, visit [www.myfloridachoices.org](http://www.myfloridachoices.org).

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

## Make Sure You Don't Miss Important Information From Us

Add our domain **MyFloridaCFO.com** to your email software's Trusted or Safe Senders List to ensure you are able to receive all notifications from us. Licensees who have a valid email address on file with the Department, as required by law, receive important email notifications when something that affects your 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 important to you. 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

### Division's New Website Launches August 1, 2012

The Division of Agent and Agency Services' redesigned public website will be live as of August 1, 2012. We anticipate this to improve customer service by simplifying some of the pages the division had that contain large amounts of information.

Not only does the look change, the website address changes too. It will change from [www.MyFloridaCFO.com/Agents](http://www.MyFloridaCFO.com/Agents) to [www.MyFloridaCFO.com/Division/Agents](http://www.MyFloridaCFO.com/Division/Agents). Please note the addition of Division/. Customers who attempt to access the old website's homepage will be automatically redirected to the new website. The redirect will only be in place temporarily for the next month or two to allow customers to update their bookmarks/favorites. If you have any of our website pages bookmarked, you will need to update your bookmarks after Wednesday, August 1, 2012.

### Marking Emails from the Department as SPAM

If a licensee marks an email notification from the Department as SPAM, they may not get our future emails but will still be held responsible for complying with the Florida Insurance Code. We have become aware that some licensees mark our communications as SPAM *accidentally* since they are quickly and without much attention marking a lot of messages in their Inbox as SPAM. Please be sure to pay close attention when you are doing this as it could cause you to unknowingly violate the Florida Insurance Code or miss important information about your license.

For example, we notify you via email that your CE requirement is due and you mark the message as SPAM. Our system receives notification of this then marks your email address as an invalid email address and no longer send emails to it. From that point on, you do not receive the email notifications we attempt to send to you that you have passed your due date and ultimately lose any and all appointments you have (and it may reach the point where your license expires). That one simple click marking our message as SPAM can lead to this situation. Unfortunately, if it reaches this final point of the license expiring, you may have to re-qualify as a first-time applicant, including passing an examination.

Additionally, if we receive a bounced response to an email notification we send you, our system will mark your email address as an invalid email address and no longer send emails to it. If your email address changes, you are required by law to notify us. This can easily be done through your [MyProfile](#) account.



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## Education Central

- Things to know about your continuing education

### Satisfied with the CE Course You Took?

Were you satisfied with the last course you took for your continuing education?

Our Department works diligently to assure that Florida offers a quality menu of CE courses. This includes reviewing submittals for approval of a CE provider, instructor, course, and course offering. While the department has a program in place to audit such approved personnel and course material, it is not possible to attend every offering of an approved course.

We rely on feedback from our licensees to notify us whenever a serious concern arises. The following are experiences that could be reported to help improve the quality of continuing education in Florida:

1. The instructor did not appear knowledgeable of the subject matter.
2. The material was not relevant to the work of the insurance agent or adjuster.
3. The course was not held for the scheduled time.
4. It was too difficult to find the location.
5. Identification of students was not properly recorded.
6. Credit was reported for students who did not successfully complete the course.
7. Students did not receive material for the course.
8. Activity that is considered illegal was endorsed during the class.
9. The course was advertised in a misleading manner.
10. Certificate of completion was not issued within 30 days.

If you experienced any of the above, or another incident you feel compromises the quality of continuing education, please forward those concerns to the Department at [Education@MyFloridaCFO.com](mailto:Education@MyFloridaCFO.com). Be sure to include the name of the course, date, time, location of the course, and the name of the instructor for the course.

# Education Providers: Updating Provider and Course Approvals

Frequently, education providers wonder how often they need to renew their provider approval or that of a course. We would like to make you aware of the general renewal requirements for providers and courses:

- Provider approvals are perpetual as long as providers are actively offering courses.
- Classroom, online, and correspondence courses are perpetual as long as they are being actively offered for credit.
- Seminar courses are good for one year from the date of the initial approval.
- Any course with material changes need to be re-submitted for approval:
  - Material changes include any change to the course other than updating a statute that has been modified.
- Any change to a guest speaker for a seminar needs to be reported to the Department.
- You will be notified by an Inbox message to your [MyProfile](#) account if any changes are made to the status of your provider or course approval.

Any application approved by the Department pertaining to pre-licensing or continuing education is subject to be evaluated at anytime. The Department may withdraw approval of courses sponsored by the provider or suspend or revoke the authority to instruct or deny the approval of a course provider, school official, supervising instructor, instructor, speaker, or lecturer if it is discovered that a violation of the Florida Statutes or the Florida Administrative Code has occurred, or that qualification standards for approval are no longer met.

## Compliance Corner

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

### Gift Cards and Other Incentives

Agents may give a gift or article of merchandise, for the purposes of advertising, to an insured or prospective insured as long as its value is not more than \$25.

Gift cards or gift certificates are not considered articles of merchandise and constitute an advertising violation. If the gift card or gift certificate is tied to an insurance transaction it could be considered an unlawful inducement under the insurance Unfair Trade Practices Act. Any agent who induces a customer with gift cards or gift certificates could be held in violation of the Florida Insurance Code.

[See [626.9541](#)(1)(m), Florida Statutes]

### Name and Address Changes

#### Address (including email) Change or Verification:

You must update and/or verify your addresses, including email, and other information through your [MyProfile account](#).

Here are steps to assist you with this:

1. Log in to your MyProfile account.
2. You will be able to see your information on the bottom-left of your MyProfile In-Box.
3. To proceed with making changes, click "Address Change" on the right.
4. If you make any changes, you must click Save at the bottom. This will ensure that your changes are saved.

If you have another license, such as for your agency, you will need to verify and update the addresses on file for that license via its own separate MyProfile account.

## Name Change:

You must mail or fax the request to change your name with supporting documentation (marriage certificate, articles of incorporation, etc.) to the location below. Please specify how you wish your name to read when making your request.

Florida Department of Financial Services  
Bureau of Agent and Agency Licensing  
200 E. Gaines Street, Room 419  
Tallahassee, FL 32399-0319  
Fax: (850) 413-3291

[See [626.551](#), Florida Statutes]

## Renewing Your Agency License

Florida law requires all *licensed* insurance agencies to renew their license every three years. Florida law does not require **registered** agencies to renew their registration or title agencies to renew their license. Agency licenses must be renewed online through [MyProfile](#). There are no fees to renew an agency license. You will be able to print out your new agency license certificate immediately, which you will need to place prominently in the agency location. We email reminders to the email address on file for the agency 90 and 30 days prior to the agency license expiration, which is another important reason to make sure you keep your email address current through MyProfile. Failure to do so can prevent you from receiving important information from us and could lead to an address violation and fine or the expiration of your agency license.

Here are some steps to assist you with renewing your agency license:

1. Go to the [MyProfile](#) login screen.
2. Click on Create Account (if you've already created a MyProfile account then skip to step #7).
3. Select Insurance Agency as the Account Type.
4. Enter your FEIN number twice and your agency license (make sure the drop down box says FEIN instead of SSN), then click Next.
5. Demographic info should already be entered. Make any changes needed and click Save.
6. Create a user name and password of your choosing and answer the security questions.
7. Once you have logged into the agency's MyProfile account, click **Renewal** on the right side of the page.
8. Complete the short application. It will take approximately 48 hours to process your renewal application.
9. You will receive an email notification indicating your application has been processed and you can print your new agency certificate.

[See [more information about agency license renewal](#) and [626.382](#), Florida Statutes]



## Primary Bail Bond Agents

Rule 69B-241.100, F.A.C., was adopted earlier this year, which includes a provision specific to primary bail bond agents. It is now the responsibility of the primary bail bond agent to verify all the agents in the agency are appointed to represent the same surety companies. Failure to do so is cause for the Department to take formal action against the license of the primary bail bond agent designated for that agency. We encourage you to verify the appointments of the bail bond agents in your agency on a regular basis to avoid any action against your license for this type of violation.

You can verify the license and active appointments of any bail bond licensee through our website at [www.MyFloridaCFO.com/Agents](http://www.MyFloridaCFO.com/Agents). Click on "Licensee Search" under the Quick Links section on our webpage to get to our search screen. You can search for an individual license by license number or name of the licensee. You can also print out the results of your search to keep a record of your activity.

[See [Rule 69B-241.100](#), Florida Administrative Code]

## Case Notes

The following are instances in which licensees or other persons violated the Florida Insurance Code and the administrative action the department has taken against them.

Note: All administrative investigations are subject to referral to the [Division of Insurance Fraud](#) for criminal investigation.

**Case:** The licenses of a title insurance agent and her title agency were both revoked after she pled guilty to mortgage fraud. The agent then allegedly continued to conduct title insurance transactions and closings through another licensed title insurance agency that had a licensed title insurance agent. She was an authorized signer on the bank accounts of the licensed agency, would also handle disbursements of closing proceeds and withdraw monies from the operating account. An agency inspection of the licensed agency was conducted by the Department, which found her to be engaged in unlicensed activity.

**Disposition:** The revoked title insurance agent was arrested by the Division of Insurance Fraud and charged with Transacting Insurance Without a License and 3rd Degree Grand Theft. She is currently scheduled for a jury trial.

**Case:** An investigation of a former life, health, and general lines agent, alleged that he had been employed by an insurance agency and conducted insurance business despite having previously been issued a Notice of Revocation and a Cease and Desist Order. The revoked agent allegedly continued to act as an insurance agent on behalf of an insurance agency. He also previously applied for and was denied licensure as a resident general lines insurance agent (property and casualty).

**Disposition:** Fined \$50,000 and Cease and Desist Order issued.

**Case:** An investigation of a life agent alleged that he targeted retired teachers, convincing them to invest their DROP funds into his investment firm. He allegedly convinced retired consumers to invest nearly \$400,000 of their retirement funds into his investment firm. When consumers tried to reach him regarding their investments, they were unable to contact him or to obtain information on where their funds had been invested.

**Disposition:** License revoked.

**Case:** An investigation of a life agent alleged that he made a material misrepresentation on his application for licensure by failing to disclose that the U.S. Commodity Futures Trading Commission took action against him. Their action referenced him misrepresenting the potential monetary gains/losses to his clients, failing to disclose his losing track record in investing, and using fraudulent and deceptive practices to get clients to invest in foreign currency. The losses to his clients allegedly totaled over \$2 million. The Commission determined that he owed nearly \$150,000 in restitution to five victims, along with a \$600,000 civil monetary penalty, froze his personal assets, and permanently banned him from ever trading on the Commodities Exchange.

**Disposition:** License revoked.

**Case:** An investigation of a life agent alleged that she failed to report an administrative action taken against her by the Florida Office of Financial Regulation (OFR) which included a fine of \$27,000.

**Disposition:** License revoked.

**Case:** An investigation of a bail bond agent alleged that he aided and abetted a revoked bail bond agent in the transaction of bail bond business, used the services of a convicted felon, aided in the submission of fraudulent Temporary Bail Bond Agent Employment Records for two temporary bail bond agents, failed to maintain proper bail bond records, and failed to properly supervise or manage the overall operation of the agency location while designated as the Primary Bail Bond Agent.

**Disposition:** License suspended for 24 months.

**Case:** A couple, who owned a small business, had signed an application for a Garage Keepers & Garage Liability insurance policy with a general lines agent. The consumers issued a down payment check to the agent's insurance agency in the amount of about \$2,000 and agreed that the balance be financed. An investigation alleged that the agent not only failed to submit the correct information on the application to the insurance company, but she also failed to forward the down payment to the finance company. As a result, the insurance company cancelled the consumers' policy. The agent proceeded to abandon the agency soon after.

**Disposition:** License suspended 12 months; restitution to the consumers of the down payment.

**Case:** An investigation of a public adjuster alleged that he submitted an adjusting contract to Citizens Property Insurance Corporation with a value greater than ten percent (10%) for services rendered to a consumer and charged an unlawful fee for adjusting services.

**Disposition:** License suspended for three months; restitution to the consumer; shall not collect a fee for the original offer submitted by Citizens; shall offer to execute a new contract with a fee value not greater than ten percent for adjusting services performed for the consumer; and shall not charge a fee with a value greater than ten percent for adjusting services to any Citizens policyholder.

**Case:** An investigation alleged that when a general lines agent hired a young man to be his office manager it was with the understanding that he would become a licensed customer representative. The young man assumed that when he took the pre-licensing course, got his certificate, and had his fingerprints done, that he was licensed. He never submitted an application for licensure or paid a licensing fee. When the Department received a complaint from an unhappy consumer and met with the agent and office manager, the agent claimed he failed to follow up on the representative's licensing status and did not realize that a customer representative needed to be appointed to the agency, if not him as a general lines agent.

**Disposition:** The agent's license was placed on one year of probation and fined \$5,000. The young man's subsequent application for licensure was denied due to the disqualification period for felonies involving moral turpitude.

**Case:** An investigation of a bail bond agent alleged she was in violation of the Florida Statutes for failing to include the bail bond agency's address in advertisements and failing to maintain a bail bond agency that was open during reasonable business hours.

**Disposition:** Fined \$1,500; placed on probation for 12 months.

## Enforcement Actions

- June 2012

Some of the following disciplinary actions were resolved through a settlement process resulting in an order for discipline. Notification of disciplinary actions is in the public interest. While every effort is made to provide correct information, our readers are cautioned to check with the department before making a decision based upon this listing. This listing does not reflect pending appeals or requests for hearings.

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

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

LAST/BUSINESS NAME	FIRST NAME	LICENSE#	LICENSE TYPE	DISPOSITION	FINE and/or COST	RESTITUTION	CITY, STATE	DOCUMENT
Akmakjian	William	A002564	Life, Health, Variable Annuity, General Lines	License Revoked			Fort Lauderdale, FL	<a href="#">Notice of Revocation</a>
Breiman	Mark	A029484	Life, Health, Variable Annuity	License Suspended 1 Year			Parkland, FL	<a href="#">Final Order</a>
Bryan	Andrew	A033626	Life & Health	License Suspended 15 Months			Pembroke Pines, FL	<a href="#">Final Order</a>
Certified Title		A044406	Title Agency	Probation and Fined	\$2,000		Hollywood, FL	<a href="#">Consent Order</a>
Chairman Title of Florida LLC		W051562	Title Agency	Fined	\$750		Lutz, FL	
Chaparo	Carlos	E109792	Public Adjuster	License Revoked			Palm Beach Gardens, FL	<a href="#">Order of Revocation</a>
Cusano	David	A059900	Life, Health, Variable Annuity	Probation and Fined	\$5,000		Sarasota, FL	<a href="#">Consent Order</a>
De Vietien	M	P175916	Life, Health, Variable Annuity	License Suspended 2 Months			St. Petersburg, FL	<a href="#">Order of Suspension</a>
Durkee	Mark	A073997	Bail Bond	Fined	\$3,250		Fort Lauderdale, FL	

Goldwich	Mark	A099530	Public Adjuster	Probation and Fined	\$7,500		Jacksonville, FL	<a href="#">Consent Order</a>
Haber	Angela	A107405	Life, Health, Variable Annuity, Legal Expense, Independent Adjuster	License Revoked			Jacksonville, FL	<a href="#">Final Order</a>
Ivy	Jason	W043603	Life, Health, Variable Annuity	Probation and Fined	\$1,000		Wauconda, IL	<a href="#">Consent Order</a>
Johnson	Frederick	A296443	Bail Bond	License Suspended 1 Year			Odessa, FL	<a href="#">Consent Order</a>
Joyner	Michael	A135544	Life, Health, Variable Annuity, General Lines	License Revoked			Estero, FL	<a href="#">Notice of Revocation</a>
Keseleski	Christopher	P191737	Bail Bond	License Suspended Indefinitely			St. Petersburg, FL	<a href="#">Notice of Temporary Suspension</a>
Leviness	Edward	A154387	Life, Health, General Lines	Probation and Fined	\$1,000		Port Saint Lucie, FL	
Martin IV	George	P095319	Life, Health, Variable Annuity	License Suspended 6 Months			N Miami Beach, FL	<a href="#">Consent Order</a>
McGuire	David	E156036	Life, Health, Variable Annuity	License Revoked			Boynton Beach, FL	<a href="#">Notice of Revocation</a>
Owen III	William	A198118	General Lines	Permanently Barred			Odessa, FL	<a href="#">Consent Order</a>
Pickren	Raymond	P030807	Bail Bond	License Suspended Indefinitely			Cocoa, FL	<a href="#">Notice of Temporary Suspension</a>
Prager	Robert	A210886	Bail Bond	Fined	\$1,250		Fort Lauderdale, FL	<a href="#">Consent Order</a>
Reyes	Alexander	P135613	Life, Health, Variable Annuity	License Revoked			Boynton Beach, FL	<a href="#">Notice of Revocation</a>
Riley	Patricia	P172944	Public Adjuster	License Suspended 1 Year		\$341	Miami, FL	<a href="#">Consent Order</a>
Rogers	Jessica	E147050	Bail Bond	License Suspended Indefinitely			Homestead, FL	<a href="#">Notice of Temporary Suspension</a>
Santiago	Ivelisse	E182237	General Lines	License Suspended 6 Months			Kissimmee, FL	<a href="#">Consent Order</a>
Saulsberry	Richard	P044969	Public Adjuster	Fined	\$500		Loxahatchee, FL	<a href="#">Consent Order</a>

Sunstar Title Company LLC		E070104	Title Agency	Fined	\$1,000		Miami, FL	<a href="#">Consent Order</a>
Tully	Janice	P074418	Customer Representative	Permanently Barred			Coral Springs, FL	<a href="#">Final Order</a>
Udell	Byron	A270134	Life, Health, Variable Annuity	Probation and Fined	\$2,000		Northbrook, IL	<a href="#">Consent Order</a>
Vulpis	Andrew	E112423	Life, Health, Variable Annuity	License Revoked			Gibsonton, FL	<a href="#">Notice of Revocation</a>
Ward	Jeanne	W040234	Life, Health, Variable Annuity	License Revoked			Boynton Beach, FL	<a href="#">Notice of Revocation</a>
West Professional Insurers Inc		L067158	Insurance Agency	License Surrendered			Seffner, FL	<a href="#">Consent Order</a>
Weston Professional Title Group Inc		E042610	Title Agency	License Suspended 9 Months			Weston, FL	<a href="#">Final Order</a>
Wilgus	Mark	A284710	Life, Health, Variable Annuity, General Lines	Probation and Restitution		\$1,365	Coral Springs, FL	<a href="#">Consent Order</a>
Zayas	John	P195360	Life, Health, Variable Annuity	License Revoked			Tampa, FL	<a href="#">Order of Revocation</a>

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## Contact Us

- We're always here for you

### Bureau of Licensing

[AgentLicensing@MyFloridaCFO.com](mailto:AgentLicensing@MyFloridaCFO.com) - For general inquiries about licensing.

[Education@MyFloridaCFO.com](mailto: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.

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Larson Building, Room 419  
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### Bureau of Investigation

[Title@MyFloridaCFO.com](mailto:Title@MyFloridaCFO.com) - For title insurance matters

[BailBond@MyFloridaCFO.com](mailto:BailBond@MyFloridaCFO.com) - For bail bond matters

[askDFS@MyFloridaCFO.com](mailto:askDFS@MyFloridaCFO.com) - For all other matters not related to licensing or education

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

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