

INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 6, No. 6 - June 2017

Looking at Our Lasting Impact

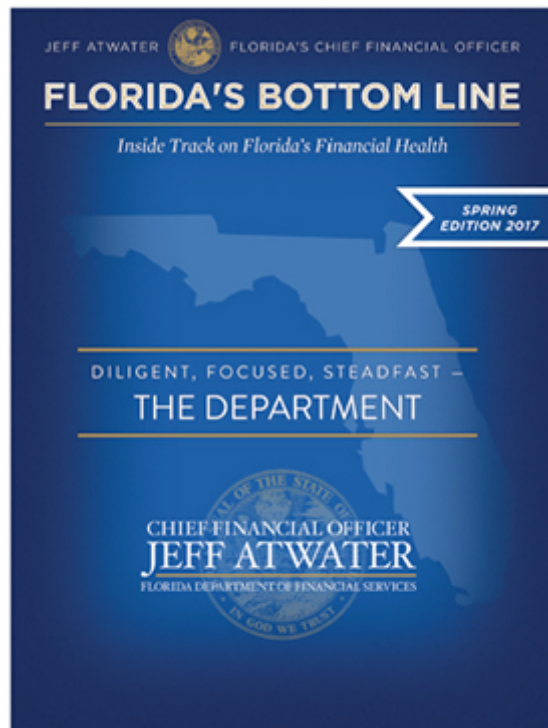
Dear Friends,

For seven years, we've worked to keep Floridians updated on the health of our economy by putting together a quarterly magazine that features commentary from experts in academia, business, tourism and more. During that time, we've highlighted many focus areas for Florida, everything from aerospace and aviation to sports tourism and small businesses.

This month, we released the Spring 2017 edition of [Florida's Bottom Line](#), and it will be the last that is published during my tenure as Florida's Chief Financial Officer. In keeping with our theme of gaining insight from experts in their fields, we've recounted some of our Department's proudest accomplishments in this edition, with stories written by those on our team who led the charge.

We've ushered in change on pressing statewide issues, and lent our voice and our Department's expertise to resolve many emerging challenges across our state. I am thankful to have had a committed team of professionals who shared my vision for our state of Florida, and worked tirelessly, day-in and day-out to make our vision of a transparent Florida become a reality.

I encourage you to take a few minutes and read about what we have achieved. Inside, you will find several success stories, including the establishment of the Firefighter Memorial on the State Capitol grounds, key legislative victories, and Departmental changes that will continue to positively impact the state of Florida for many years to come.



**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 >>](#)

I am proud of what we have accomplished and the lasting impacts that these triumphs will have on our state. It has been a privilege to work alongside and share them with you.

Sincerely,



Jeff Atwater
Chief Financial Officer
State of Florida



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News You Can Use

- Updating you on what's going on

Miami Insurance Agent Arrested for Stealing Nearly \$25,000

Chief Financial Officer Jeff Atwater and Miami-Dade State Attorney Katherine Fernandez Rundle announced the recent arrest of Miami insurance agent Diomari Diaz after she allegedly stole insurance premium payments from a South Florida client and provided him with fake proof of insurance documents. She is also accused of stealing thousands in escrow funds from the Florida Trust Insurance Agency account. In total, Diaz misappropriated nearly \$25,000, and insurance fraud investigators have reason to believe that additional individuals may have fallen victim to Diaz's scams.

A client contacted the Department of Financial Services' Bureau of Insurance Fraud after he suspected that insurance documents provided by Diaz were fake. Investigators confirmed that although the client had paid nearly \$4,000 in insurance premium payments, Diaz never actually purchased policies to cover his two South Florida properties. Instead, she created fake documents and used the money for personal purposes.

Investigators later revealed that Diaz opened a corporate bank account and listed herself as the only authorized user. The account included overdraft protection and was set up to transfer funds from the company's escrow account if overdrawn. By intentionally overdrafting the account, Diaz was able to divert more than \$20,000 from the company's escrow account, all of which was used for personal gain.

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

Workers' Comp Scam Leads to Arrest of Central Florida Construction Company Owner

Chief Financial Officer Jeff Atwater today announced the recent arrest of Leon "Chuy" Jimenez, owner of Chuy Construction Inc. (Chuy Construction) after a fraud investigation revealed that Jimenez allegedly operated a shell construction company for the sole purposes of selling the company's workers' compensation certificate. A shell company conducts no significant business operations and is used as vehicle to conduct fraudulent financial scams, such a workers' compensation fraud.

The Department of Financial Services' Bureau of Insurance Fraud received a tip from the Florida Carpenter's Union alleging that Jimenez might be engaged in illegal activity and launched an investigation.

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

Dunedin Man Sentenced in Investment Fraud Case

The Florida Office of Financial Regulation announced that Allan Michael Roth entered a guilty plea on June 12, 2017, and was sentenced to six years in prison followed by four years of probation for his role in an investment scheme where he sold unregistered securities to more than 20 victim investors. As part of the plea agreement, he made an upfront payment of \$100,000 in restitution, and was ordered to pay more than \$195,000 in restitution as part of his sentence.

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

Orlando Area Man Arrested for Alleged \$3.6 Million Investment Fraud -Lifelong Friends Victimized in Scam-

The Florida Office of Financial Regulation announced that Justin Troy Spearman was arrested in North Carolina by the Burke County Sheriff's Office and charged with grand theft, securities fraud, selling unregistered securities and acting as an unregistered issuer in the sale of securities. The arrest warrant was issued in Orange County, Florida.

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

Tampa Man Convicted in Phony Concert Promotion Investment Scheme

The Florida Office of Financial Regulation announced that Eric Franz Peer entered a guilty plea, and was convicted for presenting a forged check in connection with the sale of a fraudulent investment offering. He served 11 months in the Hillsborough County Jail, and was ordered to pay more than \$18,000 in restitution.

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

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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.

INSURANCE *Insights*

DIVISION OF AGENT AND AGENCY SERVICES

Volume 6, No. 6 - June 2017

In The Know

- Keeping you informed is what it's all about

2017 Legislative Update

Some of the laws that affect applicants and licensees of the Department were changed during the 2017 legislative session. All laws shown are **effective July 1, 2017** unless otherwise noted.

Department of Financial Services

A Review Under the Open Government Sunset Review Act, Title Agencies and Insurers, HB 7067

Title insurers and title insurance agencies are required to submit to the Office of Insurance Regulation (OIR), by May 31 of each year, data identified by OIR as necessary to assist in the analysis of premium rates, title search costs, and the condition of Florida's title insurance industry. The bill revises the definition of term "proprietary business information" as used in exemption from public record requirements relating to information provided by title insurance agencies and insurers to OIR; removes scheduled repeal of exemption that would have repealed this exemption on October 2, 2017. Chapter No. [2017-34](#), Laws of Florida

Bail Bonds, HB 361

Revising legislative intent concerning obligations of bail bond agent; revises commitments & obligations of bail bond agent; revises circumstances that constitute breach by bail bond agent & under which surety bond deposited as bail must be forfeited; revises circumstances that require forfeiture to be discharged; specifies that certain provisions concerning cancellation of bond do not apply if bond is forfeited within specified period; provides that original appearance bond does not guarantee placement in court-ordered program. Chapter No. [2017-168](#), Laws of Florida

Condominiums, HB 1237

Revises and provides requirements relating to condominiums, including kickbacks, association documents, attorney representation, record keeping requirements, purchasing of units at foreclosure sale, financial statements, powers and duties of Division of Florida Condominiums, Timeshares, & Mobile Homes, board membership, management services, conflicts of interest, arbitration, member voting rights, & reporting requirements; provides criminal penalties.

Chapter No. [2017-188](#), Laws of Florida

Department of Financial Services, HB 925

Replaces, within the Division of Treasury, the Treasury Investment Committee with the Treasury Investment Council; requiring the department to adopt amendments and interpretations of a specified code into the State Boiler Code; provides an exception from an examination requirement for nonresident all-lines adjuster license applicants who hold certain certifications; authorizes certain insurer employees to adjust specified claim losses or damage, etc. Chapter No. [2017-175](#), Laws of Florida

Discount Plan Organizations, HB 577

This legislation renames a “Discount Medical Plan” and a “Discount Medical Plan Organization” as a “Discount Plan” and a “Discount Plan Organization” (DPO), and makes extensive conforming changes to part II of Chapter [636](#), F.S., to reflect the new names. The bill clarifies the definition of a “Discount Plan” to exclude any plan that does not charge a fee to members. The bill removes all rate and form filing and approval requirements for DPOs. To increase flexibility in marketing and reduce administrative barriers for DPOs, the bill:

- Defines “first page”, upon which certain disclosures must appear, to mean the first page of any marketing material that first includes information describing benefits;
- Allows DPOs to delegate functions to marketers and binds DPOs to the actions of those marketers within the scope of the delegation; and
- Allows marketers and DPOs to commingle certain information on forms, advertisements, marketing materials, or brochures.

To maintain consumer protections for members and potential members of Discount Plans, the bill:

- Changes the disclosure requirements by requiring acknowledgement and acceptance of the disclosures before enrollment and creating visibility and follow up requirements for disclosures made by electronic means or telephone;
- Establishes new cancellation and reimbursement requirements for DPOs to disallow any charges beyond the effective cancellation date;
- Requires pro rata reimbursement of charges paid by a member for the months beyond the effective cancellation date; and
- Requires pro rata reimbursement for members who cancel during an open enrollment period, upon return of his or her discount card. Effective June 14, 2017. Chapter No. [2017-112](#), Laws of Florida

Estoppel Certificates, HB 398

Revises requirements relating to the issuance of an estoppel certificate to specified persons; requiring a condominium, cooperative, or homeowners’ association to designate a street or e-mail address on its website for estoppel certificate requests; prohibiting an association from charging a preparation and delivery fee or making certain claims if it fails to deliver an estoppel certificate within certain time frames, etc. Limits the amount that may be charged for estoppel certificates to \$250 for owners who are current on their assessments. The fee for owners who are not current is a maximum of \$400. The bill also allows an additional charge of \$100 if the estoppel certificate is to be delivered within three days. Chapter No. [2017-93](#), Laws of Florida

Flood Insurance, HB 813

The National Flood Insurance Program (NFIP) is a federal program that offers subsidized flood insurance to property owners and promotes land-use controls in floodplains. Anticipating substantial rate increases in the NFIP, the

Legislature created [s. 627.715](#), F.S., in 2014 to provide a framework for a private, personal lines flood insurance market in Florida. This law does not apply to excess flood insurance or commercial lines flood insurance.

The Florida Commission on Hurricane Loss Projection Methodology (Commission) is required to adopt actuarial methods, principles, standards, models, or output ranges for personal lines residential flood loss and is required to revise these adoptions each odd-numbered year.

The bill makes the following changes regarding flood insurance:

- Moves the expiration of an exception to ratemaking requirements that allows flood insurers to make informational rate filings, rather than “use and file” or “file and use” ratemaking, from October 1, 2019, to October 1, 2025;
- Extends the exemption from the statutory due diligence requirement (i.e., obtaining coverage declinations from three admitted flood insurers) when exporting flood insurance to surplus lines insurers from July 1, 2017, to July 1, 2019, and provides the exemption ends earlier in certain circumstances;
- Upon expiration of the exemption, provides for an exception related to the statutory due diligence requirement if there are less than three admitted flood insurers so that policies can be exported to surplus lines insurers when all admitted insurers decline coverage;
- Reduces obligations on an insurance agent when placing a flood insurance policy with a surplus lines insurer by requiring the agent to provide a specified written notice to the applicant for signature noting the possible impact of leaving the National Flood Insurance Program, rather than requiring the agent to obtain a signed acknowledgement of the possible impact before placing the policy, as currently required;
- Eliminates an exclusion that held that regulation under Florida’s flood insurance statute did not apply to excess flood insurance and allows excess flood insurers to make information rate filings and gives them relief from due diligence requirements;
- Changes the frequency of Florida Commission on Hurricane Loss Projection Methodology adoptions of flood loss projection guidelines from every odd-numbered year to at least once every four years; and
- Corrects a technical error regarding issuance of flexible flood insurance coverage.

Chapter No. [2017-142](#), Laws of Florida

Florida Life and Health Insurance Guaranty Association, HB 307

Florida operates five insurance guaranty funds and associations to ensure policyholders’ paid insurance premiums are protected and outstanding claims are settled, up to limits provided by law, if their insurer is liquidated. The bill makes changes to one of the five guaranty funds and associations – the Florida Life and Health Insurance Guaranty Association (FLAHIGA), which is the guaranty association for most health and life insurers.

If an insurance company is liquidated, the maximum amount paid by the FLAHIGA for any one person is:

- Life Insurance Death Benefit: \$300,000 per insured life.
- Life Insurance Cash Surrender: \$100,000 per insured life.
- Health Insurance Claims: \$300,000 per insured life.
- Annuity Cash Surrender: \$250,000 for deferred annuity contracts per contract owner.
- Annuity in Benefit: \$300,000 per contract owner.

The bill expands the FLAHIGA’s scope of coverage to include annuities that are part of an individual retirement account and individual retirement annuities. Effective January 1, 2020, the cap on benefits paid by the FLAHIGA for any one person for specified hospital and medical insurance increases from \$300,000 to \$500,000.

Chapter No. [2017-131](#), Laws of Florida

Insurance Adjusters, HB 911

Current law provides for five adjuster licenses: public adjuster, all-lines adjuster, temporary license (all-lines adjuster), public adjuster apprentice, and catastrophe or emergency adjuster. A licensed all-lines adjuster may be appointed as an independent adjuster, or company employee adjuster. An “all-lines adjuster” is defined as a person who acts on behalf of an insurer to determine the amount of and settle a claim.

The bill eliminates the public adjuster apprentice license and changes the pre-licensing requirement for a public adjuster to obtaining a license as an all-lines adjuster and appointment as a public adjuster apprentice. The bill revises the requirements for public adjusters to:

- Expressly prohibit unlicensed public adjusting that is done directly or indirectly;
- Delete a provision of law related to contacting policyholders which was held unconstitutional by the Florida Supreme Court;
- Exclude deductibles from the calculation of an adjuster’s fee; and
- Reduces the time a public adjuster apprentice must be supervised before becoming eligible for licensure as a public adjuster.

In addition, the bill made numerous changes to Part I, Chapter [626](#), F.S., and other statutes applicable to adjusters to improve the efficiency of licensure and enforcement.

Effective Date: January 1, 2018. Chapter No. [2017-147](#), Laws of Florida

Insurance Policy Transfers, HB 805

Authorizes insurer to transfer personal lines residential, commercial residential, or commercial lines property insurance policy to another authorized insurer that is a member of the same group or owned by the same holding company as the transferring insurer upon expiration of the policy term if specified conditions are met. The transfer constitutes a renewal of the policy and may not be treated as a cancellation or a nonrenewal of the policy. The insurer must provide notice of its intent to transfer the policy at least 45 days before the effective date of the transfer along with the financial rating of the authorized insurer to which the policy is being transferred.

Chapter No. [2017-19](#), Laws of Florida

Insurer Insolvency, HB 837

The bill amends various provisions of Part I, [Chapter 631](#), F.S., governing insurer rehabilitation and liquidation in Florida. Many of the revisions are based upon portions of the National Association of Insurance Commissioners (NAIC) Insurer Receivership Model Act (IRMA).

Among its many provisions, the bill:

- Extends reciprocity in the administration of receiverships to states that have adopted the IRMA.
- Revises the requirements related to delinquency proceedings to update the list of guaranty associations that must receive notice of hearings; clarifies the court’s jurisdiction over assets of the insurer; provides a conflict of laws provision; establishes time frames for initiating proceedings; clarifies that the automatic stay during the pendency of the proceeding does not apply to the Office of Insurance Regulation; specifies contracts that may be assumed or rejected by the Department of Financial Services (DFS) and its authority for paying expenses; clarifies the authority of the insurer’s management subsequent to a liquidation; and specifies what defenses may be raised against the DFS and the form of required evidence to assert a defense.

- Revises claim filing procedures to allow the court to approve alternatives and to allow the court to establish a filing deadline.
- Disallows claims for post judgment interest.
- Revises the priority of claims to add claims for expenses incurred during administrative supervision and for medical providers, and revises the methodology for calculating interest allowed on claims.
- Revises the procedures applicable to early access distributions to guaranty funds.
- Establishes the process for administering workers' compensation large deductible policies during an insolvency proceeding. Chapter No. [2017-143](#), Laws of Florida

Motor Vehicle Service Agreement Companies, HB 339

Revises qualifications for motor vehicle service agreement company to obtain & maintain license; allows certain entities to cancel service agreements in certain circumstances; provides such cancellations are only valid if authorized.

Allows companies to secure coverage through a risk retention group authorized under [s. 627.943](#) or [s. 627.944](#), F.S. Cancellations initiated by lenders, creditors, or finance companies are only valid if authorized by the terms of the service agreement. Chapter No. [2017-99](#), Laws of Florida

Notary Commission, HB 401

Expands the list of forms of identification that a notary public may rely on in notarizing a signature on a document to include a veteran health identification card. Chapter No. [2017-17](#).

OGSR/Reports of Unclaimed Property, HB 7045

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

Unclaimed property consists of any funds or other property, tangible or intangible, which has remained unclaimed by the owner for more than five years after the property becomes payable or distributable. Holders of inactive accounts (presumed unclaimed property) are required to use due diligence to locate apparent owners. Once the allowable time period for holding unclaimed property has expired, a holder is required to file a report with the Department of Financial Services by May 1 for all property valued at \$50 or more and presumed unclaimed for the preceding calendar year. The report must contain the name and social security number or federal employer identification number, if known, and the last known address of the apparent owner.

Current law provides a public record exemption for social security numbers and property identifiers contained in reports of unclaimed property held by the Department of Financial Services.

The bill reenacts the public record exemption, which will repeal on October 2, 2017. Effective Date: October 1, 2017. Chapter No. [2017-34](#), Laws of Florida

Prohibited Insurance Acts, HB1007

The bill made changes to [s. 626.9891](#), F.S. including;

- By December 31, 2017:

- Requires every insurer to designate at least one primary anti-fraud employee for certain purposes.
- Requires insurers to adopt an anti-fraud plan by December 31, 2017.

- Revises the procedures applicable to early access distributions to guaranty funds.
- Requires the Division of Investigative and Forensic Services of the department to create, by a specified date, a report detailing best practices for the detection, investigation, prevention, and reporting of insurance fraud and other fraudulent insurance acts.
- Revises the procedures applicable to early access distributions to guaranty funds.·Requires every insurer to designate at least one primary anti-fraud employee for certain purposes.
- Requires insurers to adopt an anti-fraud plans.
- Revises the procedures applicable to early access distributions to guaranty funds.

By March 1, 2019:

- Each insurer is required to report data related to fraud for each identified line of business written by the insurer during the prior calendar year. The data shall be reported to the department by March 1, 2019, and annually thereafter, and must include, at a minimum:

The number of policies in effect; The amount of premiums written for policies; The number of claims received; The number of claims referred to the anti-fraud investigative unit; The number of other insurance fraud matters referred to the antifraud investigative unit that were not claim related; The number of claims investigated or accepted by the anti-fraud investigative unit; (g) The number of other insurance fraud matters investigated or accepted by the anti-fraud investigative unit that were not claim related; The number of cases referred to the Division of Investigative and Forensic Services; The number of cases referred to other law enforcement agencies; The number of cases referred to other entities; and the estimated dollar amount or range of damages on cases referred to the Division of Investigative and Forensic Services or other agencies along with other information described in [s. 626.9891](#), F.S.

Effective Date: June 27, 2017. Chapter [2017-178](#), Laws of Florida

Public Housing Authority Insurance, HB 421

The Legislature has authorized the creation and operation of public housing authorities due to a shortage of safe or sanitary dwelling accommodations available at rents that low income persons can afford. To provide such accommodations, public housing authorities may acquire property to be used for, or in connection with, housing projects. Among other powers, public housing authorities are authorized to organize and create for-profit corporations, not-for-profit corporations, limited liability companies, and other similar business entities in order to acquire, lease, construct, rehabilitate, manage, or operate multifamily or single-family residential projects.

As an alternative to obtaining insurance from a licensed insurance company, state law allows certain persons to form a self-insurance fund. Public housing authority self-insurance funds are among the types of self-insurance funds specifically authorized by state law.

The bill authorizes a for-profit corporation, not-for-profit corporation, limited liability company, or other similar business entity that a public housing authority owns, in whole or in part, or participates in the governance thereof to join the same self-insurance fund as the authority that owns or governs them. When such entities join a public housing authority self-insurance fund, they may only self-insure their public housing risks. The bill also authorizes these entities when self-insured to purchase reinsurance, as if they were an insurer, in the same manner as self-insured public housing authorities. Public housing authorities, and the entities that are permitted to join them in self-

insurance funds, may only purchase reinsurance if they are participating in a self-insurance fund.
Effective June 15, 2017; Chapter No. [2017-104](#), Laws of Florida

Public Records/Victim of Alleged Sexual Harassment/Identifying Information, HB 397

The bill amends [s. 119.071](#), F.S., to provide that personal identifying information of the alleged victim in an allegation of sexual harassment is confidential and exempt from public record requirements. The bill specifies that such information may be disclosed to another governmental entity in the furtherance of its official duties and responsibilities.

The bill provides for repeal of the exemption on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature. Effective Date: June 14, 2017. Chapter No. [2017-103](#), Laws of Florida

Public Records/Workers' Compensation, HB 1107

Provides an exemption from public records requirements for the personal identifying information of an injured or deceased employee which is contained in reports, notices, records, or supporting documentation held by the Department of Financial Services pursuant to the Workers' Compensation Law; providing a criminal penalty for willful and knowing disclosure of such information to an unauthorized person or entity; providing for future review and repeal of the exemption; providing a statement of public necessity, etc.

Effective Date: June 26, 2017. Chapter [2017-178](#), Laws of Florida

Regulation of Insurance Companies, HB 359

The bill makes the following changes regarding insurance:

- Property Title Searches – Adds a provision that renames and expands "ownership and encumbrance reports" (title searches) as "property information reports"; limits the liability of those that prepare property information reports to only the cost of the report, rather than other contractual or negligence remedies; and eliminates form approval by the Office of Insurance Regulation;
- Florida Hurricane Catastrophe Fund (FHCF) Emergency Assessments – Makes permanent the exemption from FHCF emergency assessments for medical malpractice insurance that was set to expire on May 31, 2019;
- Property Insurer Surplus Requirements – Changes the minimum required surplus to \$10 million for a new or current residential property insurer writing renter's insurance, tenant's coverage, or cooperative unit owner insurance to obtain or maintain a certificate of authority to transact insurance in Florida (the current surplus requirement for residential property insurers varies from \$5 million to \$50 million depending on the insurer's domicile location and whether they are a new or current insurer);
- Insurer Audit Committees – Removes the word "solely" from the provision requiring an insurer's board of directors audit committee to be solely made up of independent members;
- Florida Workers' Compensation Insurance Guaranty Association Assessments (FWCIGA) – Allows receivables related to FWCIGA assessment recoupment surcharges to be treated as assets;
- Medical Malpractice Rate Filing – Removes the requirement that medical malpractice insurers submit an annual base rate filing, regardless of whether the insurer is proposing a rate change, and permits them to file a certification in lieu of a rate filing when no rate change is proposed;
- Payments for Premium and Insufficient Funds Fee – Adds payments by "draft" or "electronic check" to the list of acceptable insurance premium payment methods and authorizes most insurers to charge \$15, pursuant to policy terms, if an electronic premium payment fails due to insufficient funds (this is in addition to any fees charged by their

financial provider) and adds a prohibition on such fees if non-policyholder related fraud or misuse of the policyholder's account caused the failure of payment; and

· Compliance of Electronic Documents with Insurance Code Requirements – Provides that electronic documents will satisfy certain standards applicable to paper documents if the elements have reasonably similar proportions or emphasis in their electronic format and context or are displayed in a reasonably conspicuous manner.

Chapter No. [2017-132](#), Laws of Florida

Transportation Network Companies, HB 221

The bill provides a regulatory framework for transportation network companies (TNCs) in the state and it preempts to the state the regulation of TNCs. The bill:

- Defines terms.
- Provides minimum insurance requirements for TNCs and TNC drivers and provides for certain TNC and insurer disclosures and exclusions. Beginning July 1, 2017, a TNC driver or a TNC on behalf of the TNC driver shall maintain primary automobile insurance that:

Covers the TNC driver while the TNC driver is logged on to the digital network of the TNC or while the TNC driver is engaged in a prearranged ride. The following automobile insurance requirements apply while a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:

- A primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
- Personal injury protection benefits that meet the minimum coverage amounts required under [ss. 627.730-627.7405](#), F.S. and
- Uninsured and underinsured vehicle coverage as required by [s. 627.727](#), F.S.

The coverage requirements of this paragraph may be satisfied by any of the following:

- Automobile insurance maintained by the TNC driver;
- Automobile insurance maintained by the TNC; or
- A combination of automobile insurance maintained by either the TNC driver or the TNC itself.

The following automobile insurance requirements apply while a TNC driver is engaged in a prearranged ride:

- A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage; personal injury protection benefits that meet the minimum coverage amounts required of a limousine under [ss. 627.730-627.7405](#), F.S., and uninsured and underinsured vehicle coverage as required by [s. 627.727](#), F.S.

The coverage requirements of this paragraph may be satisfied by any of the following:

- Automobile insurance maintained by the TNC driver;
- Automobile insurance maintained by the TNC; or
- A combination of automobile insurance maintained by either the TNC driver or the TNC itself.

If the TNC driver's insurance has lapsed or does not provide the required coverage, the insurance maintained by the TNC must provide the coverage required under this subsection, beginning with the first dollar of a claim, and have the duty to defend such claim.

Coverage under an automobile insurance policy maintained by the TNC must not be dependent on a personal automobile insurer first denying a claim, and a personal automobile insurance policy is not required to first deny a claim.

Insurance required under this subsection must be provided by an insurer authorized to do business in this state which is a member of the Florida Insurance Guaranty Association or an eligible surplus lines insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation.

Insurance satisfying the requirements is deemed to satisfy the financial responsibility requirement for a motor vehicle under chapter 324 and the security required under [s. 627.733](#), F.S. for any period when the TNC driver is logged onto the digital network or engaged in a prearranged ride.

-Requires a TNC driver to carry proof of coverage satisfying the insurance requirements at all times during his or her use of a TNC vehicle in connection with a digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to any party directly involved in the accident, automobile insurers, and investigating police officers. Proof of financial responsibility may be presented through an electronic device, such as a digital phone application, under [s. 316.646](#), F.S. Upon request, a TNC driver shall also disclose to any party directly involved in the accident, automobile insurers, and investigating police officers whether he or she was logged on to a digital network or was engaged in a prearranged ride at the time of the accident.

-If a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

· Before a TNC driver is allowed to accept a request for a prearranged ride on the digital network, the TNC must disclose in writing to the TNC driver:

- The insurance coverage, including the types of coverage and the limits for each coverage, which the TNC provides while the TNC driver uses a TNC vehicle in connection with the TNC's digital network.

- That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the digital network or is engaged in a prearranged ride, depending on the terms of the TNC driver's own automobile insurance policy.

- That the provision of rides for compensation which are not prearranged rides subjects the driver to the coverage requirements imposed under [s. 324.032\(1\)](#), F.S. and that failure to meet such coverage requirements subjects the TNC driver to penalties provided in [s. 324.221](#), F.S. up to and including a misdemeanor of the second degree.

· An insurer that provides an automobile liability insurance policy under Chapter [627, Part XI](#) F.S. may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle while driving that vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. Exclusions imposed under this subsection are limited to coverage while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:

- Liability coverage for bodily injury and property damage; Uninsured and underinsured motorist coverage; c. Medical payments coverage; Comprehensive physical damage coverage; e. Collision physical damage coverage; and Personal injury protection.

-The exclusions described apply notwithstanding any requirement under Chapter [324](#), F.S. These exclusions do not affect or diminish coverage otherwise available for permissive drivers or resident relatives under the personal automobile insurance policy of the TNC driver or owner of the TNC vehicle who are not occupying the TNC vehicle at the time of loss.

- This section does not require that a personal automobile insurance policy provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver

otherwise uses a vehicle to transport riders for compensation.

- This section must not be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride.

- This section does not preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement.

- Provides that TNC drivers are independent contractors if certain conditions are met.

- Requires TNCs to implement a zero tolerance policy regarding drug and alcohol use.

- Establishes certain TNC driver requirements and prohibits persons from being a TNC driver if they have been convicted of certain crimes or a certain number of moving violations.

- Requires TNCs to submit to the Department of Financial Services an independent examination report and establishes penalties for noncompliance.

- Prohibits TNC drivers from accepting rides for compensation outside of the TNC's digital network and from soliciting or accepting street hails.

- Requires TNCs to adopt and TNC drivers to comply with policies related to nondiscrimination and disability access.

- Requires TNCs to maintain certain records relating to riders and TNC drivers.

- Authorizes airports and seaports to charge TNCs reasonable pickup fees consistent with what is charged for taxicabs. Chapter No. [2017-12](#), Laws of Florida

Florida Office of Insurance Regulation Releases PPACA-compliant Rate Filings for 2018

Rate filings for the 2018 individual and small group markets submitted to the Office as of June 21, 2017 can be viewed at [this](#) link.

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 two-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: Agent in Charge - Requirements, Changes and Responsibilities

Each person operating an insurance agency and each location of a multiple location agency must designate a licensed and appointed agent in charge for each location.

An agent in charge (AIC) is defined as the licensed and appointed agent responsible for the supervision of all individuals within an insurance agency.

Requirements

Each business location established by an agent or insurance agency must be in the active full-time charge of a licensed and appointed agent holding the required licenses for the lines of insurance transacted at the location. The AIC of an insurance agency may be the AIC of additional branch locations if: (1) insurance activities requiring licensure as an insurance agent do not occur at the location(s) when either the AIC or an appropriately licensed and appointed agent is not physically present and (2) unlicensed employees at the location(s) do not engage in insurance activities that require licensure as an insurance agent or customer representative.

Each insurance agency and branch office is required to designate an AIC and to file the agent's name, license number, and physical address of the insurance agency location at the DFS website. Adding and removing an AIC can be done by going to www.MyFloridaCFO.com/Division/Agents and logging in to the agency's account in [MyProfile](#).

Changes

A change of the designated AIC must be reported to DFS within 30 days, and becomes effective upon notification to DFS. An insurance agency location is precluded from conducting the business of insurance unless an AIC is designated by, and providing services to, the agency at all times. When the agent in charge ends her/his affiliation with the agency, the agency must designate another AIC within 30 days. If the agency fails to make such designation within 90 days after the designated agent has ended their affiliation with the agency, the agency license will automatically expire.

Responsibilities

The AIC of an insurance agency is accountable for misconduct or violations committed by the licensee or agent or by any person under her or his supervision acting on behalf of the agency. However, the AIC is not criminally liable for the misconduct unless she or he personally committed the act or knew or should have known of the acts and of the facts that constitute the violation.

For complete information on the duties and responsibilities of the AIC, see [s.626.0428](#), F.S.

Title Agency Data Call 2017

2017 marks the third year title insurance agencies are required under [s.626.8437\(11\)](#), F.S. to submit information to the Florida Office of Insurance Regulation (OIR) under the data call required by [s.627.782\(8\)](#), Florida Statutes. Title agencies had until June 1, 2017, to make their submission to the OIR. The OIR sent emails to each licensed title agency in Florida to remind them of the law with instructions to complete the process accurately.

Agencies that failed to comply with the 2016 data call in a timely fashion received a settlement stipulation imposing an administrative penalty of \$2,500 for the first incident of non-compliance. Agencies that were repeat offenders had harsher penalties imposed, including suspension of the agency's license.

Based on the preliminary information received from the OIR, 521 licensed agencies have failed to submit their information for 2017. Agencies that did not comply with this requirement by the June 1, 2017 deadline are being reviewed for possible disciplinary action against their license.

Each year, many agencies can avoid unintentional non-compliance by making sure the data was submitted to the OIR. An 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 submitted your information, but did not received a confirmation email, you should contact the OIR immediately.

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: An investigation was opened after receiving a complaint from an insurer's Special Investigative Unit (SIU) alleging a life, health and variable annuity agent misrepresented the replacement of an existing annuity on a new annuity application and did not submit the required replacement and annuity disclosure forms. In their statement to investigators, the senior consumers said they were misled by the agent's advertised "bonus" rate of 20% which motivated them to surrender their annuities. The agent instructed the consumers to notify him when they received their checks. Surrender charges totalling more than \$16,000 were assessed and the failure to file for a 1035 Exchange resulted in a taxable event.

Disposition: Fined \$6,500.

Case: An investigation was opened on a life, health and variable annuity agent when consumers filed complaints with the insurer regarding the replacement of 28 annuity contracts and life insurance policies. Investigators met with the consumers and reviewed application documents and found many included false information which the consumers attested to in their statement to investigators. During the investigation, investigators also determined the agent enlisted the help of several insurance agents to target policies of an elderly couple who had recently relocated to Florida.

Disposition: License revoked.

Case: An investigation was opened when a consumer filed a complaint against a bail bond agent alleging his son was returned to jail and the bail bond agent refused to refund the premium for the bail bond in the amount of \$1,600. The son had not violated any terms of the contract, but the indemnitor on the bail bond did not want to be on the bond any longer. Investigators obtained an affidavit from the consumer, court documents and a statement from the bail bond agent who admitted the son had not violated the terms of the bond. The bail bond agent continued to refuse to refund the premium. An Administrative Complaint was filed by the Department and the subject failed to respond or answer.

Disposition: License suspended six months.

Case: This case was opened when investigators received a complaint from another licensee alleging a bail bond agent was operating a bail bond agency from his place of residence not registered with the Department and not having the required signage designating the location on as a bail bond agency. During the course of the investigation, the agent moved his operations to a new business location that was properly designated as a bail bond agency and registered himself as the primary bail bond agent at the location. However, investigators discovered two of the listed owners/officers of the agency were not licensed as bail bond agents. This matter was brought to the attention of the licensee, who failed to take corrective action.

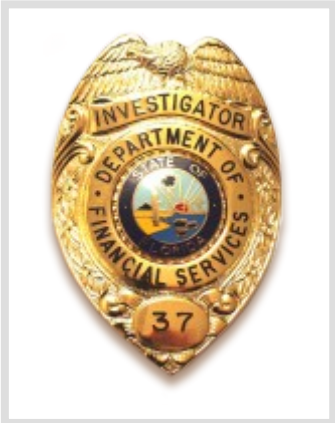
Disposition: License suspended for one year.



Enforcement Actions

- May 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	City, State	Documentation
AMERICAN KEY TITLE, LLC		W160706	Title Agency	Suspension 3 Months	NAPLES, FL	ORDER OF SUSPENSION
ANDRICKSON	ALEJANDRO	D073888	Public Adjuster	Suspension 3 Months	HOMESTEAD, FL	ORDER OF SUSPENSION
ASSURED TITLE SERVICES, LLC		W113761	Title Agency	\$1,500 Monetary Penalty	FORT MYERS, FL	CONSENT ORDER
ATLAS INSURANCE MARKETING, LLC		L005946	Agency	\$5,000 Monetary Penalty	NEW PORT RICHEY, FL	CONSENT ORDER
ATLAS INSURANCE SERVICES, LLC		L064955	Agency	\$5,000 Monetary Penalty	NEW PORT RICHEY, FL	CONSENT ORDER

BAKER	JAMES	W258607	Life, Health, Variable Annuity	Revocation	FORT MYERS, FL	ORDER OF REVOCATION
BELMORE	LOGAN	W341033	Health	Revocation	MELBOURNE, FL	ORDER OF REVOCATION
C & I INSURANCE AND TAGS INC		L076732	Agency	Revocation	PLANTATION, FL	CONSENT ORDER
CABRERA	CARLOS	P033638	Public Adjuster	Suspension 3 Months	MIAMI, FL	ORDER OF SUSPENSION
CENTRAL TITLE, INC.		W296645	Title Agency	Revocation	ORLANDO, FL	CONSENT ORDER
CHARTER TITLE AND SETTLEMENT, INC.		W244377	Title Agency	Suspension 3 Months	PEMBROKE PINES, FL	ORDER OF SUSPENSION
CHATELAIN	DION P	P086342	Health	Revocation	MELBOURNE, FL	ORDER OF REVOCATION
CHERIZARD	KACY	W274094	Health	Revocation	TAMPA, FL	ORDER OF REVOCATION
CLARK	ROBERT	E009499	General Lines	Suspension 18 Months	STUART, FL	CONSENT ORDER
CONCIERGE TITLE & ESCROW, LLC		W133142	Title Agency	\$1,500 Monetary Penalty	FORT LAUDERDALE, FL	CONSENT ORDER
CUEVAS	YAMILE	P110518	Public Adjuster	\$5,000 Monetary Penalty	MIAMI, FL	CONSENT ORDER
D & C TITLE SERVICES, INC		W280877	Title Agency	Administrative Surrender	FORT LAUDERDALE, FL	CONSENT ORDER
DVC TITLE & ESCROW, LLC		W322406	Title Agency	\$1,500 Monetary Penalty	WINTER GARDEN, FL	CONSENT ORDER
ESPINOZA	CHRISTIAN	E122745	General Lines	Suspension 1 Year	MIAMI LAKES, FL	CONSENT ORDER
EXTREME TITLE SERVICES, INC.		W133025	Title Agency	\$1,500 Monetary Penalty	MIRAMAR, FL	CONSENT ORDER
FENSTERSZAUB, BRIAN	BRIAN	P171698	Public Adjuster	Suspension 3 Months	HOLLYWOOD, FL	ORDER OF SUSPENSION
FLORIDA ABSTRACT & TITLE, LLC		E187986	Title Agency	\$1,500 Monetary Penalty	NEW PORT RICHEY, FL	CONSENT ORDER
FLORIDA TITLE & ESCROW SERVICES, LLC		W128279	Title Agency	\$1,500 Monetary Penalty	POMPANO BEACH, FL	CONSENT ORDER

HOME SWEET HOME TITLE, LLC		W196323	Title Agency	\$1,500 Monetary Penalty	MIAMI, FL	CONSENT ORDER
INSURANCE SOLUTIONS GROUP		L055606	Agency	\$7,500 Monetary Penalty	MIAMI, FL	CONSENT ORDER
IRON LION TITLE LLC DBA PENNY TITLE		W094099	Title Agency	\$1,500 Monetary Penalty	ORLANDO, FL	CONSENT ORDER
KLICH	ERIN	W046678	Life, Health, Variable Annuity	Revocation	FORT MYERS, FL	ORDER OF REVOCATION
LABORDE	VICTOR	D076408	General Lines	Suspension 6 Months	HOMESTEAD, FL	CONSENT ORDER
LEBRUN	YVES	A151781	Life, Health	Revocation	OPA LOCKA, FL	CONSENT ORDER
LLOYD	BRANDY	W184525	Customer Representative	Revocation	LAKELAND, FL	NOTICE OF REVOCATION
LOOR	MARIA	P109799	Public Adjuster, Legal Expense	Suspension 3 Months	CORAL GABLES, FL	ORDER OF SUSPENSION
MAGNOLIA TITLE AGENCY, LLC		W022152	Title Agency	\$1,500 Monetary Penalty	DADE CITY, FL	CONSENT ORDER
MCGEE	BERNARD	D041670	Life, Health, Variable Annuity	Revocation	CAZENOVIA, NY	CONSENT ORDER
MERIDIAN INTERNATIONAL TITLE SVCS CORP		E002919	Title Agency	\$750 Monetary Penalty	DELRAY BEACH, FL	CONSENT ORDER
MONROE	RANDY	E060005	Life, Health, Variable Annuity, General Lines	\$5,000 Monetary Penalty, Probation	NEW SMYRNA BEACH, FL	CONSENT ORDER
NARACE	CHARLES	E109940	Customer Representative	Suspension 1 Year	PLANTATION, FL	CONSENT ORDER
NARACE	TARA	D044602	General Lines	\$3,500 Monetary Penalty, Suspension 6 Months	SUNRISE, FL	CONSENT ORDER
NEWNAM	MARK	W036976	Life, Health, Variable Annuity	Revocation	PORT SAINT LUCIE, FL	NOTICE OF REVOCATION
OCEAN TITLE INSURANCE AGENCY LLC		P211757	Title Agency	\$1,500 Monetary Penalty	FORT MYERS, FL	CONSENT ORDER

PELLEY	CHRISTOPHER	W115125	All Lines Adjuster	Revocation	LAKE CITY, FL	NOTICE OF REVOCATION
POLLOCK	MINCY	W011273	Life, Health, Variable Annuity	\$1,500 Monetary Penalty	JACKSONVILLE, FL	CONSENT ORDER
PRIME MERIDIAN TITLE INC		W316879	Title Agency	\$500 Monetary Penalty	WEST PALM BEACH, FL	CONSENT ORDER
QUALITY TITLE & ESCROW LLC		P176388	Title Agency	\$1,500 Monetary Penalty	WINTER PARK, FL	CONSENT ORDER
REALTY LAND TITLE COMPANY		W281083	Title Agency	\$500 Monetary Penalty	BOCA RATON, FL	CONSENT ORDER
RODRIGUEZ	IRIS	W044634	Personal Lines	Suspension 15 Months	LAKE MARY, FL	CONSENT ORDER
SILVERSTEIN	GAVRYEL	P111841	Public Adjuster	Suspension 3 Months	HOLLYWOOD, FL	ORDER OF SUSPENSION
SOUTHERN PREMIER TITLE, LLC DBA OLD SOUTHERN TITLE		W036526	Title Agency	\$1,500 Monetary Penalty	CAPE CORAL, FL	CONSENT ORDER
SPH TITLE, INC.		W232134	Title Agency	Administrative Surrender	WINTER PARK, FL	CONSENT ORDER
SUAREZ	CARMEN	E056020	General Lines	\$7,500 Monetary Penalty	MIAMI, FL	CONSENT ORDER
SUWANNEE VALLEY TITLE SERVICES INC		A258653	Title Agency	\$1,000 Monetary Penalty	LIVE OAK, FL	CONSENT ORDER
THE PANOPLY GROUP, LLC		L068357	Agency	Administrative Surrender	NAPLES, FL	CONSENT ORDER
THOMASON	LARRY	A264086	Life, Health	Suspension 3 Months	NEW PORT RICHEY, FL	CONSENT ORDER
TILTON	GEORGE	A265508	Life, Health, Variable Annuity, Legal Expense	Revocation	PALM BAY, FL	ORDER OF REVOCATION
WORLDWIDE INSURANCE CONSULTANTS, INC.		L080120	Agency	Revocation	PEMBROKE PINES, 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.

200 East Gaines Street
Larson Building, Room 412
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

[Susan Jordan](#)

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

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