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Introduction: Consistency and Change

by Clay Tidwell

You have heard it before, but it was actually Rear Admiral Grace Hopper who stated “the most dangerous phrase in the language is “we’ve *always done it this way.*” It is true, and in the business world it can also be the most expensive! We all know that past success is no guarantee for the future, as times are constantly changing. As you are well aware in the insurance industry, the one constant element is change.

Through the past few years we have seen many new legislative changes that have affected the way Insurance companies, agencies, and licensees, do business. The most recent example of this can be found in House Bill 1133, which focused on insurance agent responsibilities, licensing requirements, examination requirements, regulation of course providers, instructors and school officials, agents’ records, and commissions, just to name a few.

As the Florida Department of Financial Services’ Division of Agent and Agency’s mission states, we are here “*to protect the public and insurance industry by timely and accurately licensing competent individuals and entities and fairly investigating alleged violations of Florida’s Insurance laws.*” The Education Unit works with hundreds of Pre-licensing and Continuing Education providers on a daily basis. Our goal is to yield the most qualified Continuing Education and Pre-licensing providers, instructors, and courses available, nationwide.

One of the factors contributing to our Department’s success, is the level of consistency we try to maintain when helping Course Providers. And please don’t confuse “consistency” with “we’ve always done it this way.” As we work hard to ensure our rules and processes are consistent with the statutes,

that may translate into progressive change. We are always working with the technology at hand, to streamline our online systems and internal processes to help our industry be more effective. We ensure our Education team and helpline employees provide consistent answers with resulting changes. If we are more effective, then the same can be said for the hundreds of providers who strive to bring licensees the best instruction available.

With constant legislative changes, new technologies, new personnel among both the Department and providers, and a myriad of other business environment changes, the biggest challenge is to keep up with change in order to maintain consistency. And by that, we mean the type of consistency that provides for the current knowledge of your customers.

As humans, we are creatures of habit and once we learn something, we repeat it, because it works and it’s comfortable; however, change is inevitable, and although scary at times, change is a necessary way of life and often critical for survival. This Department accepts, embraces and encourages change. It is the only way to continue to be effective and we encourage our providers to do the same.





Course Updates– Law and Legislation

by Clay Tidwell

Remember these headlines:

“The new Drinking Age for Florida is now 21 years of age.”

“The National Maximum Speed limit has been signed into law and is set at 55 Mph.”

“President Carter issues Presidential Proclamation 4771, now requiring young men to register with the Selective Service System.

“The Senate passes and President Obama signs ‘The Affordable Care Act’”



These were a few of the largest impacting laws enacted in the United States during the past decades. They all have one thing in common. Can you guess what that is? Well if you guessed that all of these laws are “old news”,

then you are absolutely right.

And, in 2014, the Department of Financial Services passed a new law which requires the 5 Hour Law and Ethics Update CE course for all licensees except title agents. These courses are valid for one year only. Florida Statute [626.2815](#) specifically states that each of these approved 5 hour Update courses *must* include “insurance law updates”.

That was two years ago, yet, there is still plenty of confusion by providers and agents alike as to what the intent of the course was to provide.

All too often, we see old law information in the material being submitted for approval. That is not what your customers want or need. The 5-Hour Update is not designed to provide a history lesson on Florida’s insurance laws. And though it may be easy to reminisce about our industry’s past, this is simply not the intent or the requirement for this course.

The fact is, our insurance industry is ever changing and there are new laws and rules almost every year. Some changes are small and others are obviously more impacting on our insurance communities. The 5-hour update course should be teaching what current laws and industry changes are affecting our industry. This is your opportunity as a provider to make a difference. This is where the rubber meets the road between you, your agents and their clients.

That means you need to stay current with any changes in laws, so that you can include them in your course material.

All providers of Continuing Education should read and understand the Florida Administrative Code (F.A.C.) which gives specific details on course approvals. Within the F.A.C. rule, you will find that it clearly states that providers must use “*the most recent policy form editions and laws*”. See *Florida Administrative Code 69B-228.080(1)(c)5*.

The sole purpose of the 5 Hour “Update” course and with “Continuing Education” in general, is very simple. These courses are designed to teach, update, and educate Florida insurance agents and adjusters. As providers, it is your responsibility to ensure you are not only teaching updated laws and rules, but also to ensure your approved courses remain “updated.”

Are all of **YOUR** approved courses up to date?

Updates regarding regulatory content do not need to be submitted to the Department for review. Any other content being updated must be submitted to the Department for review and approval. If you have questions about updating your courses, send an email to:

Education@MyFloridaCFO.com.



by Matt Wester

A common dilemma (it doesn't fit) is the matching of a given course or instructor with a selected course authority. For example: A course on the underwriting of "Highly Protected Risks" does not necessarily lend itself to a course authority geared to adjusters. Granted, there are probably some adjusters who would show interest in such an elective, but your main audience will be agents who may be front line underwriters for such risks.

Likewise, an instructor whose background is in geology wouldn't fit an audience of agents interested in coverage summaries.

The point of this message, is that due care should be given during the application process, to match the course authority to the course material or the instructor's experience being applied for, as closely as possible.

As it relates to course authorities; the Department is contemplating narrowing the types of course authorities available and would welcome input on additional authorities and/or clarification of existing authorities. Please keep in mind that we have many licensees who are working on completing outstanding compliance cycles that were due prior to October 2014 with the old requirements which is why the authorities have not yet been narrowed.



Who's Instructing Your Courses?

by Shelley Werts

It's the middle of the night. Your child has been sick for hours. Despite your best efforts his fever continues to climb. Desperate to help, you call your mechanic.



Would you call a mechanic to care for your sick child?

The answer should be obvious. Although a mechanic is an expert in vehicle maintenance and repair, they do not have the qualifications needed to assist a sick child. You want someone who is qualified to treat your child. You would call your child's doctor.

Continuing education courses are required to be taught by an approved instructor or supervising instructor with the proper course authority.

To be approved, the instructor must meet the qualifications found in rule 69B-228.060, F.A.C. This requirement ensures licensees are being taught by an instructor who is qualified in the course subject matter being taught.

What if there is a guest lecturer? Guest lecturers are allowed in **Seminar** courses. However, an approved instructor **MUST** be in attendance. If a school official is acting as the approved instructor, the school official must be approved as an instructor in the course authority being taught. **Classroom** courses can only be taught by an approved instructor.

The instructor listed on the course offering submitted to the Department **MUST** be the same instructor that actually teaches the course. If there are any changes, a revised course offering should be submitted to the Department.

Who Should be Listed as a School Official or Contact in the Provider Account?

By Shelley Werts

Anyone submitting courses, course offerings, rosters or in direct contact with the Department should be listed in the provider MyProfile account as a school official or contact.



- ◇ Anyone using the provider account should have their unique login and password to access MyProfile

What is the difference between a *School Official* and a *Contact* ?

A **School Official** is responsible for the actions of the provider.

- ◇ To become a school official, an application has to be completed.

A **Contact** works under a school official and is not responsible for the actions of the provider.

- ◇ Contacts do not need to complete an application.
- ◇ Contacts can have different access, or permission, in the provider MyProfile account, depending on each provider's preference.
- ◇ Contacts can be added or removed at any time.

Supervising Instructors are used in place of school officials for **Bail Bond** providers

Please review the Provider MyProfile User Guide for directions on how to add or remove a school official or contact.

Webinar Courses

by Shelley Werts

A **NEW** course presented as both a webinar and a classroom course must be approved by the Department as:

- A. Courses are not required to be approved by the Department
- B. A webinar course only
- C. Two course submissions, a webinar course and a classroom course
- D. I'm not sure

What's your answer? If your answer is:

- A. It's time for a compliance refresher. Rule 69B-228.080, F.A.C. requires each course to be approved by the Department.
- B. Correct! Webinar courses are considered classroom courses, so NEW webinar courses that will also be taught as a classroom course should be submitted as one course to the Department for approval.
- C. There is no need for a NEW webinar course that will also be taught as a classroom course to be dually approved. That's right! Since webinar courses are considered classroom courses, there is no need to pay for a second course submission.
- D. You're reading the right article. Webinar courses are considered classroom courses, so NEW webinar courses that will also be taught as a classroom course should be submitted as one course to the Department for approval. That's right! Since webinar courses are considered classroom courses, there is no need to pay for a second course submission.

If you have a NEW course you would like the Department to review, that will be presented as both a webinar and a classroom course, the course must be submitted as a webinar course for approval.

For a complete checklist on how to submit a webinar course, you can go to:

<http://www.myfloridacfo.com/Division/Agents/Licensure/Education/Providers/documents/CEWebinarChecklist.pdf>

As a reminder, **this guideline is for NEW courses.**

Previously approved classroom courses must be resubmitted to the Department for approval as a webinar.

If you have questions, please contact the Consumer Helpline at 1-877-693-5236 or email Education@MyFloridaCFO.com.



webinars



Get into the Fast Lane for Course Approval



Do you ever feel like you're idling in the slow lane when it comes to getting a course approved? We know it can be difficult managing the many tight deadlines in filing your continuing education material while keeping up with the demands of your clients. Even more frustrating is experiencing delays because your submittals are incomplete. Here are some quick and effective tips to help you merge into the course approval fast lane.

Accelerate your understanding of course types and their requirements. Cruise over to our Education information section at MyFloridaCFO.com/Division/Agents/Licensure/Education/default.htm, where you can find requirements for all CE course types. You'll also find FAQs, templates, checklists, and resource guides for the new 5-hour law and ethics courses. Don't get blindsided by a requirement you didn't know about. Get to know applicable Florida Statutes and Administrative Code bumper to bumper. It may sound like a long, boring trip, but take the time to read the sections of statutes and rules that apply to courses.

Don't get in a jam when it comes to subject matter. Courses submitted with prohibited subjects like sales and marketing will only leave you stranded. Not sure if the subject you'd like to teach is approvable? Check out Rule [69B-228.080](#), F.A.C., for details on hazardous subjects you'll need to steer clear of. Put the pedal to the metal in [MyProfile](#). The Department's online system for course applications, approvals and information requests may seem like a monster truck at first, but it's easy to navigate once you've taken it for a spin. Head over to the [MyProfile help page](#) for more direction. Once you're familiar with the process and the system, you can take the cruise control off and accelerate.



Don't coast on another state's approval. Florida's course requirements are based on our statutes and administrative code. Unfortunately, proof of course approval in another state has no bearing on this trip. Have a favorite "gear head" that you go to with car questions? Well, the Department has those for courses!

Our Insurance Examiners can answer most of your questions. Contact us at Education@MyFloridaCFO.com. The Education Team is always ready to help you traverse the course approval process!

Advertising



**NO
ADVERTISING
PLEASE** ~~ADVERTISING~~

By Lisa Chuites

Courses shall not be advertised in any manner as an approved insurance continuing education course unless course approval has been granted in writing, by the Department. The wording “pending approval” or similar language is prohibited since it is inherently misleading.

“Courses *shall not* be advertised in any manner as an approved insurance continuing education course unless course approval has been granted *in writing*, by

Advertising of approved continuing education courses shall be clearly distinguishable from the advertisement of all other courses and services which have not been approved to meet continuing education requirements.

Advertising for continuing education courses shall include language regarding course levels as described in Rule 69B-228.080.

Advertising of several courses together to represent a single offering shall identify each course separately with the approved course names, credit hours, and course ID numbers. Advertising of continuing education courses shall show the name of the entity as shown on the Application for Entity, as incorporated in Rule 69B-228.180, F.A.C.

Advertising of continuing education shall **not** include any sales promotion wording for any entity that may be underwriting the cost of the course for the participants.

Advertising of self-study courses shall **not** include a guarantee of passing the monitored examination. An approved course provider that places, or causes to be placed, advertisement for continuing education courses bears sole responsibility for the content of the

advertisement and its compliance with all applicable regulations.

Advertising of continuing education courses shall include the insurance representative license classification for which a course has been approved as stated in the course approval letter from the Department.

The wording “pending approval” or similar language is *prohibited* since it is inherently misleading.

Why NO
ADVERTISEMENT



Please see CE Rule 69B-228.150, F.A.C., for more information.

Rumor Has it: Pre-licensing Courses

cookin' up some RUMORS

By Heather Cleary

Have you been privy to the rumor that you are only required to instruct a pre-licensing course 75% of the required time? What if I told you that if you get pulled over for speeding the officer will not issue you a ticket if you say the secret word. Sound too good to be true?



That's because it is.

Unfortunately you cannot always believe the rumors you hear out there no matter how good it sounds. If you hear something and want to inquire about implementing it within your school, check the Florida Administrative Code, [69B-227](#) for Pre-licensing and [69B-228](#) for Continuing Education to see if you can find some regulation for or against it. If you are not able to locate specific regulatory citations, contact the Education Unit by sending an email to Education@MyFloridaCFO.com to inquire. It is better to ask questions up front rather than asking for forgiveness later.



Later may be too late. If you are found in violation of Florida's regulations you may receive a Letter of Guidance, an Administrative Action, a fine or Disapproval of your provider account. On top of that you run the risk of disqualifying the credit for the students that took your course.

So what is the truth behind this 75% rumor? The regulation states that a provider can only grant course completion credit to a student that has completed at least 75% of the required pre-licensing course hours .

The Department understands that the course hour requirement for a student to sit in a classroom for 40, 60 or 200 hours of instruction is almost impossible without at least one student having an emergency, illness or some other valid excuse, just the same as they would in a college classroom setting. This portion of the regulation was meant to allow for student exceptions. To further clarify, there is no part of the regulation that states that it is acceptable for a provider to instruct their course for 75% of the

required or approved time. The reality is quite the opposite. Florida statute identifies the number of hours required for each specific license type and the rule in Florida Administrative Code further requires for the class to be in session on the scheduled dates during specified hours and the instruction time MUST match the number of hours within the course that was approved by the Department. It is important to understand that there is no truth to this rumor that seems to be spreading like wildfire.



It is even more important to make sure you are offering your courses according to the regulatory requirements. Auditors are out there sitting in your courses and will find these and other violations if they exist. Don't let one of those violations be within your courses. Take the appropriate steps to know the do's and don'ts, be proactive and avoid missteps. If you have any questions, please reach out and ask. It is better to be safe than sorry.

Letters of Guidance

By Shelley Werts

To the reader: Previously, this journal provided the Education unit’s mission statement:

“It is our vision to be the most responsive and effective insurance education enforcement agency in the nation, by ensuring quality resources are made available in order to provide the best educated insurance professionals.”

To uphold our mission, the Department actively monitors providers to determine their level of compliance, adherence to applicable law and overall commitment to quality.

As an education provider, it is

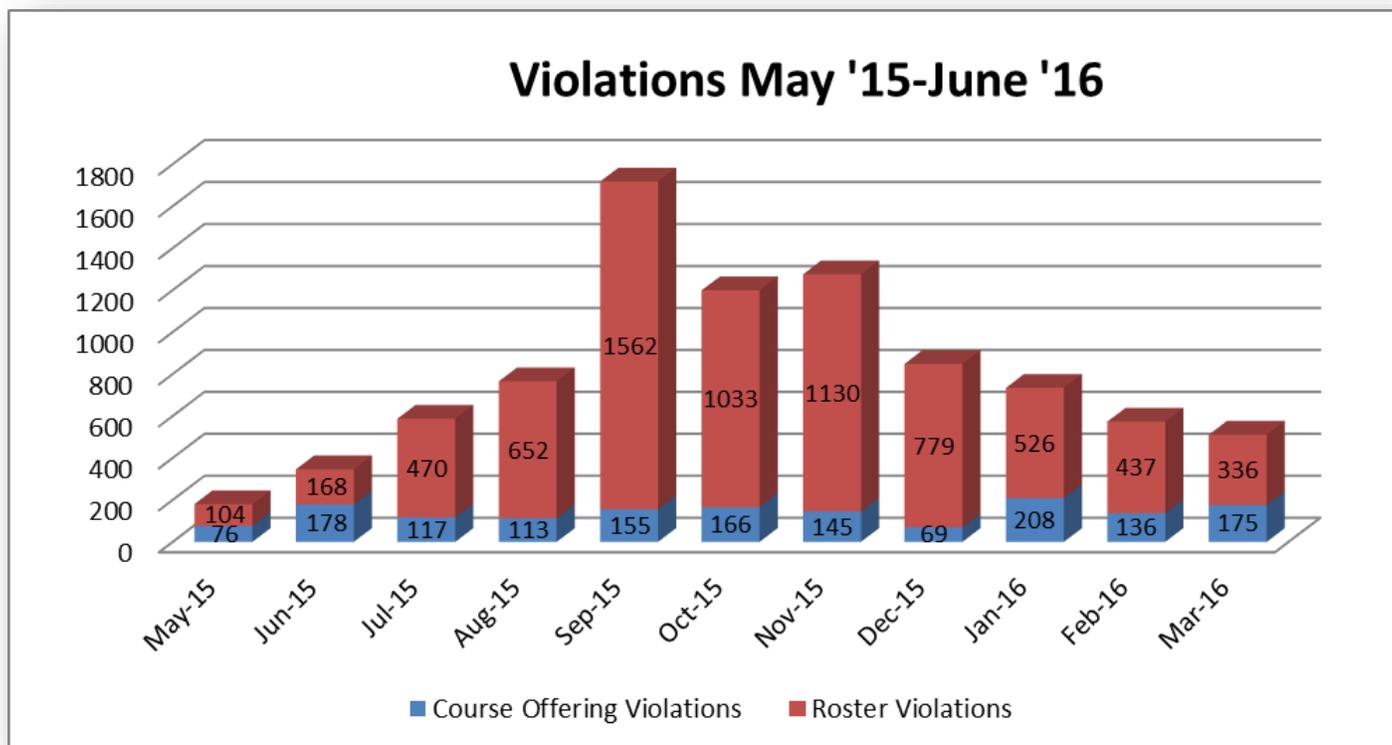
important to review recent violations and determine if your organization is compliant in identified areas of concern within the state. To assist in this endeavor, you will notice the following three sections appearing in this and upcoming issues of this journal: Letters of Guidance, Case Notes and Enforcement Actions.

Letters of Guidance

Letters of Guidance are issued from the Department as direct feedback to providers on noted violations of the Florida Insurance Code such as late roster and course offerings. The below exhibit lists the number of violations the Department has issued for late roster and course offering submissions during the past 11 months. It is important to note a handful of providers have committed the majority of listed violations. The Department

reviews trends as well as individual provider actions and addresses these on a case by case basis to determine if further action is warranted. The Department also issues Letters of Guidance as a result of violations noted during onsite and virtual audits, incorrect Certificate of Completions and course advertisements.

One recent area of concern is the increase in violations relating to Certificates of Completion. The Department allows providers to create their own form; however the form must include all information in form DFS-H2-1668, Certificate of Completion.



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 status may have changed since the filing of these orders. We suggest that you make a [public records request](#) to verify the current status of any provider.



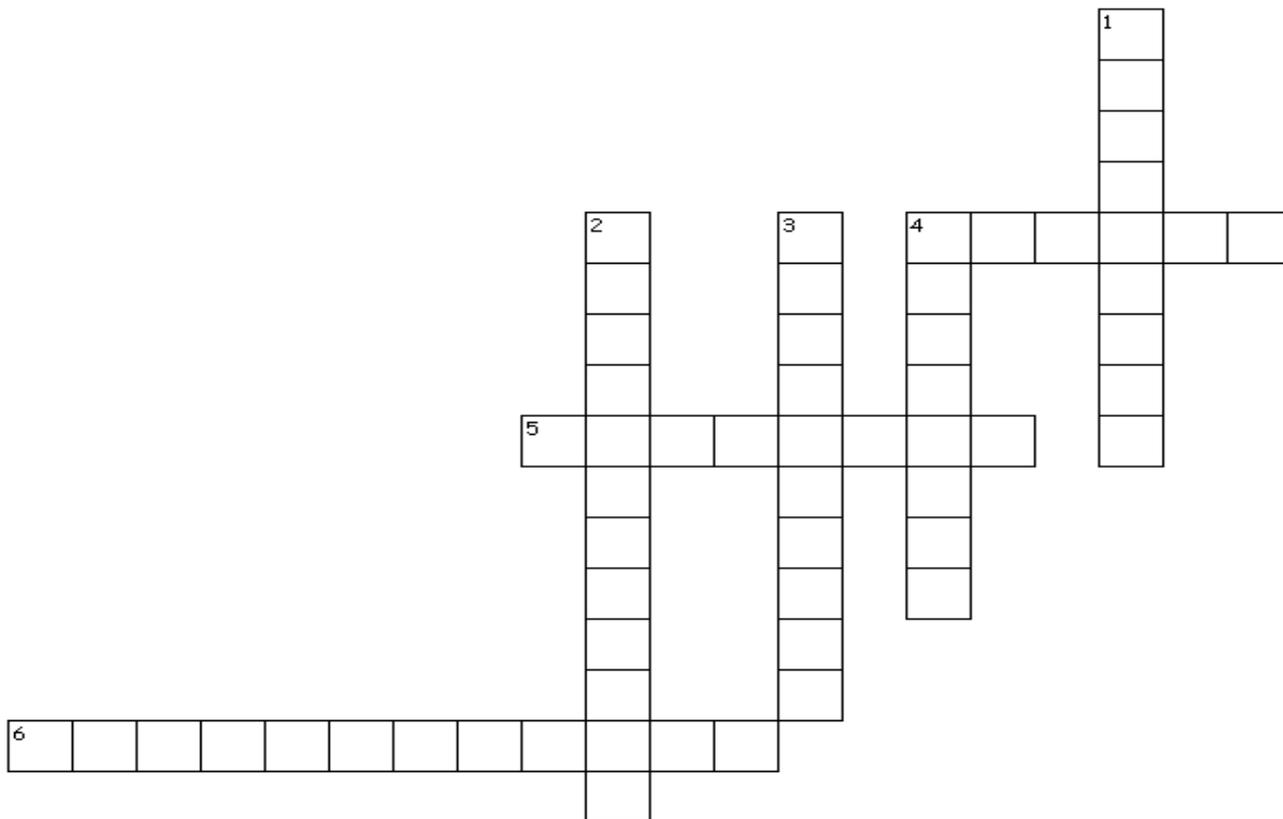
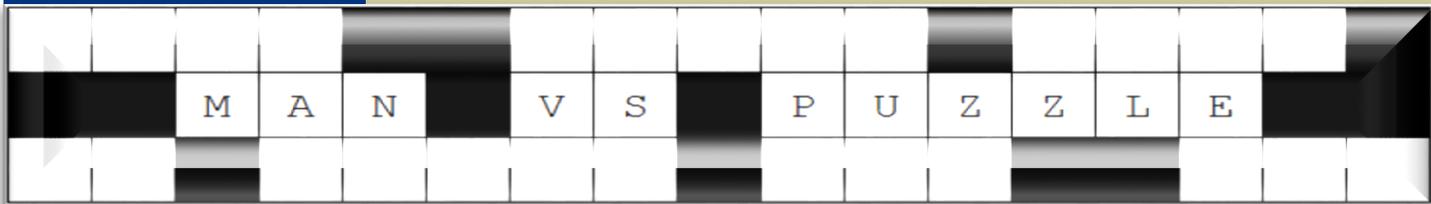
IMPORTANT NOTE: Actions can be searched for at the Florida Division of Administrative Hearings' (DOAH) [website](#). For further information, you may make a public records request via [email](#) or contact the [Public Records Unit](#).

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

LAST/ BUSINESS NAME	FIRST NAME	I.D. NUMBER	PROVIDER TYPE	DISPOSITION	FINE/ COST	CITY/STATE
EDUCO		1118	Continuing Education	Administrative Cost and Fine	\$2,500/ \$10,000	Seminole, FL

Case notes:

An investigation was conducted into the activities of a continuing education provider after a licensee notified the Department that the licensee was awarded credit hours for courses they did not complete.



Across

- 4. _____ Rider -A provision of an insurance policy that is purchased separately from the basic policy and that provides additional benefits at additional cost.
- 5. _____ will maintain records of all acknowledgements from attendees verifying their identity and their participation in the course.
- 6. _____ obligated to operate according to high and strict standards of conduct in performing their work.

Down

- 1. _____ retirement products that may be used to help you increase savings, protect your savings, or generate a stream of income.
- 2. _____ to sign and accept liability and guaranteeing payment in case loss or damage occurs.
- 3. _____ the state or quality of being dedicated to a cause, activity, etc.
- 4. _____ and Casualty types of coverage that help protect the stuff you own and your home or car.

Education Unit

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

[MyProfile](#) - Check up on any of the Provider applications you may have pending, 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. Providers are reminded to update any change in their school officials, addresses (including email) or phone numbers by logging in to their [MyProfile](#) account.

Bureau of Licensing

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

Education@MyFloridaCFO.com - For education-related questions (pre-licensing, 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.

Bureau of Investigation

Compliance issues, licensees and insurers only:

Title@MyFloridaCFO.com - For title insurance matters

BailBond@MyFloridaCFO.com - For bail bond matters

Adjusters@MyFloridaCFO.com - For adjuster matters

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

200 East Gaines Street
Larson Building, Room 412
Tallahassee, FL 32399-0320

Title Insurance Data Call

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

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

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[Clay Tidwell](#)

We welcome suggestions and inquiries concerning **Provider Insights**. Please direct them to [Clay Tidwell](#).

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