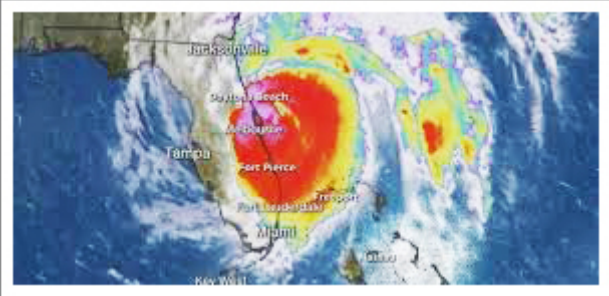


# Getting Hurricane-Ready

Dear Friends,

It goes without saying that June 1 has a special meaning to Floridians: the start of the Atlantic Hurricane Season. Last fall, Florida's 10-year hurricane-free streak was broken as Hurricane Hermine made landfall near the coast of St. Marks. About one month later, Hurricane Matthew made landfall over Haiti as a Category 4 hurricane, later embarking on a three-day journey up Florida's east coast and into Georgia and the Carolinas, causing damage that exceeded \$729 million generated by 112,000 insurance claims. In total, Floridians last year filed nearly 130,000 insurance claims totaling roughly \$800 million in losses. The question now is: If a storm were to reach Florida's shores next week, would you be prepared?



**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 >>](#)

Last year's hurricane season affected a large majority of our state, leaving many of us with wind-damaged property, flooded homes and one big headache. As some of us learned, sandbags and boarded windows will only get you so far. In some ways, our destiny will be defined by Mother Nature, regardless of what may lay in her path. [Experts are predicting](#) that the United States should prepare for another active season with an estimated 11-14 named storms and four to seven hurricanes, with two to three of those storms growing to category 3 or higher. But remember, it only takes one.



With the start of the 2017 Hurricane Season quickly approaching, it is up to you to make sure your emergency preparedness efforts reach beyond bottled water and batteries and include being financially prepared for a hurricane event. I encourage all Floridians to start putting together an insurance and financial packet that you can easily take with you should you need to leave your home in a hurry. Be sure to include documentation associated with property and health insurance policies as well as financial account information and contact information for banks and insurance companies. Having these documents put together ahead of time allows you to have ready access to all of the information necessary to file an insurance claim during an emergency evacuation.

If you need a hand getting your insurance-related preparation underway -- no problem. We've created a simple, easy-to-use [financial preparedness toolkit](#) to assist with this process. Our toolkit provides a single place to jot down and keep track of all of your insurance information. In the event that a storm directly affects you and your family, this toolkit can help you keep a list of adjuster contacts, emergency service contacts such as the Red Cross, FEMA and the Department's [consumer helpline](#), as well as a log of any calls you've made to insurance companies or agents about claims you may have to file.

Our toolkit can be downloaded in [ENGLISH](#), [SPANISH](#) and [CREOLE](#) and serves as an essential tool to supplement your preparation efforts. To learn more, please visit our website for additional tips and tools at <http://www.myfloridacfo.com/division/Consumers/Storm/>.

Take a minute and dust off your preparation materials and ensure you and your family will be financially prepared for this year's hurricane season.

Sincerely,



Jeff Atwater  
Chief Financial Officer  
State of Florida





Volume 6, No. 5 - May 2017

## News You Can Use

- Updating you on what's going on

### **CFO ATWATER: INSURANCE EXPERTS ONLY ONE CALL AWAY**

**~For free insurance assistance, Floridians can call 1-877-693-5236~**

Ahead of the June 1 start to the 2017 Atlantic Hurricane Season, Chief Financial Officer Jeff Atwater reminds Floridians to write down the State of Florida's toll-free insurance helpline number (1-877-693-5236). Operated by the Department of Financial Services, the helpline connects Floridians directly to insurance experts who can help them file an insurance claim, better understand their policy, and settle setbacks that can arise during the claims-filing process.

"Getting back on your feet following a storm can be a stressful state of affairs, but I hope that having free and ready access to insurance expertise can help the recovery process run more efficiently for Florida families," said CFO Atwater. "All Floridians should keep the helpline phone number on their emergency contact list and inside their family's hurricane kit."

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

### **14 Arrested in Miami Following Assisted Living Facility Fraud Scheme**

Chief Financial Officer Jeff Atwater announced 14 arrests following a year-long investigation led by insurance fraud investigators with the Department of Financial Services. Investigators uncovered an alleged fraud scheme in which an assisted living facility (ALF) in Miami intentionally misrepresented its business activities in an attempt to obtain an inadequate but cheaper insurance policy. When an insurance policy is knowingly secured under false pretenses, the insurance carrier oftentimes reserves the right to deny claims for loss or injury.

Citizens Property Insurance Corporation (Citizens), the company's insurance carrier, first discovered the fraud following the filing of a claim for a broken pipe in 2014. During the processing of the claim, Citizens suspected that the ALF had intentionally misrepresented its business activities in an attempt to secure a cheaper, residential insurance policy rather than the required commercial policy. Citizens referred their findings to the Department's Division of Investigative and Forensic Services.

The case ultimately initiated a larger series of investigations that took place between June 2016 and May 2017 which identified a trend of misrepresentation taking place within the ALF industry. The Department, with support from Citizens and the National Insurance Crime Bureau, identified a total of 14 ALF operators in Miami-Dade County who allegedly defrauded their insurance carrier.

Those arrested include:

- Jose Perez - Living Well, 21280 Old Cutler Rd. Miami, Fla. 33189 FL. 33032
- Aida Salguero - Amor Y Esperanza Home Care, 3224 West 14 Avenue, Hialeah Fla. 33012
- Gilberto Peralta - Angel's Home, 7935 SW 146th CT Miami, Fla. 33183
- Thelma Waite-Blake - B & B Home Care Service, 20625 SW 114th Place Miami, Fla. 33189
- Idalberto Brito - Brito Home Corp., 7361 Pine Valley Dr. Miami, Fla. 33015
- Eduardo Rodriguez - Loving Hands ALF, 2291 SW 100 Ave., Miami, Fla. 33165
- Teresita Leon - Teresita Home Care, Inc., 4840 SW 89Th PL, Miami, Fla. 33165
- Guillermo Jesus Mendez - La Casita Nuestra Home II, 14909 SW 22nd Street, Miami, Fla. 33185
- Barbara Plaza - Cornell ALF, 581-583 Central Blvd, Miami, Fla. 33144
- Jorge Pulido - La Casita Nuestra Home II, 14909 SW 22nd Street, Miami, Fla. 33185
- Leonel Bermudez - Bermudez Senior Care, 5301 SW 162 Place, Miami, Fla. 33185

Additionally, investigators arrested an insurance agent, Alina Fernandez, after she was found to have forged another insurance agent's name on two fraudulent ALF insurance applications for Jorge Pulido. She was also found to have been acting without the proper license.

Fernandez was transported to Turner Guilford Knight Correctional Facility and was charged with acting as an unlicensed agent, ID fraud, and organized fraud. The Department's Division of Agent and Agency Services' Bureau of Investigation has revoked her license and banned her from working in the insurance industry.

The remaining 13 subjects arrested were transported to Turner Guilford Knight Correctional Facility and have been charged with one count of application fraud, a third-degree felony. These cases will be prosecuted by the Miami Dade State Attorney's Office and if convicted, those arrested face up to 5 years in prison.

ALF's are long-term care residences that offer various services such as health and medicine management, transportation and meal services in an effort to support seniors and developmentally or physically disabled members of our local communities.

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

---

## **Insurance Commissioner Altmaier's Message to Floridians: Prepare Now for the 2017 Hurricane Season**

Florida Insurance Commissioner David Altmaier has an important message for Floridians ahead of the hurricane season beginning on June 1.

"Florida's unique risk to tropical weather, especially during the hurricane season, means all Floridians need a disaster plan," said Altmaier. "The time to evaluate your insurance coverage, fortify your home and prepare for how to protect yourself and your family is now."

Altmaier is also advising Floridians to take advantage of numerous hurricane preparedness resources available to them on the Office of Insurance Regulation's (Office) website and offers the following additional tips:

- Review your insurance policy with your insurance agent or insurance company to make sure the coverage is adequate to your individual needs. The "Declarations Page" of your policy will summarize the coverage

you have purchased.

- Understand the differences between your insurance policy's coverages and deductibles.
- Strengthen your home's defenses against a storm through simple mitigation techniques, such as replacing worn weather stripping under doors and removing tree limbs that may fall on your home or become flying projectiles.
- Inventory your valuables and possessions using a home inventory checklist, which is available as a form you can download and print. If you prefer to use a smartphone, there is a link to a free app created by the National Association of Insurance Commissioners, which allows you to take pictures and add descriptions of your belongings.
- Know the phone number and contact information for your insurance agent and insurance company. Make sure to have easy access to it if you must evacuate your home.
- Most importantly, have a plan for what you will do if a storm system is expected to impact where you live. Do not wait to evacuate if it becomes necessary.

For more information, visit the Office's "Hurricane Season Resources" webpage at:

<http://www.floir.com/Office/HurricaneSeason/hurricaneresourcepage.aspx>.

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

## **CFO Atwater's Insurance Consumer Helpline Recovers \$8 Million for Floridians in First Quarter of 2017**

Florida's Chief Financial Officer Jeff Atwater announced that assistance provided to Floridians by insurance specialists working Florida's insurance consumer helpline led to the recovery of nearly \$8.1 million in the first quarter of 2017. Recoveries included insurance claim payments and premium refunds that consumers sought the Department of Financial Services' help collecting.

The helpline assists Floridians with financial and insurance-related matters including disaster preparation and insurance fraud as well as questions and complaints regarding auto, home, health, life, and small business insurance. Between January 1, 2017 and March 31, 2017, the helpline's insurance specialists answered 70,634 calls and opened nearly 5,000 assistance requests. More than \$8.1 million was recovered on behalf of 866 consumers.

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

## **CFO and State Fire Marshal Jeff Atwater Talks Fire Safety Basics During Arson Awareness Week**

Florida's Chief Financial Officer, who also serves as Florida's State Fire Marshal, recognized May 7-13 as Arson Awareness Week by reminding Floridians to practice basic fire safety.

"Lives are put needlessly at risk, homes are destroyed and acres of land are ruined by this senseless, preventable crime," said CFO Atwater. "As wildfires have ravaged parts of Florida, some started by human intervention, now is the time to focus on this costly, detrimental crime and how we can all do more to stop it".

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

## CFO Atwater's Fraud-Fighting Efforts Successful in First Quarter of 2017

Florida's Chief Financial Officer Jeff Atwater announced that fraud-fighting efforts led by the Department of Financial Services took 322 law-breaking fraudsters off the streets during the first quarter of 2017. The Department's anti-fraud efforts focus on the areas of public assistance and insurance fraud, arson, and the theft or abuse of state funds.

"Fraud of any form drives up costs for all Floridians, and I'm proud of the work we've done to hold the line on fraud in our state," said CFO Atwater. "Our efforts are amplified by the partnerships we've forged with local law enforcement agencies, and I hope these results send a shockwave to other would-be criminals that they should think twice before committing a crime."

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

## Office Update on Florida Blue's Payment Processing Issue

The Florida Office of Insurance Regulation (Office) is aware that many Florida Blue customers experienced multiple fund withdrawals from their bank accounts to pay for what should have been a one-time scheduled payment of their May health insurance policy premium. Florida Blue advised this was a processing error by the company's third-party vendor.

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

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

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

We highly recommend licensees routinely check their [MyProfile](#) accounts for messages from the Department. We send an email notification when a message has been sent to remind you to check your [MyProfile](#) account, but on rare occasions you may not receive that email. For this reason, we suggest you add our domains **dfs.state.fl.us** and **MyFloridaCFO.com** to your email software's Trusted or Safe Senders List to ensure you are able to receive email notifications from us. Licensees who have a valid email address on file with the Department, as required by law, are sent important email notifications when something affecting their application, license, continuing education, or appointment(s) occurs. Additionally, we will keep you informed with warnings regarding new schemes and scams being marketed to licensees. You can update your contact information through your [MyProfile](#) account. We want to keep you informed in a timely manner of pertinent information. You are still required to abide by the Florida Insurance Code regardless of whether you read the information we provide or attempt to provide.

## In The Know

- Keeping you informed is what it's all about

### Public Adjusters - Are You Ready For Hurricane Season?

The time to be sure your license is in compliance is now - not when a storm is heading our way! This is a short checklist to ensure your license is in good standing:

- Is your license active?
- Are you self-appointed or appointed by an adjusting firm?
- Do you have the required \$50,000 surety bond?
- Are you compliant with your continuing education requirements?
- Has a primary adjuster been designated for your firm?
- Is all contact information up-to-date? You can update it at [MyProfile](#).
- Are any apprentices licensed and appointed?
- Do you have your Department issued license with you?

### State of Emergency Claims - Special Requirements Upon Governor's Declaration

For claims that are based on events that are the subject of a declaration of a state of emergency by the Governor, and during the year after the declaration of emergency:

- A public adjuster may not charge, agree to, or accept from any source compensation, payment, commission, fee, or any other thing of value in excess of ten percent (10%) of the amount of insurance claim payments made by the insurer for claims for one year after the declaration of emergency is issued.
- The insured or claimant has 5 business days after the date on which the contract is executed to cancel a public adjuster's contract. The work of adjusting insurance claims engages the public trust. An adjuster shall put the duty for fair and honest treatment of the claimant above the adjuster's own interests in every instance.

The following are excerpts of the standards of conduct that define ethical behavior, and are included in the code of ethics:

- An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss.
- An adjuster shall not directly or indirectly refer or steer any claimant needing repairs or other services in connection with a loss to any person with whom the adjuster has an undisclosed financial interest.



- A public adjuster shall not prevent, or attempt to dissuade or prevent, an insured or claimant from speaking privately with the insurer, company employee adjuster, independent adjuster, attorney, or any other person, regarding the settlement of the claim.
- A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

Please refer to [Section 69B-220.201](#), Florida Administrative Code for the full Adjuster Code of Ethics.

### **Court Upholds Florida Workers' Compensation Rate Increase**

The First District Court of Appeal in Tallahassee has upheld the 14.5% rate increase in Florida workers' compensation rates that was approved by the Office of Insurance Regulation (OIR) in October of last year. The rate increase, which took effect for all new and renewal policies starting December 1, 2016, had been challenged in court but will now remain in effect as a result of the Court's order.

The District Court of Appeal overturned and reversed a Leon County Circuit judge who had ruled that NCCI's rate filing and the Insurance Commissioner's subsequent rate order approving the 14.5% increase was invalid because the process violated Florida's Sunshine Law. In a lengthy opinion, the Court ruled that both NCCI and OIR had properly complied with the laws governing rate-making for workers' compensation insurance in Florida.

The effect of the Court's Order is that the 14.5% rate increase that has been in effect since December 1, 2016, will remain in effect.

### **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

### Six Things You Need to Know About Taking CE Courses

Complete all of your CE requirements in half the time. Contact us to find out how. Sound familiar? We have all seen advertisements like this. Many of you have probably taken courses from CE providers because of these advertisements. Did you know that as a student of a CE course you are also responsible under the continuing education regulations? Below is a list of things that you, as a student, are responsible for when taking CE courses.

1. Students are required to complete the entirety of a CE course.
  - a. For classroom courses, instructors should not allow entry after the class has started or release the class early.
  - b. For self-study online courses you must review ALL of the approved content, including chapter quizzes, and pass the final exam with a 70% or higher.
2. Students may not sleep, read non-course material or use a cell phone or other device for non-course related material.
3. Students are required to maintain records of all course completions for 2 years from completion date.
4. Students may not accept CE credit for courses they did not complete.
5. Students may not provide or receive answers or offer or receive any assistance on any CE related examination.
6. Students may not falsify any CE related document.

A violation of any portion of these regulations may result in a fine, suspension and/or denial of continuing education credit to you, the student. If you accept credit for a CE course that you did not complete or did not complete in its entirety, you could be found in violation. If an instructor does not require that you stay for the entire class and you accept CE credit, you could be found in violation. If you are able to skip directly to the final exam without reviewing any of the study material in an online course and you accept CE credit, you could be found in violation. It is your duty and responsibility as a licensee to maintain your ethical standards and report any education provider that is not adhering to the rules. To report provider activity, send a detailed email to: [Education@MyFloridaCFO.com](mailto:Education@MyFloridaCFO.com).

## 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: Preparing Your Agency And Customers For Hurricane Season

Unless you are very new to Florida, you are aware that Florida's Hurricane Season starts June 1st. Most people are careful to make important plans to protect their personal safety, homes and belongings by developing a "Hurricane Plan". Take time to consider the plans you've made to protect your business and consumer records in the event a storm approaches Florida.

#### Preparations agencies and agents may want to consider:

- Is your agency adequately insured? Do you have the appropriate amount and types of coverage? Do you have or need business continuation coverage? Now is the time to review your own coverage as we head into the "Mean Season".
- Protecting consumer records - many insurers have specific guidelines related to the protection of consumer records by agents and agencies. Are you aware of those requirements? Many agencies are moving away from maintaining paper records in favor of the ease and protection of electronic data storage. However, if your computers are destroyed without a back-up, you'll lose the advantage electronic records provide. You may want to discuss off-site computer storage with your Internet Service Provider or an insurer, which may be able to suggest solutions.
- Emergency plans for the agency and its members - if you have a lease, what restrictions, if any, apply to your business' premises in the event of a natural disaster? Will you have access to your records, furnishings and possessions?
- Where and how will you continue to operate if your business premises are uninhabitable? Do you have a plan to notify your customers should it be necessary to work from another location?

If your business premises are damaged during a storm and cannot be accessed by your customers, please notify the Department and provide your temporary address, phone and fax numbers. You can do this by notifying our [Division of Consumer Services](#). When consumers can't reach their agent, they may call the Department and this will allow us to provide your contact information to them.

After you have taken steps to protect your business and customer records, you may want to reach out to your customers before a storm strikes. Visit the Department's "[Protect Your Homebase](#)", for information on many topics related to disaster preparedness by clicking on this icon:



### **Remind your customers that Hurricane Season is approaching and consider:**

- Asking your *customers* to review their insurance policies to make sure the coverage type and amount will adequately protect them in the event of a storm. They can contact you for more information or to request additional coverage. You may already conduct annual reviews of your customer's policies, but this will involve them in the process.
- Remind them that many policies offer limited or no coverage for items such as cash, art, jewelry, furs, firearms, etc. The average consumer may not realize that coverage is limited or unavailable and may require adding a rider to an existing policy or purchasing a specialty policy.
- While it's not pleasant to think about, storms take lives every year. Are your customer's lives adequately insured?
- Urge your customers to conduct an inventory of their home and the items within it. Both a written inventory, with receipts when available, along with photos or video are extremely helpful at the time of a claim.
- **Perhaps most important, be on the lookout for the lapse of property coverage and take steps to reinstate or rewrite the coverage.**
- Encourage your customer's to visit our web page [Disaster Preparedness](#) for helpful tools and information.

In the event a storm threatens Florida, the Department will communicate valuable information to its licensees and the public. We're prepared to assist our licensees and the citizens of Florida should disaster strike.

**Editor's note:** This article was originally published in the May 2016 *Insurance Insights*,

## **Real Estate Commission Disbursements**

We have received several inquiries recently about whether it is lawful to disburse real estate commissions at a closing. Under [s.475.42](#), Florida Statutes, a real estate agent is not to be paid commissions as part of the real estate transaction. However, if the title agency wants to assist the real estate broker by disbursing the commissions of the agents working for the broker, then they can do so by entering into a separate transaction.

The separate transaction would be for the disbursement of the funds received by the real estate broker in payment for the sale of the property that was closed by the title agent or agency. The real estate broker would either endorse the check back to the title agency, or the broker would cash the commissions check and write a new check to the title agency.

The agency would then distribute the real estate commissions as directed by the real estate broker. This would not be considered a part of the real estate closing conducted by the title agency.

The Florida Real Estate Commission (FREC) issued a declaratory statement concerning this issue. The statement concludes that the title agency may disburse the commissions directly to the real estate agent if certain conditions are met:

- The real estate broker has provided written authorization to the title agency to disburse the commissions directly to their real estate agents.
- The authorization is to identify the specific transaction, identify the specific real estate agents, and disclose the exact amount of commissions each real estate agent is to receive.
- The written authorization must be signed by the office manager of the real estate brokerage firm.
- The disbursement will occur only after the transaction has closed.

The last requirement is a little tricky in that the case also explains that the funds would not be available to be disbursed if the transaction did not close. This is because the loan proceeds are technically not received by the title agency until the transaction closes, so any disbursement made that fits the description above would be automatically considered to have been made after the transaction closed.

The key component of lawful disbursement by the title agency is written authorization from the real estate broker to disburse the commissions to the named real estate agents in the amounts authorized by the real estate broker.

## Title Agency Data Call 2017

Title insurance agencies are required to submit information to the Florida Office of Insurance Regulation (OIR) under the data call required by section [627.782\(8\)](#), Florida Statutes. **Title agencies have until June 1, 2017 to make their submission to the OIR.** The OIR has sent an email to each licensed title agency in Florida to remind them of the new law with instructions on how to complete the process accurately.

The Title Agency Data Call is performed by the title agency by first downloading the template from the OIR website to complete offline. To do this, the agency will need to create an account and subscribe to your agency in the Data Collection and Analysis Modules (DCAM) used by the OIR, which is located at <https://apps8.fldfs.com/DCAM/Logon.aspx>.  
(The user's guide for DCAM is located at: <https://apps8.fldfs.com/DCAM/Help/DCAMUserGuide.pdf>)

Once the agency's data template form is completed and the agency is ready to certify it is accurate, the agency must upload the form to the OIR before the deadline, **June 1, 2017**.

The data template has seven tabs or worksheets:

1. **Version:** includes the OIR contact information and reporting date reminder
2. **Instructions:** data template must be downloaded from DCAM for the purpose of reporting information
3. **Report\_Lines:** Two columns extend down a series of questions and required responses (enter either text or numeric in the two columns, as shown)
4. **Schedule A:** Additional agency information
5. **Schedule B:** Agent activities
6. **Schedule C (Residential):** Title agent statistical information submission for 1-4 residential units
7. **Schedule C (Commercial):** Title agent statistical information submission for commercial units

Each agency's submission must contain a Filing Certification signed by an agency officer (electronic signature accepted), stating the information provided is accurate to the best of their knowledge and belief. A sample copy is available on the OIR's website at:

[www.floir.com/siteDocuments/CertificationOfTitleDataSubmissionExample.pdf](http://www.floir.com/siteDocuments/CertificationOfTitleDataSubmissionExample.pdf)

The agency may include a cover letter, but this is an optional component for the filing.

Each agency is encouraged to include any additional or optional information that is deemed important to the overall submission. These optional items may be uploaded as PDF documents under the "Other Information/Documents" component.

It is important to know that the agency's submission is not considered to be complete until the agency receives an email receipt showing the agency's file log number.

If you have any questions regarding this filing process, please contact the OIR's Market Data Collections Unit at 850-413-3147 or via email: [TitleAgencyReporting@floir.com](mailto:TitleAgencyReporting@floir.com).

### **Compliance Information**

Department licensees and consumers can access compliance information at the Division of Insurance Agent and Agency Services' web page [Compliance Information](#). Additional information is available by type of license at our [Frequently Asked Questions](#) web page.

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

## Case Notes

The following are instances in which licensees or other persons violated the Florida Insurance Code and the administrative action the Department has taken against them. Note: All administrative investigations are subject to referral to the [Division of Investigative and Forensic Services](#) for criminal investigation.

**Case:** Investigators learned a life, variable annuity and health agent pled Nolo Contendere to one count of child abuse; a third degree felony and opened a case related to the criminal proceedings. Documents obtained by investigators indicated the agent was placed on probation for 18 months by the Court.

**Disposition:** License revoked.

**Case:** A case was opened on a life, health and variable annuity agent when the Financial Industry Regulatory Authority (FINRA) barred the agent from associating with any FINRA member in any capacity, which includes holding any type of individual registration. FINRA's findings concluded the agent converted \$15,250 from elderly customers, forged or falsified the signatures of four customers on nine separate documents, and changed the account address of record for three customers from their home addresses to the agent's business address. The agent paid most of the surrender charges a customer incurred as the result of his recommendation to surrender a variable annuity contract, thereby guaranteeing her against loss, a violation of FINRA rules.

**Disposition:** License revoked.

**Case:** A case was opened based on a referral from the Department's Division of Consumer Services indicating that homeowners filed a complaint about coverage they applied for and made a premium down payment on. After time passed and the consumers didn't receive a policy or premium notices, they contacted the Department's Division of Consumer Services, which quickly determined no coverage had ever been placed, and the agency had gone out of business. Insurer documents proved the agent had provided a fraudulent certificate/evidence of property insurance to the consumers.

A second consumer filed a complaint that the agent failed to adequately insure their home against hurricane damage. The consumer suffered damage by wind driven rain and was not covered due to the negligence of the agent and his agency. As a result, the consumer obtained a Final Judgment in civil court against the agency in the amount of \$115,293.17. The agency and its principals have failed to pay any portion of the judgement.

During the course of the investigation the investigator learned that the agent/owner of the agency filed Bankruptcy and the trustee reported to the Department that the bankruptcy proceeding uncovered evidence the agent accepted premium payments from customers and failed to forward the premiums to the insurance companies. The agent used the customer's premiums for vacations for his family members, including a trip to France. The trustee provided the investigator a list of 51 customers whose insurance premiums were never forwarded to insurance carriers.





The investigator contacted the insurance company and it was confirmed that no insurance coverage was placed on the customers identified during the investigation. Investigators obtained affidavits from both consumers, a copy of the order on the Motion for Writ of Garnishment against the agency by the consumer and a copy of the final judgment.

Bank records were obtained and reflected that the agent/owner was the sole signor on the bank account. Bank account records showed \$47,000 of insurance premiums were deposited into the agency's bank account, and \$20,000 in checks were made payable to the agent and for his personal expenses. An additional \$23,000 was withdrawn in cash. **Disposition:** Permanently barred from the insurance industry in Florida.

**Case:** A case was opened by investigators on a general and surplus lines agent who also held an all-lines adjuster license after receiving a complaint from a premium finance company. In its complaint, the premium finance company alleged the licensee had engineered a plot to defraud the company by submitting premium finance contracts to finance non-existent policies. In each instance, the insureds were fabricated by the agent, and the premium draft checks were deposited into a bank account confirmed by investigators to belong to him. By the time the scheme began to unravel, the agent had obtained \$1.3 million dollars from the finance company. The investigative steps in this case included an affidavit from the premium finance company, banking records and extensive carrier documentation.

**Disposition:** License revoked

## Enforcement Actions

- April 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
ADVANTAGE INSURANCE OF AMERICA, INC.		L078141	Agency	\$3,750 Monetary Penalty	MIAMI, FL	<a href="#">Consent Order</a>
BYRD	DEANNA	W285107	Life, Health, Variable Annuity	Revocation	JACKSONVILLE, FL	<a href="#">Order of Revocation</a>
CALLAM	NICOLE	W274715	Life, Health, Variable Annuity	Revocation	ALTAMONTE SPRINGS, FL	<a href="#">Order of Revocation</a>
CATOZZI	NICHOLAS	E192241	General Lines	Revocation	TAMPA, FL	<a href="#">Order of Revocation</a>
CLIFTON	KELLY	W298826	Life, Health, Variable Annuity	Revocation	DELAND, FL	<a href="#">Order of Revocation</a>
COX	TIMOTHY	P175495	Property & Casualty Adjuster	Revocation	KISSIMMEE, FL	<a href="#">Order of Revocation</a>

DELPRADO	GRETELL	P174260	Customer Representative	Indefinite Suspension	HOMESTEAD, FL	<a href="#">Notice of Temporary Suspension</a>
DIAZ	NIDIA	A067736	Managing General Agent, Bail Bond	Indefinite Suspension	HIALEAH, FL	<a href="#">Notice of Temporary Suspension</a>
DOBIE	LEDARIUS DESHUN	P150550	Personal Lines	Revocation	TAMPA, FL	<a href="#">Order of Revocation</a>
ENCORE TITLE LLC		W320336	Title Agency	Administrative Surrender	PALM BEACH GARDENS, FL	<a href="#">Consent Order</a>
FARRAR	JOHN	W162547	Life, Health, Variable Annuity	Revocation	TARPON SPRINGS, FL	<a href="#">Order of Revocation</a>
FUTIA	NICOLE	E160023	All Lines Adjuster, Personal Lines	\$1,500 Monetary Penalty, Probation 7 Years	LAKE MARY, FL	<a href="#">Consent Order</a>
HOLLIDAY	REGINALD	W204133	Life, Health, Variable Annuity	\$1,500 Monetary Penalty	JACKSONVILLE, FL	<a href="#">Search</a>
HORIZON TITLE GROUP, LLC		W055051	Title Agency	Suspension 3 Months	CAPE CORAL, FL	<a href="#">Order of Suspension</a>
JOSEPH, II	MERLIN	W144889	Customer Representative	Indefinite Suspension	MIRAMAR, FL	<a href="#">Notice of Temporary Suspension</a>
JUERAKHAN	JEFFERSON	W060675	Bail Bond	Indefinite Suspension	BRADENTON, FL	<a href="#">Notice of Temporary Suspension</a>
KELLY	GRACE	W257341	Customer Representative	Revocation	CAPE CORAL, FL	<a href="#">Order of Revocation</a>
KURIT	BRADLEY	E110610	Previously Revoked	Cease & Desist	WEST PALM BEACH, FL	<a href="#">Order to Cease and Desist</a>
LOPEZ	VLADIMIR	P087164	General Lines	Indefinite Suspension	DAVIE, FL	<a href="#">Notice of Temporary Suspension</a>
LUEIRO	BRADFORD	W181548	Life, Health, Variable Annuity	\$1,500 Monetary Penalty, Probation 7 Years	RIVERVIEW, FL	<a href="#">Consent Order</a>
MASSEY	WAYNE	W118143	Customer Representative	Revocation	COCOA, FL	<a href="#">Notice of Revocation</a>
MATHEWS	BENJAMIN	W095038	All Lines Adjuster	Revocation	APOLLO BEACH, FL	<a href="#">Order of Revocation</a>
MEYERS	TODD	A318317	Life, Health, Variable Annuity	\$1,500 Monetary Penalty, Probation 7 Years	CLEARWATER BEACH, FL	<a href="#">Consent Order</a>
MUIR	LARRY	W150723	Bail Bond	Revocation	OCALA, FL	<a href="#">Order of Revocation</a>
OLD PALM TITLE, LLC		P026032	Title Agency	\$1,500 Monetary Penalty	BOCA RATON, FL	<a href="#">Consent Order</a>

ORTEGA	JACQUELINE	E016634	General Lines	Indefinite Suspension	MIAMI, FL	<a href="#">Notice of Temporary Suspension</a>
SAMMARIO	RONALD	A230533	General Lines, Surplus Lines, All-Lines Adjuster	Revocation	PEMBROKE PINES, FL	<a href="#">Consent Order</a>
SEGALL	AARON	D059618	General Lines	Revocation	NORTH MIAMI, FL	<a href="#">Order of Revocation</a>
SERENITY TITLE GROUP, INC.		W020273	Title Agency	\$1,500 Monetary Penalty	AVENTURA, FL	<a href="#">Consent Order</a>
VALDES	CRISTINA	W101947	Bail Bond	Indefinite Suspension	MIAMI, FL	<a href="#">Notice of Temporary Suspension</a>
VIVANCO	WILSON	P105274	Public Adjuster	Suspension 1 Year	MIAMI, FL	<a href="#">Consent Order</a>
WOLNEY	CATHERINE	P051339	Life, Health, Variable Annuity	Revocation	LAKE PARK, FL	<a href="#">Order of Revocation</a>
YERETZIAN	JUSTIN	W268719	General Lines	Revocation	SUNRISE, FL	<a href="#">Search</a>

© 2017 Florida Department of Financial Services



## Contact Us

- We're always here for you

### Bureau of Licensing

**General inquiries for everybody - Agents, Adjusters and Agencies**

[AgentLicensing@MyFloridaCFO.com](mailto:AgentLicensing@MyFloridaCFO.com)

[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.

*200 East Gaines Street  
Larson Building, Room 419  
Tallahassee, FL 32399-0319*

### Bureau of Investigation

**Compliance issues, licensees and insurers ONLY:**

[Title@MyFloridaCFO.com](mailto:Title@MyFloridaCFO.com) - For title insurance compliance matters **NOT** related to Licensing or Education.

[BailBond@MyFloridaCFO.com](mailto:BailBond@MyFloridaCFO.com) - For bail bond compliance matters **NOT** related to Licensing or Education.

[Adjusters@MyFloridaCFO.com](mailto:Adjusters@MyFloridaCFO.com) - For adjuster compliance matters **NOT** related to Licensing or Education.

[askDFS@MyFloridaCFO.com](mailto: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](mailto:TitleAgencyReporting@flor.com) - For questions about the filing process

[TitleDataCall@flor.com](mailto: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](#).

Reproduction in whole or in part of ***Insurance Insights***, or any publication by this division, without permission is prohibited.

© 2017 Florida Department of Financial Services