

Flood Insurance Reform Needed

Dear friends,

This week, I again called on Congress to take immediate action to spare Floridians from the devastating rate hikes forthcoming as result of reforms to the National Flood Insurance Program (NFIP). These changes, set to begin October 1, will dramatically increase the costs of flood insurance, and in a number of instances actually expand and redefine flood zones and risks.

The NFIP was created to help families who live in flood prone areas, and I understand the importance of improving its financial stability. Unfortunately, there is no guarantee the scheduled changes will improve the program because of the possibility that they create further instability in what is already a delicate real estate market. Our state's real estate market will be hard-pressed to withstand the shock of unexpected flood insurance cost increases, which will make it more difficult to own or sell a home.

I have made it clear to every member of Florida's congressional delegation, Republican and Democrat alike, that the scheduled changes will bring significant financial hardship to unsuspecting Florida families already facing economic challenges. I hope that you too will contact your U.S. Senators and Representatives, and let them know that they need to quickly act to correct a harmful policy.



Jeff Atwater
Chief Financial Officer
State of Florida

VERIFY
BEFORE ✓
YOU SELL

Agents should routinely verify the licensure of the companies for which they're selling.

[Read more >>](#)

News You Can Use

- Updating you on what's going on

CFO Jeff Atwater and Department of Financial Services Announce Additional Affordable Care Act Webinars

With the approach of the first open enrollment period for coverage under the Affordable Care Act (ACA), Floridians have many questions about their responsibilities under the law and how new options will affect their families and businesses. Florida Chief Financial Officer Jeff Atwater and the Department of Financial Services want to make sure you have access to information and resources regarding the Affordable Care Act and announce additional informative webinars for individuals.

The Department of Financial Services' Division of Consumer Services has added webinars to the Affordable Care Act webinar schedule launched earlier this month. In addition to the webinars that began this month for small businesses, webinars for individuals interested in learning more about the ACA have been scheduled for October.

For information on dates and times of the remaining webinars for small businesses and the additional webinars for individuals, please visit the new [Health Insurance Reform & You](#) website which is available in English and Spanish.

Also, the department's toll free Consumer Helpline is available Monday through Friday from 8 a.m. to 5 p.m. with assistance in English, Spanish, and Creole with specialists who can answer questions about the Affordable Care Act including eligibility requirements, the enrollment process and periods, available health plans, and qualification requirements for the premium assistance tax credit.

Online resources include consumer guides with comprehensive overviews on specific lines of insurance and an On Demand library of educational videos and presentations on financial and insurance topics. Individuals can call the toll-free helpline at **1-877-MY-FL-CFO (693-5236)** to obtain assistance or visit the division's website at www.MyFloridaCFO.com/Division/Consumers to access these resources and a wealth of information regarding financial and insurance issues.

Notice of Withdrawal - Adjusters

The Florida Department of Financial Services, Division of Agent & Agency Services, hereby provides Notice of Withdrawal for Rule Chapter 69B-220, Florida Administrative Code, relating to adjusters. The notice was filed with the Florida Department of State and officially published in the Florida Administrative Register on September 16, 2013.

The notice pertains to proposed changes to Rule 69B-220.051, F.A.C. (Conduct of Public Adjusters and Public Adjuster Apprentices) and Rule 69B-220.201, F.A.C. (Ethical Requirements for All Adjusters).

A Notice of Rulemaking will soon be published again of proposed amendments for the existing rule.

[Click here to read the full text of the Notice of Withdrawal >>](#)

CFO Jeff Atwater Announces Conviction of Former Allstate Employee in Insurance Scam

Florida Chief Financial Officer Jeff Atwater announced the conviction of Yarden Lee Bracero, 39, a former Allstate employee in Jacksonville for diverting claims payments for her own personal use. Bracero pled guilty to one count of scheme to defraud and three counts of identity theft and was sentenced to a mandatory three years in prison and ordered to pay full restitution.

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

CFO Atwater Offers 'Paying for College: Controlling Your Degree of Debt' To Guide College-Bound Students and Parents in Financial Decisions

In honor of College Savings Month in September, Florida Chief Financial Officer Jeff Atwater announced that the Department of Financial Services is teaming up for a second year with the Florida Association of Student Financial Aid Administrators (FASFAA) to offer a free webinar entitled “Paying for College: Controlling Your Degree of Debt.” As financial aid application deadlines are fast approaching, this webinar will provide valuable information on the variety of financial aid programs that can minimize college debt.

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

CFO Atwater Announces Arrests of Three Miami PIP Fraudsters

Florida Chief Financial Officer Jeff Atwater announced the arrests of three individuals in unrelated but similar PIP fraud investigations in Miami. Chiropractor David Louis Hirschenson, 55, was arrested for illegally soliciting accident victims and obtaining vehicle crash reports. Nester Sanchez, 39, and Chakira Vila Puentes, 45, owners of C & N Therapy Center, were arrested for insurance fraud and grand theft.

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

CFO Jeff Atwater Invites You to Participate in Operation S.A.F.E. with 'Be Scam Smart' Workshops

Florida Chief Financial Officer Jeff Atwater launched Operation S.A.F.E (Stop Adult Financial Exploitation) as part of his On Guard for Seniors initiative to help inform, empower, and protect Florida's seniors from financial scams and fraud. The workshops are intended to protect seniors from becoming victims of consumer fraud, scams and identity theft.

The "Be Scam Smart" workshops are part of CFO Atwater's Operation S.A.F.E. (Stop Adult Financial Exploitation) initiative, the newest addition to On Guard for Seniors launched last year to educate seniors on specific financial topics such as annuities, identity theft, reverse mortgages and long-term care insurance.

Operation S.A.F.E. focuses on frauds and scams, such as fake lotteries and repair scams, and how these scams work. Scams that are addressed in the workshop include the Grandparent Scam, the Romance Scam, lotteries and sweepstakes, reverse mortgage scams, home improvement scam and more.

The "Be Scam Smart" workshops are presented by representatives from the Department's Division of Consumer Services, the Broward County Sheriff's Office, the St. Lucie County Sheriff's Office, the Volusia County Sheriff's Office, the Collier County Sheriff's Office, the Charlotte County Sheriff's Office, the Marion County Sheriff's Office, the Pinellas County Sheriff's Office, and the Pasco County Sheriff's Office.

To learn more or to register for a workshop, visit www.MyFloridaCFO.com/SAFE.

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

Make Sure You Don't Miss Important Information From Us

We highly recommend licensees to routinely check their [MyProfile](#) account(s) for messages from the Department. We send an email notification at the same time to remind you to check your [MyProfile](#) account but on rare occasions you may not receive that email. For that reason, we suggest you add our domain **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 that affects 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

Informational Memorandum Concerning the Submission of the Florida Surplus Lines Premium Receipts Tax by Risk Purchasing Groups

On August 22, 2013, the Florida Surplus Lines Services Office (FSLSO) issued an informational memorandum concerning the submission of Florida surplus lines premium receipts tax by Risk Purchasing Groups.

The purpose of the memorandum is to provide guidance to all Florida registered Risk Purchasing Groups on the submission of Florida surplus lines tax.

Beginning the date of the memorandum, all surplus lines agents placing coverage on behalf of a Risk Purchasing Group shall submit taxes due to the FSLSO. The FSLSO is responsible for the collection of all such taxes as stated in Section 626.921, Florida Statutes.

All Florida licensed surplus lines agents (resident and nonresident) are required by Florida Statute 626.932 to file all policies written through a surplus lines carrier with FSLSO via the Surplus Lines Information Portal (SLIP) or XML batch filings. FSLSO generates invoices based on submitted policy information on a quarterly basis. The payment of taxes, fees and assessments is due before the 45th day following each calendar quarter.

Additional information and instructions concerning the proper submission of policy data to the FSLSO may be obtained at the following address: <http://www.fslso.com/faq>. Please select "Risk Purchasing Groups" at the bottom of the category list.

[Click here to read the memorandum >>](#)

Agent/Broker Federally-facilitated Marketplace Training Available

Agent/broker training for the Federally-facilitated Marketplace (FFM) is available with the federal government. All training will occur online. Agents and brokers may begin their training immediately.

To start taking the training now, please visit <http://Marketplace.MedicareLearningNetworkLMS.com>

Part II of agent/broker registration process for the FFMs has officially launched. In Part II, agents/brokers who wish to serve in the individual market may now complete identity proofing on the CMS Enterprise Portal:

<https://portal.cms.gov/>.

Please note:

- Prior to completing Part II of the registration process, agents/brokers need to have completed Part I - the training/testing that is available at <https://Marketplace.MedicareLearningNetworkLMS.com>.
- After completion of Part I, agents/brokers should allow 48 business hours for their training/testing results to be transmitted to the CMS Enterprise Portal where Part II occurs. Please ensure that you allow sufficient time for your training/testing results to reach the CMS Enterprise Portal, or you will get an error message when you try to complete Part II.
- Instructions from earlier CMS webinars may be useful as agents/brokers complete the registration process. Those instructions, and other information, may be found on their webpage: <http://www.cms.gov/CCIIO/programs-and-initiatives/health-insurance-marketplaces/a-b-resources.html>. (See especially <http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/agent-broker-registration-webinar.pdf>)
- Contact Medicare Learning Network (MLN) for training technical difficulties at mln@cms.hhs.gov.

The 2014 Annual Title Administrative Surcharge is Coming Up

Subsection 624.501(27)(e)2, Florida Statutes, requires any title insurance agency licensed in Florida on January 1 of each year to remit an administrative surcharge of \$200 to the Florida Department of Financial Services. Therefore, we are [reminding](#) all title agencies that the 2014 administrative surcharge due date will soon be approaching. Any title insurance agency licensed in Florida on January 1, 2014, will be emailed a reminder a few days afterward to the agency's email address on file with the Department. To ensure you receive the invoice and avoid failing to pay by the January 30 due date, please log in to the [MyProfile](#) account for your title agency and make sure the correct email address is on file. While doing so, we also recommend you do the same for your individual [MyProfile](#) account. Failure to pay the surcharge on or before January 30 will result in administrative action and/or a fine, in addition to the original surcharge. Payment can be made securely online via the title agency's [MyProfile account](#) and paper checks are not accepted.

Still Haven't Created Your MyProfile Account? It's Quick and Easy!

The Department communicates with its licensees, appointing entities, and education providers via email and their secure [MyProfile](#) account on our website. We continue to receive inquiries from some of our customers that they cannot access their [MyProfile](#) account. Typically, they received an email from the Department to go check their MyProfile account for details about their license, appointment, or continuing education requirement and can't log in when they try. They try different usernames and passwords but nothing works. It seems like the system is broken and not letting them in. The real problem: **they never created an account.**

You must create your MyProfile account(s) with a username and password before you can access your account. At the same time, you will also set up some security questions and answers so you can easily retrieve your username or password in the event you forget either in the future. You will also verify your contact information on file. We strongly encourage you to use your actual email address as that is how we will notify you of any important information to go check in your [MyProfile](#) account. After the new [MyProfile](#) account information has been entered, the system automatically transfers your information on file into your new account.

A guide to assist you with creating an account and retrieving a forgotten username or password is located at www.MyFloridaCFO.com/Division/Agents/Licensure/myProfileHelp/documents/MyProfile_Create_PWD_UN.pdf.

Education Central

- Things to know about your continuing education

Obtaining a Reduction of Your CE Requirement

If you have 25 or more years experience as a licensed insurance representative and have met one of the following additional educational requirements, you may qualify for a reduction of hours in your CE requirement.

- Obtained the Chartered Life Underwriter (CLU) designation; or
- Obtained the Chartered Property and Casualty Underwriter (CPCU) designation; or
- Obtained a Bachelors degree in Risk Management or Insurance.

You must apply and be approved to receive this reduction. To apply, completely fill out the [Application for CLU/CPCU/College Degree & Experience Status form \(DFS-H2-1109\)](#). Proof of obtaining a CLU, CPCU, or college degree in risk management insurance needs to be provided with your application in one of the following formats:

- A legible copy of the certificate including date of conferment; or
- Signed and dated letter from the issuing entity on its letterhead; or
- Official copy of your college transcript.

Reductions are not applied retroactively. They will only be applied to current and future CE compliance cycles from the date of approval. Those who are approved for the 25-year reduction will only be required to complete ten hours of continuing education every two years.

The reduction reduces the amount of total hours due, but the adjustment is made in the optional or elective course requirement. It does not reduce the amount of hours due for specifically required courses, such as the 5-hour update course, three hours of senior suitability, three hours of ethics, or one hour of mitigation for applicable compliance cycles.

The following license types do not qualify for a 25-year reduction: Customer Representative, Limited Customer Representative, Title, Industrial Fire and Burglary, and Bail Bond. A licensee holding any of these license types would need to hold another license type that **does** qualify for a reduction to receive it.

Deja Vu? Catch a Duplicate CE Course Before It Catches You!

Taking a duplicate CE course could cost you time and money.

Current law prohibits a licensee from receiving duplicate credit for the same course **within a three year period**. This means the course will not be applied towards any of your CE requirements. If a duplicate course is not caught in time, it could result in you not completing your CE requirement on time. That could further result in possible fines, having to take additional courses, or even losing all of your appointments.

What is a duplicate course? A duplicate course is the same course taken through the same education provider and is recognized by having the same approved course ID#. Some courses are similar in nature; however, vary in material. For example: two senior suitability courses offered by different providers are not considered duplicate courses. Also, two similarly named courses offered by the same provider are not duplicate courses if they have different course ID#s.

To help prevent the detrimental consequences of taking a duplicate course, here are some suggested practices to assist you in catching a possible duplicate course before taking one:

- Maintain a copy of your course completion certificates and review them to make certain you don't take a duplicate course.
- Review your transcript in your [MyProfile](#) account each time before registering for a course.
- Ask the education provider if their records show you as taking the course within the last three years.

Whenever in doubt, don't take the course. Search the Department's database for other courses that could meet your requirement. When a duplicate course is taken, a red error warning is printed below the course on your transcript in your [MyProfile](#) account. Additionally, we will email you to inform you that the credit could not be applied to your CE requirement since it was a duplicate course. Therefore, monitor your transcript regularly to make certain you didn't inadvertently complete a duplicate course.

Are You Compliant with Your CE or Not?

If you have ever felt confused about what it means to be continuing education (CE) compliant, you are not alone. That's why we are continuously finding and implementing ways to help you with this. To be CE compliant requires more than just taking CE courses. Below are a few often overlooked 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 (however it will show it as late). Though your hours requirement may have been met, you're still delinquent for being late in completing your CE hours. You will then have the option of paying a \$250 fine, in addition to completing any required hours within a specified time, to keep from losing your appointments.

- Check past 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 will be 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 as you continue to complete 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.

How to Search for Approved CE Courses

Looking for continuing education (CE) courses to be sure you get all your hours completed? Our online course search can easily help you by listing those courses approved by the Department.

1. Go to our website at www.MyFloridaCFO.com/Division/Agents.
2. Click on **MyProfile** on the left panel and log in to your account.
3. Once in your MyProfile inbox, click on **Locate** at the top left. Then click on **Future Course Offerings**.
4. Select the **Course Authority** for the type of license held or course you need to take.
5. You can also make other choices, like **Study Method** and **Location**, to narrow your search results.
6. If you click on **Perform an Advanced Search**, you will have additional options to narrow your search results, such as **Course Date** and **Course Level**.

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.

Providers: Reminder Our Website Address Has Changed

The Division of Agent and Agency Services' redesigned website went live on August 1, 2012. We continue to receive traffic to the old site. We've identified that much of this traffic comes from links on education providers' websites. Currently, customers who attempt to access the old website's homepage are automatically redirected to the new website. **The redirect on the old site to the new site will be removed very soon.** Please be sure to update any links you have to our website on your website or your materials to go to www.MyFloridaCFO.com/Division/Agents. This will help prevent confusion when we take down the old site.

Compliance Corner

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

Change in Laws Regarding Sales of Annuities

Senate Bill 166 was passed during the 2013 Florida Legislature and becomes effective on October 1, 2013. It substantially revised Florida consumer protection laws relating to sales of annuities by incorporating the 2010 National Association of Insurance Commissioners (NAIC) model regulation on annuity protections. The bill expanded the scope of the consumer protection laws to generally include all consumers purchasing annuities. Previously, the law only applied the protections to consumers aged 65 and older. The bill also retained law limiting the surrender charges and deferred sales charges that may be imposed upon senior consumers.

The following are primary consumer protections contained in the revised law:

Suitability of Annuities - The revised law requires an insurer or insurance agent recommending the purchase or exchange of an annuity that results in an insurance transaction to have reasonable grounds for believing the recommendation is suitable for the consumer, based on the consumer's suitability information. The revised law imposes additional duties on insurers and insurance agents when a transaction involves the exchange or replacement of an annuity. Before recommending products, insurance agents must obtain specified personal and financial information from the consumer relevant to the suitability of the recommendation on a form promulgated by the Department (DFS-H1-1980).

Documentation of Sales Transaction - The revised law requires agents and agent representatives to record recommendations made to a consumer. If the consumer refuses to provide suitability information, the agent or representative must obtain a signed statement from the consumer documenting the refusal. If the consumer enters into an annuity transaction that is not based on the recommendation of the insurer or insurance agent, the agent or representative must obtain a signed statement from the consumer acknowledging that the annuity transaction is not recommended. The insurer or agent must provide the consumer specified information on a Department form (DFS-H1-1981) concerning differences between the annuity being recommended for purchase and the existing annuity that would be surrendered or replaced. Under previous law, this only applied to transactions involving a senior consumer.

Prohibitions on Agents - The revised law prohibits agents from dissuading or attempting to dissuade a consumer from truthfully responding to the insurer's request for suitability information, filing a complaint, or cooperating with the investigation of a complaint.

Unconditional Refund Period - The revised law expands to 21 from 14 days the unconditional refund period for all purchasers of fixed and variable annuities.

Limit on Surrender Charges - The revised law retains the prohibition against surrender charges or deferred sales charges in annuity contracts issued to a senior consumer exceeding 10 percent of the amount withdrawn. The charge must be reduced so that no surrender or deferred sales charge exists after the end of the 10th policy year or 10 years after the premium is paid, whichever is later.

Penalties - Authorizes the imposition of corrective action, appropriate penalties, and sanctions on insurers, agents, managing general agencies, or insurance agencies that violate the requirements of s. 627.4554, F.S. An insurance agent must pay restitution to a consumer whose money the agent misappropriates, converts, or unlawfully withholds.

[See Chapter [2013-163](#), Laws of Florida; Sections [626.99](#) and [627.4554](#), Florida Statutes]

Information on Navigators and Registering

The 2013 Florida Legislature [passed legislation](#) regarding the registering and regulation of the "Navigator" position created by federal health care reform. The legislation:

- Requires individuals acting as a "navigator" under the PPACA to be registered with the Florida Department of Financial Services (DFS). Under the PPACA, beginning on October 1, 2013, individuals and small businesses will be able to purchase private health insurance through the Federally-facilitated Marketplace (FFM).
- To be registered as a navigator, an individual must [submit the online application](#), provide official certification that he or she has successfully completed all required training by the federal government and has been certified by them as a Marketplace Navigator, submit fingerprints for a criminal background check, and pay all fees. Certain crimes would either permanently bar an individual from registration or disqualify an applicant for specified periods.
- A navigator is prohibited from:
 - Soliciting, negotiating, or selling health insurance;
 - Recommending the purchase of a particular health plan or represent that one health plan is preferable over any other;
 - Recommending or assisting with the cancellation of insurance coverage purchased outside the Exchange;
 - Receiving compensation or anything of value from an insurer, health plan, business, or consumer in connection with performing activities as a navigator, other than from the Exchange or an entity or individual who has received a navigator grant under the PPACA.
- Specifies grounds for suspension or revocation of registration and authorizes DFS to impose an administrative fine in lieu of, or in addition to suspension or revocation. Any person who acts as a navigator without registration is subject to an administrative penalty not to exceed \$1,500.

Navigators will be required to adhere to strict security and privacy standards - including how to safeguard a consumer's personal information. They'll be required to complete 20-30 hours of training to be certified by the federal government, will take additional federal training throughout the year, and will renew their federal certification yearly. All types of enrollment assisters - including in-person assisters, Certified Application Counselors, and agents and brokers - are required to complete specific training and are subject to federal criminal penalties for violations of privacy or fraud statutes, on top of any relevant state law penalties.

The Department of Health and Human Services (HHS) announced on August 15 the entities that were awarded Navigator grants. The following entities were awarded grants in Florida:

- University of South Florida, College of Public Health
- Epilepsy Foundation of Florida
- Advanced Patient Advocacy, LLC
- Legal Aid Society of Palm Beach County, Inc.
- Pinellas County Board of County Commissioners
- National Hispanic Council on Aging
- Mental Health America

Individuals interested in becoming Navigators should contact these entities for potential employment opportunities. Navigators are not hired directly by the federal government or the Marketplace.

NOTE: If you are a Florida-licensed health agent and are interested in soliciting and selling policies on the Federally-facilitated Marketplace, you are not required to become registered as a navigator. However, you must get trained and registered with the federal government. Please see our information regarding the training and registering specific to agents/brokers under the [In The Know section of this month's issue](#).

Selling Marketplace Plans To Medicare Beneficiaries is Illegal

Starting January 1, 2014, most Americans will be required to have health insurance or pay a penalty and those without insurance will be able to buy it from the Federally-facilitated Marketplace opening October 1, 2013. Also, beginning October 15, 2013 and ending December 7, 2013, the enrollment period is open for Medicare beneficiaries to buy prescription drug coverage or the Medicare Advantage medical policies that are an alternative to traditional Medicare.

Agents should be cautious not to sell Medicare beneficiaries a plan on the Federally-facilitated Marketplace according to the federal government's [Medicare & the Marketplace](#) website and their [frequently asked questions flyer](#). Federal administration officials have warned that selling marketplace coverage to people who have Medicare is illegal. There can be serious consequences for anyone who violates [the federal law](#), such as fines of up \$25,000 or up to five years imprisonment or both.

The law prohibiting the sale of private health insurance to Medicare beneficiaries was originally intended as a safeguard to prevent Medicare beneficiaries from buying coverage they didn't need because it duplicated what they already had. Despite the ban, there is nothing in the health law preventing people with Medicare from buying marketplace coverage.

Case Notes

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

Case: A revoked general lines agent was found continuing to work at her former insurance agency despite having a revoked license. The revocation was ordered after she pleaded guilty to charges of unlawfully manufacturing identification cards, and after investigators alleged that she sold a fake driver license to an undercover informant. At the time, the Division of Insurance Fraud was investigating the agency after receiving information that employees were selling fake driver licenses, fake insurance cards and immigration papers to undocumented citizens. Following her license being revoked, an investigator went to the insurance agency to conduct a follow-up inspection. The investigator found the revoked agent in her office and asked why she was there. She stated that she knew she wasn't supposed to be there, but she needed to process payments from customers and earn money to pay bills. Investigators returned to the agency another time and found her again working in her office. The investigators discovered a check signed by her and written to an underwriting company. Several other checks issued by the agency had her signature.

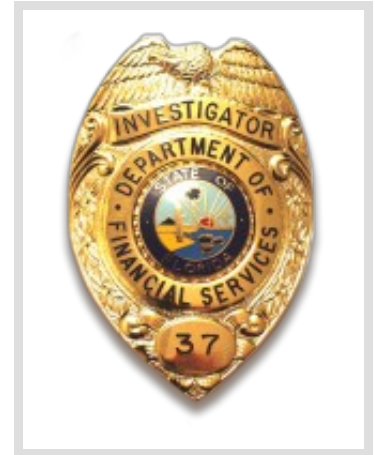
Disposition: She was arrested by the Division of Insurance Fraud for the felony charge of transacting insurance without a license.

Case: A life, health & variable annuity agent entered into a Letter of Acceptance, Waiver and Consent with the Financial Industry Regulatory Authority (FINRA) barring him against association with any FINRA member in all capacities for alleged misuse of customers' securities and failed to update his contact information within 30 days to the Department.

Disposition: License revoked.

Case: An investigation of a title agency alleged that it failed to remit the 2010 and 2012 annual title administrative surcharges. The agency failed to answer the Administrative Complaint or request a proceeding.

Disposition: License suspended for 90 days.



Case: An insurance agency and three agents specializing in surplus lines risks were found to be charging their clients fees over and above the standard commission they were earning on commercial surplus lines accounts.

Disposition: The agency cooperated with the Department's investigation, repaid \$699,198.07 in restitution to 123 clients, and was fined \$7,500. The three agents involved were fined: \$10,000 (agent in charge, wholesale agency), \$3,500 (agent, wholesale agency), and \$7,500 (agent in charge, retail agency).

Case: A general and surplus lines agent allowed another agent and agency to use his surplus lines license to place business and file the taxes and fees for him with the Florida Surplus Lines Service Office. He was administratively charged with failing to correctly calculate the taxes and fees owed, report all transactions, maintain complete records in his office, overcharging on fees, and to make a proper diligent effort to determine the eligibility of risks being exported.

Disposition: Fined \$5,000, placed on probation for one year, and ordered to pay restitution of \$6,377.64.

Case: A life and health agent signed a life application to insure a consumer, which he never met. Furthermore, the agent utilized a second agent to convince the unsuspecting consumer to surrender his existing annuity to purchase a life insurance policy with the proceeds. Compounding matters, the consumer was falsely assured there would be no tax consequences due to the transaction.

Disposition: Fined \$3,500.

Case: An investigation of an insurance agency, its officers, agents, and customer representative alleged that they had sold boat insurance policies issued by an unauthorized entity, International Water Safety Foundation (IWSF). The transactions included providing quotes, accepting premium payments and receiving commissions. Additionally, some of the individuals at the agency were not licensed and appointed when the bogus insurance was transacted, but later obtained the proper licenses and appointments.

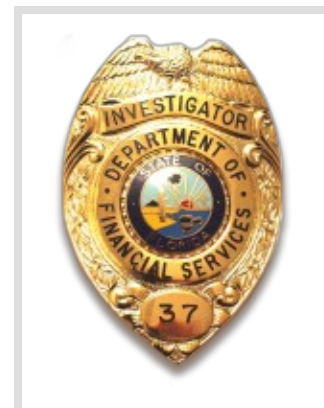
Disposition: The agent in charge (also an officer of the agency) was fined \$12,000 and placed on two years of probation; the other agent and officer was fined \$10,000 and placed on two years of probation; the agency was fined \$7,500 and placed on one year of probation; and the customer representative was fined \$7,500 and placed on one year of probation.

Enforcement Actions

- August 2013

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

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



IMPORTANT NOTE: Copies of enforcement action documents can be located by searching the [Division of Legal Services' database](#). After clicking the **Locate** link below and the database opens, click on **Final Orders** on the left, followed by **Dept of Financial Services**, then **Agents and Agencies**, then **Final Orders 2013**. You will then be able to locate the document by the first letter of the individual's last name or business name. For further information, you may make a public records request via [email](#) or contact the [Public Records Unit](#).

LAST/BUSINESS NAME	FIRST NAME	LICENSE#	LICENSE TYPE	DISPOSITION	FINE	RESTITUTION	CITY, STATE	DOCUMENT
Allen	Darryl	A003908	Bail Bond	Permanently Barred			Fort Lauderdale, FL	Locate
Always Reliable Insurance, Inc.		L072415	Insurance Agency	License Surrendered			Orlando, FL	Locate
B D R Title Corporation LLC		A010665	Title Agency	License Suspended 3 Months			Melbourne, FL	Locate
Blanco	Michael	W017518	Public Adjuster	Probation and Fined	\$500		Miami, FL	Locate
CNS Insurance Group, Inc.		L002524	Insurance Agency	License Revoked			Miramar, FL	Locate
Coury	Michael	P165326	General Lines	License Surrendered			Lighthouse Point, FL	Locate
Davis	Samuel	P165683	Bail Bond	License Suspended 3 Months			Ft Myers, FL	Locate

Donahue	Brandi	P111545	Customer Representative	License Revoked			Gainesville, FL	Locate
Faulkner	Gershom	D081981	Bail Bond	Fined	\$3,000		St Petersburg, FL	Locate
Gascon	Rosario	W002028	Customer Representative	License Revoked			Tampa, FL	Locate
Guardian Web Company LLC		E116431	Automobile Warranty	License Revoked			Newark, DE	Locate
Gulf Atlantic Title and Appraisal, Inc.		D059855	Title Agency	Restitution Ordered			Tampa, FL	Locate
Heredia	Janet	P053776	Public Adjuster	Probation, Fined, and Restitution	\$1,750	\$195.75	Miami, FL	Locate
Hill	Peter	W040339	Bail Bond	Fined	\$500		Fort Lauderdale, FL	Locate
Jerez	David	P083785	Public Adjuster	License Suspended 3 Months			Pembroke Pines, FL	Locate
Johnson	Brittani		No Valid License	Cease & Desist			Lauderhill, FL	Locate
Johnson, III	John	W019654	Bail Bond	Fined	\$2,000		Crawfordville, FL	Locate
Jones, Jr.	Gus	A133814	No Valid License	Cease & Desist			Pompano Beach, FL	Locate
Lan-Marshall	Federico	P189685	Bail Bond	License Suspended 6 Months			Jacksonville, FL	Locate
Legal Elite Title, Inc.		W108068	Title Agency	License Suspended 2 Months			Hollywood, FL	Locate
Marrone	Stephen	A165603	Life, Health, Variable Annuity	License Revoked			St Paul, MN	Locate
Mnahoncak	Marcie	P177236	Personal Lines	License Revoked			Virginia Beach, VA	Locate
Monroe	Seth	P062711	Life, Health, Variable Annuity	License Suspended 6 Months			Boca Raton, FL	Locate
Nations Title Agency of Florida, Inc.		D074644	Title Agency	Probation and Fined	\$3,000		Tampa, FL	Locate
Neighbor First Insurance		L069210	Insurance Agency	License Surrendered			North Lauderdale, FL	Locate

Nguyen	Khoi	E002889	General Lines	License Suspended 1 Years			Jacksonville, FL	Locate
Quiroz	Maria	P065878	Customer Representative	License Revoked			Boca Raton, FL	Locate
Rest Assure Title Services LLC		P115911	Title Agency	License Suspended 3 Months			Tampa, FL	Locate
Smith	Patricia	E043548	Life, Health, Variable Annuity	License Surrendered			DeBary, FL	Locate
Solomon	Lee	E122029	Life, Health, Variable Annuity	License Revoked			Columbus, OH	Locate
Stefano	Leslie	E123080	Public Adjuster	License Suspended 2 Months			Miami, FL	Locate
Stem	Randy	P068056	Bail Bond	Fined	\$500		Fort Lauderdale, FL	Locate
Surealty Title, Inc.		A258333	Title Agency	Fined	\$5,000		Pembroke Pines, FL	Locate
Vespa	Alejandro	P158489	Customer Representative	License Revoked			Jacksonville, FL	Locate
Vespa-Hurst Insurance Group, Inc.		L001240	Insurance Agency	License Revoked			Jacksonville, FL	Locate
Vespa-Hurst Insurance Group, Inc.		L067036	Insurance Agency	License Revoked			Jacksonville, FL	Locate
Vespa-Hurst Insurance Group, Inc.		P193709	Managing General Agent	License Revoked			Jacksonville, FL	Locate
Ward	Claudia	D049708	Public Adjuster	Probation and Fined	\$7,500		Tampa, FL	Locate
Washington, Sr.	Adam	P125434	Bail Bond	License Suspended			Port St Lucie, FL	Locate
Wilford	Natasha	P207784	Life, Health, Variable Annuity	License Surrendered			Tampa, FL	Locate
Wroth	Jonathan	A291176	General Lines	License Suspended 3 Months			Pompano Beach, FL	Locate



Contact Us

- We're always here for you

Bureau of Licensing

AgentLicensing@MyFloridaCFO.com - For general inquiries about licensing.

Education@MyFloridaCFO.com - For education-related questions (prelicensing, continuing education, providers, etc.)

[MyProfile](#) - Check your up-to-the-minute application status, education information, and more.

Licensees are reminded to update any change in their name, addresses (including email) or phone numbers by logging in to their [MyProfile](#) account. If you also have an agency license, don't forget to log in to your agency's MyProfile account and update it as well.

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Bureau of Investigation

Title@MyFloridaCFO.com - For title insurance matters

BailBond@MyFloridaCFO.com - For bail bond matters

askDFS@MyFloridaCFO.com - For all other matters not related to licensing or education

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

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