

Celebrating the Fifth Anniversary of Florida's Bottom Line

Dear Friends,

It brings me great pleasure to introduce our five-year anniversary edition of [Florida's Bottom Line](#), our award-winning, quarterly online economic magazine. Over the past five years this publication has provided Floridians with an inside look at everything from Florida's infrastructure, financial markets and international trade to Florida's veteran-owned businesses, small businesses and much more. I'd like to thank everyone who has partnered with us to make this publication a success, and I'd like to thank the tens of thousands of readers who have shown a continued interest in the financial health of our great state. We are very proud that our website has been visited over 140,000 times since its launch. If you haven't taken a look, I invite you to check it out.

When I took office in 2011, Florida remained in the midst of a recession that hit our state more severely than other states. We had some of our highest unemployment rates, our lowest GDP, and a housing market that was slowly starting to rebuild. In the years since, Florida's economy has seen a remarkable recovery, which we have followed intently over the last five years.

During our initial launch of this publication, our goal was to provide current information and in-depth analysis on Florida's economy to all Floridians. We decided to embark on this journey because these topics were vitally important to consumers, businesses, and community leaders, but there was no commentary or information readily available for consumption. With that goal in mind, we have been steadfast and dedicated to providing you with the most relevant information on a quarterly basis. In total, we have released 21 editions, in addition



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 >>](#)

to five special editions, that have featured more than 80 guest author articles from scholars, business leaders, top government officials, and even former Governor Jeb Bush.

As is fitting for our five-year anniversary edition of Florida's Bottom Line, I plan to recap the journey that we have been through, the obstacles that we have overcome, the challenges that we have conquered, and the achievements we have earned. While this edition may be focused on how far we have come as a state, there is still more work to be done, and I am sure that we will continue to grow and build on the foundation that we have so carefully cultivated in recent years. I am proud of the prosperity of our great state and know the best is yet to come as we stay on course.

I hope you'll take a couple minutes out of your day to read our latest edition [here](#).

Sincerely,



Jeff Atwater
Chief Financial Officer
State of Florida



News You Can Use

- Updating you on what's going on

Unlicensed Miami Insurance Agent Charged with 72 Felony Counts and Stealing more than \$48,000 in Escrow Payments

The Florida Department of Financial Services' (DFS) Division of Investigative and Forensic Services announced the recent arrest of George Garcia, 69, following his alleged unlicensed insurance activity that resulted in the theft of at least \$48,507 in escrow payments from 10 unsuspecting South Florida homeowners.

In response to alleged criminal activity in 2014, Florida's Office of Insurance Regulation issued a cease and desist order to Garcia, his ex-wife Dayami Quetgles, and their companies: Scottsdale Property and Casualty Insurance, Inc., C.I.S., Colony Insurance, and Payless LLC.

DFS' Division of Insurance Agent and Agency Services discovered Garcia was continuing to conduct insurance-related business in Florida without the required licenses. Garcia was found to have submitted numerous fake insurance certificate forms to financial institutions across South Florida in an alleged effort to obtain homeowners' insurance escrow funds. Garcia instructed the banks to make the escrow checks payable to his illegitimate businesses that were later discovered to be connected to a post office box owned and controlled by Garcia. Records show the stolen checks were then collected and deposited into Garcia's bank account.

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

CFO Jeff Atwater Announces Record-Breaking Unclaimed Property Returns

Chief Financial Officer Jeff Atwater announced that the Florida Division of Unclaimed Property, which operates under the direction of the CFO and the Department of Financial Services, completed another record-breaking month of returns in October. During October, the Division processed and paid more than \$33 million in claims. Nearly 58,000 claims were processed and the resulting funds were returned back to the rightful owners. The previous highest month on record with \$32.1 million returned was February 2016.

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

NAIC Introduces National Life Insurance Policy Locator

Locator goes nationwide to help consumers find lost life insurance policies, annuities

WASHINGTON, D.C. (Nov. 22, 2016) —The National Association of Insurance Commissioners (NAIC) today announced a national service that provides consumers with search capabilities to help them find a deceased person's lost life insurance policies and annuities.

The NAIC's [Life Insurance Policy Locator](#) provides nationwide access for assistance with [finding life insurance policies and annuities](#). An estimated \$1 billion in benefits from life insurance policies are unclaimed, according to Consumer Reports. The new tool builds on the life insurance policy locator programs developed separately in a number of states before this launch.

"Our locator gives consumers the means to easily search for lost life insurance policies. This national tool gives families and consumers a genuine time-saving option when trying to get their financial affairs in order," said John M. Huff, NAIC President and Missouri Insurance Director. "This locator leverages NAIC technology to help consumers collect what was promised by insurance contracts."

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

Duo to Serve Time for South Florida Investment Scam

The Florida Office of Financial Regulation (OFR) announces the sentencing of Abraham Shraga Gutterman for his role in a fraudulent precious metals and stock offering scheme. Gutterman was sentenced on October 27, 2016, by a federal court in Miami to serve 55 months of incarceration followed by 24 months of supervised release. He was also ordered to pay \$605,900 in restitution to the victims. Gutterman has been held in Miami without bond since he was first arrested in June 2016 by Panamanian authorities due to an outstanding international arrest warrant issued by the United States Department of Justice.

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

Office Files Notice of Appeal in Workers' Compensation Court Case

The Florida Office of Insurance Regulation (Office) has filed a [Notice of Appeal](#) with the First District Court of Appeal in the Fee v. National Council on Compensation Insurance (NCCI)/Office court case. This action comes in response to a court [order](#) issued on November 23, 2016, which invalidated the 14.5% overall combined statewide average rate increase approved by the Office on October 5, 2016. Based on the Office filing its Notice of Appeal, the order is stayed pursuant to Rule 9.310(b)(2), Florida Rules of Appellate Procedure. The increase is scheduled to take effect on December 1, 2016 and apply to both new and renewal workers' compensation insurance policies in Florida.

[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.

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In The Know

- Keeping you informed is what it's all about

Suspension and Revocation - Bail Bond agents

Immediate temporary suspension

The Department shall, upon receipt of an information or indictment, immediately temporarily suspend any license or appointment issued under this chapter when the licensee has been charged with a felony or a crime involving moral turpitude or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country. Such suspension shall continue if the licensee has been found guilty of, or has pleaded guilty or no contest to, the crime, whether or not a judgment or conviction has been entered, during a pending appeal. A person may not effect any additional bail bonds after suspension of his or her license or appointment. However, he or she may discharge any liability on bonds effected prior to such suspension. [See [s. 648.45\(1\)](#), F.S.]

Effect of suspension and revocation - associated licenses and licensees

Upon the suspension, revocation, or refusal to renew or continue any license or appointment or the eligibility to hold a license or appointment of a bail bond agent or temporary bail bond agent, the Department shall at the same time likewise suspend or revoke all other licenses or appointments and the eligibility to hold any other such licenses or appointments which may be held by the licensee under the Florida Insurance Code. [See [s. 648.50\(1\)](#), F.S.]

In case of the suspension or revocation of the license or appointment, or the eligibility to hold a license or appointment, of any bail bond agent, the license, appointment, or eligibility of any and all bail bond agents who are members of a bail bond agency, whether incorporated or unincorporated, and any and all temporary bail bond agents employed by such bail bond agency, who knowingly are parties to the act which formed the ground for the suspension or revocation may likewise be suspended or revoked. [See [s. 648.50\(2\)](#), F.S.]

No person whose license as a bail bond agent or temporary bail bond agent has been revoked or suspended shall be employed by any bail bond agent, have any ownership interest in any business involving bail bonds, or have any financial interest of any type in any bail bond business during the period of revocation or suspension. [See [s. 648.50\(3\)](#), F.S.]

Duration of suspension or revocation

The Department shall, in its order suspending a license or appointment or the eligibility to hold a license or appointment, specify the period during which the suspension is to be in effect, but such period may not exceed 2 years. A license or appointment which has been suspended **may not be reinstated**, nor shall the eligibility to hold such license or appointment be reinstated, except upon request for such reinstatement. The Department may not grant reinstatement if it finds the circumstances for which the license or appointment was suspended still exist or are likely to recur. In each case involving suspension, the Department has the discretion to require the former licensee to successfully complete a basic certification course in the criminal justice system,

consisting of not less than 80 hours approved by the Department. The former licensee will be required to provide a fingerprint scan for a background check. [See s. [648.49\(1\)](#), F.S.]

During the period of suspension or revocation of the license and **until the license is reinstated or a new license is issued**, the former licensee **may not** engage in or attempt to profess to engage in any transaction or business for which a license is required. A person who violates this law commits a felony of the third degree, punishable as provided in Florida Statutes s. [775.082](#), s. [775.083](#), or s. [775.084](#). [See s. [648.49\(3\)](#), F.S.]

Upon the termination for cause, surrender, suspension pursuant to s. [648.45\(2\)](#), F.S. or revocation of a bail bond agent's license, the appointing insurer or managing general agent shall immediately designate a licensed and appointed bail bond agent to administer all bail bonds previously written by the licensee.

Note: Any individual who is licensed under any license which has been revoked or who has had his or her eligibility to hold a license revoked by the Department may not apply for another license under Chapter 648. [See s. [648.49\(2\)](#), F.S.]

Assumed or Fictitious (D/B/A) Names Must be Reported to Us

An assumed or fictitious, "doing business as" business name, is not a separate legal entity and is not required to hold a separate agency or firm license. However, the Department must be informed of the intent to use an alternate name, whether when first applying for an agency license or after a license has been issued.

After an agency license is effective, an agency using a fictitious name must report the name in writing to the Bureau of Licensing and provide evidence that the name has been established by the state agency responsible for maintaining those records - in Florida, fictitious names are filed with the Florida Department of State, Division of Corporations. Include a copy of the fictitious name filing when notifying the Department of the intent to change the agency's business name to include the fictitious or "D/B/A" name. Requests for name changes should be sent to AgentLicensing@MyFloridaCFO.com.

(The following article was reprinted with permission from FUBA Worker's Comp)

Can Workers' Comp Policyholders Avoid Paying Higher Rates?

The workers' compensation rate increase that takes effect on December 1st in Florida is a bit unusual in that it is "off-cycle;" usually, rate changes take effect on January 1st. The rate increase of 14.5% on new and renewal policies starting December 1st has led some policyholders to ask their agents if they can postpone the rate increase by cancelling their existing policy and re-writing another one that starts before the rate increase. The short answer is "no." In Florida, workers' compensation policies cannot be cancelled and then re-written in order to take advantage of a change in the rates. As policies renew, they will have the rate increase applied to their policy according to their renewal date (or Anniversary Rating Date, if different than the policy effective date).

Under the Anniversary Rating Date (ARD) rule in the National Council on Compensation Insurance's (NCCI) Basic Manual, a carrier issuing a workers' compensation policy in Florida must apply the rules, class codes and rates that are in effect as of the ARD of the policy for the full one-year term of the policy. This means that an existing policy with a renewal date and ARD of June 1, 2016, will not have the 14.5% rate increase applied to it until June 1, 2017. If the policyholder cancels this policy and re-writes it with a new effective date of November 30, 2016, that policy keeps its ARD of June 1st and will still have the higher rates charged when it renews on June 1, 2017.

Because the ARD rule is confusing and often the ARD is the same as the policy's renewal date, NCCI has received approval from the Florida Office of Insurance Regulation to repeal it in May of 2017. Until then,

however, the ARD rule governs how the December 1st rate increase will be applied to Florida workers' compensation policies.

Title Insurance Agency Surety Bonds

A title insurance agency must have obtained a surety bond in an amount not less than \$35,000 made payable to the title insurer or title insurers appointing the agency. The surety bond must be for the benefit of any title insurer appointing the agency. If the surety bond is payable to multiple title insurers, the surety bond must provide that each title insurer is to be notified in the event a claim is made upon the surety bond or if the bond is terminated.

The surety bond must remain in effect and unimpaired as long as the agency is appointed by a title insurer. The agency must provide written proof to the appointing title insurer or insurers on an annual basis evidencing that the surety bond is still in effect and unimpaired. [[s.626.8419\(1\)\(c\)](#), F.S.] Please **do not** send your bond to the Department.

A title insurer may **not** provide the surety bond for the title agency.

Keeping Your Clients' Confidential Information *Confidential*

We'd like to remind licensees that many business equipment machines, particularly digital copiers and fax machines have hard drives - like the one on your personal computer - which can contain large amounts of data and images with sensitive and confidential information about your clients (social security numbers, bank account numbers and other financial information, medical records, medication histories, etc.). Obtaining the equipment's hard drive could be the one thing someone aiming to commit identity theft needs. We recommend that you make certain confidential information is destroyed or "scrubbed" before selling or returning the equipment to a leasing firm. Many of the major manufacturers offer security or encryption packages with their products. Please protect yourself and your clients.

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.

The Florida Statutes Are Available Online

The Florida Statutes can be viewed at [Online Sunshine - Title XXXVII Insurance](#).

Education Central

- Things to know about your continuing education

Are You Compliant with Your CE or Not?

To be CE compliant requires more than just taking CE courses. Below are a few suggestions for remaining CE compliant:

- **CE requirements change.** You should regularly review your CE status through your [MyProfile](#) account. Your total hours have specific allocation requirements that must be met. Be sure to take all the right categories of CE courses.
- **Check for late hours.** Hours taken after your due date will still post on your compliance evaluation screen, but they will be noted as "Late". Though your hours requirement may have been met, late completion of your continuing education requirement will result in penalties.
- **Check prior evaluation periods.** Always check previous compliance periods to make sure you are not delinquent for a prior period. Be sure to click on **VIEW ENFORCEMENT NOTICE** just below the **Not Compliant** text to check for any outstanding fines.
- **Check your transcript.** The **same course** cannot be taken with the **same provider** within a 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 ~ Customer Representatives' Lawful Duties and Compensation

Occasionally, general lines agents and the 4-40 customer representatives (CRs) they supervise blur the lines when transacting insurance under their licenses and find themselves the subject of Department discipline. We've put together a primer to clarify the duties a CR can lawfully perform followed by those activities that can **only** be performed by a licensed General Lines agent:

[Chapter 626, Part II General Lines Agents](#) - please pay particular attention to section [626.7315](#), F.S. - Prohibition against the unlicensed transaction of general lines insurance. This section discusses activities that can be lawfully conducted only by a licensed and appointed general lines agent. Florida Statute sections [626.7352](#), [626.7353](#), and [626.7354](#) apply specifically to customer representatives.

[Chapter 69B-213, Florida Administrative Code](#), provides additional guidance regarding customer representatives. Please review [69B-213.010](#), F.A.C. regarding "Duty to Supervise" which clarifies what the Department requires of a general lines agent that is supervising customer representatives. Department form [DFS-H2-1124](#), "Designation of Supervising Agent for Customer Service Representative or Limited Customer Service Representative" must be submitted by the supervising general lines agent. If the supervising general lines agent is also the agent in charge, and the agency designates a new agent in charge, a new form must be completed and submitted by the new supervising general lines agent. The general lines agent and the CR must be licensed **and appointed** at all times.

A customer representative **can only solicit business within the office or by phone from the office** [see subsection [626.7315\(1\)](#), F.S.], and cannot "run the office" during the extended absence of a general lines agent. In the case of more than an absence of the general lines agent, a new general lines agent must be appointed as the agent in charge to supervise the customer representative during the extended absence of the original supervising agent.

A customer representative can conduct activities under his/her license during an absence of the general lines agent, but the general lines agent must have daily, in-person contact with the customer representative. Should a complaint be filed with the Department regarding business conducted during the absence of the supervising general lines agent, the Department will review all facts prior to considering the appropriate enforcement action. You can review [69B-213.120](#), F.A.C., for more information. The Department has authority to take disciplinary action against the customer representative, the supervising general lines agent and the agency.

An example of how the law is interpreted: We were recently asked if a customer representative could access her agency work emails from home via her smart phone. Although the employee can lawfully view the emails, to take any type of action that falls under her lawful duties as a customer representative would be unlawful as she would not be under the direct supervision of her designated supervising general lines agent.

We are frequently asked how an agency can lawfully compensate customer representatives. A customer representative must be a salaried employee of the agent or agency, and his/her compensation cannot be primarily based on the production of insurance or premiums. [See [s. 626.7354\(3\)](#), F.S.]

Bail Bonds Agents: Reporting Contact Information Changes

Every bail bond agent must notify the Department, insurer, managing general agent, and the clerk of each court in which the licensee is registered within 10 working days after a change in the licensee's principal business address or telephone number. The licensee must also notify the Department within 10 working days after a change of the name, address, or telephone number of each agency or firm for which he or she writes bonds and any change in the licensee's name, home address, e-mail address, or telephone number. This can be easily accomplished through the licensee's [MyProfile](#) account. Otherwise, you may submit form [DFS-H2-1564](#) to the Department.

The owner or operator of a bail bond agency must designate a primary bail bond agent for each location, and must file with the Department the name and license number of the person and the address of the location on a form approved by the Department. Failure to notify the Department within 10 working days after such change is grounds for disciplinary action. This can be easily accomplished by submitting form [DFS-H2-1541](#) to the Department. This form should **not** be used to report a change in a licensee's demographic information.

[See sections [648.387](#) and [648.421](#), Florida Statutes]

Title Agencies: Update Your Info for the 2017 Administrative Surcharge

Subsection [624.501\(27\)\(e\)2](#), F.S., 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 2017 administrative surcharge due date will soon be approaching.

Any title insurance agency licensed in Florida on January 1, 2017, 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.

Occasionally we discover agencies that were not aware of the reminder because of the retirement or termination of the employee assigned to monitor the email address provided to the Department. Failure to open the email sent by the Department containing the administrative surcharge reminder does not release an agency from the January 30 deadline. Please verify your information soon so this does not happen to you. If you need our assistance, you may contact us at Title@MyFloridaCFO.com to assist you through the steps to update your information. Be proactive; do not procrastinate.

Failure to pay the surcharge on or before January 30, 2017 will result in administrative action which could include a fine, in addition to the original surcharge. Payment must be made securely online via the title agency's [MyProfile account](#). Paper checks are not accepted.

NOTE: This surcharge is not related to the one imposed on each new policy written due to the receiverships of National Title Insurance Company and K.E.L. Title Insurance Group, Inc., which is ending December 31, 2016.

Title Agency Data Call 2017

2017 marks the third year 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 will send 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.flor.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@flor.com.

Compliance Information

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

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

Case Notes

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

Case: The Division of Investigative & Forensic Services referred an insurer complaint alleging a general lines agent failed to include a wind mitigation form with an application for homeowners insurance, ultimately resulting in cancellation of the policy. Because the discount was not applied, the consumer was billed for additional premium. The agent told the consumer the policy was not cancelled, the discount would be applied, and blamed the insurance company for making a "clerical error". Based on the agent's guidance, the consumer did not pay the additional premium, resulting in cancellation of the policy.



Investigators determined that the agent signed a reinstatement notice for the customer that was not approved nor produced by the insurance company. Because the policy cancelled due to the agent's actions, the insurer applied the wind mitigation discount and reinstated the policy. Investigators requested documentation from the insurer and found five additional transactions handled the same way by the agent. Investigators determined that most of the policies were quoted with inflated wind mitigation credits to make the premium more affordable.

Disposition: The agent was arrested by the Division of Investigative & Forensic Services and charged with Insurance Fraud, a third-degree felony, and suspended indefinitely awaiting disposition of the criminal case.

Case: A consumer notified the Department that a bail bond premium was paid for a defendant who was never released on bond, and the bail bond agent never refunded the premium. During the course of the investigation, it was found the bail bond agent never forwarded the premium to the surety company. Further, the bail bond agent was conducting business out of his home in a gated community, which violates the Florida Insurance Code. A bail bond agency must provide an entrance that is easily accessible to the public with signage that can be read from a reasonable distance.

Disposition: License suspended for three months.

Case: Investigators opened a case after receiving a complaint that a public adjuster made misrepresentations to the Department on his license application. The complaint alleged the public adjuster's contractor's license was revoked by the Florida Department of Business and Professional Regulation (DBPR) due to fraudulent activity. Investigators determined the DBPR case found that as a contractor, the public adjuster stopped work on a job after receiving payment, resulting in subcontractor liens being placed on the consumer's property. The adjuster also failed to honor a promissory note he gave to the consumer. The customer was awarded a default judgment from a civil case against the adjuster. Had the public adjuster disclosed this information on the original application, the Department would not have issued the license.

Disposition: License revoked.

Case: During a follow-up investigation of a suspended title agent, investigators determined a licensed title agent was aiding and abetting a suspended agent in the transaction of insurance and unlawfully sharing commissions with the suspended agent. Investigators uncovered evidence that the title agent had an arrangement with the suspended agent under which he would share commissions from any business she generated for his agency. The agency inspection revealed the suspended title agent acted as the closing agent for several closings which included the sale of title insurance for the subject's agency.

Disposition: Fined \$5,000 and placed on probation for one year.

Case: Investigators conducting a bail bond agency audit discovered a bail bond agent working at the agency did not hold the required appointment to transact bail bond business. In addition, his agency did not have a designated primary bail bond agent in charge on a full-time basis. Both the appointment and primary bail bond agent's designation were cancelled because the bail bond agent had not complied with his Continuing Education (CE) requirements. Licensees who become CE non-compliant immediately lose all appointments.

Disposition: Fined \$1,750 and place on probation for one year.

Case: This case was opened when the Financial Industry Regulatory Authority (FINRA) issued a disciplinary action barring a life and variable annuity agent. The action alleged the agent failed to cooperate during the course of complaint investigation in which the agent was accused of misappropriating almost \$100,000 from a trust account.

Disposition: Permanently barred from the insurance industry in Florida.

Enforcement Actions

- October 2016

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	FINE/COST	CITY, STATE	DOCUMENT
A Freebird Bail Bond Inc			Bail Bond Agency	Bail Bond Agency Operations Suspended Indefinitely		Jacksonville, FL	Immediate Order of Suspension
Arlein	David	A008149	Life, Health, Variable Annuity	License Suspended and Fined	\$2,500	Pompano Beach, FL	Consent Order
Ashworth	Bret	W253437	Public Adjuster	License Suspended 3 Months		Aurora, CO	Order of Suspension
Bruce III	Robley	P135485	Life, Health, Variable Annuity	License Revoked		Altamonte Springs, FL	Final Order
Ciciretti	Angelo	A047414	Life, Health, Variable Annuity, Title	License Revoked		Cape Coral, FL	Order of Revocation
Corbman	Andrew	D066841	Life, Health, Variable Annuity	License Suspended 3 Months		Ashburn, VA	Consent Order

Crook	Jocelyn	P142809	Life, Health, General Lines	License Suspended Indefinitely		Port Saint Lucie, FL	Notice of Temporary Suspension
Diaz	Nidia	A067736	Managing General Agent, Bail Bond	Fine and Investigative Cost	\$4,250/\$4,250	Bal Harbour, FL	Consent Order
Dorsey	Francis	W047319	Life, Health, Variable Annuity	License Revoked		Bradenton, FL	Order of Revocation
Florida Title Search & Abstract Inc		E049357	Title Agency	License Revoked		Cape Coral, FL	Order of Revocation
Griffin	Thomas	E030536	Bail Bond	License Suspended Indefinitely		Tallahassee, FL	Notice of Temporary Suspension
Horowitz	Stuart	A123358	Life, Health, Variable Annuity	License Suspended 12 Months		Coral Springs, FL	Consent Order
Hunnicutt	De Ana	E115659	General Lines	License Revoked		Navare, FL	Order of Revocation
Jupiter Land Title Company		E010808	Title Agency	Investigative Cost	\$1,000	Jupiter, FL	Consent Order
Kossak	David	A145052	Life, Health, Variable Annuity	License Revoked		Jacksonville, FL	Final Order
Millennium National Closing Services LLC		W286489	Title Agency	License Suspended 3 Months		Tallahassee, FL	Order of Suspension
Miller	Jodie	E104472	Life, Health, Variable Annuity	License Revoked		St Petersburg, FL	Order of Revocation
North	Callaway	E054609	Life, Health, Variable Annuity, Legal Expense	License Revoked		Clearwater, FL	Final Order
Price	Daryl	A211552	General Lines	License Revoked		Stuart, FL	Notice of Revocation
Raghubir	Vinodh	D033969	Life, Health, Variable Annuity	License Revoked		Winter Garden, FL	Order of Revocation
Roberts	Autumn	W206913	Life, Health, Variable Annuity	License Revoked		Clearwater, FL	Order of Revocation
Rodriguez	Sandra	W079745	Bail Bond	License Revoked		Bartow, FL	Order of Revocation
Rosenberg	Robert	A226036	Bail Bond	License Revoked		Tampa, FL	Order of Revocation
Sands	Patrice	E151717	Life, Health, Variable Annuity, Legal Expense	License Revoked		Pompano Beach, FL	Consent Order

Seguin	Andrise	W260304	Legal Expense	License Revoked		Orlando, FL	Final Order
Steele	Claudette	D033460	Customer Representative	License Revoked		Miramar, FL	Final Order
Stewart	Gregory	E117342	Life, Health, Variable Annuity, Customer Representative	License Revoked		Melbourne, FL	Final Order of Revocation
Swain	Kelly	W088312	Legal Expense	License Revoked		Mt Dora, FL	Order of Revocation
Thomas	Kent	P186480	Bail Bond	Fine and Investigative Cost	\$1,500/\$1,500	Virginia Gardens, FL	Consent Order

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Contact Us

- We're always here for you

Bureau of Licensing

General inquiries for everybody - Agents, Adjusters and Agencies

AgentLicensing@MyFloridaCFO.com

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

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

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

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

Bureau of Investigation

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

Title@MyFloridaCFO.com - For title insurance compliance matters **NOT** related to Licensing or Education.

BailBond@MyFloridaCFO.com - For bail bond compliance matters **NOT** related to Licensing or Education.

Adjusters@MyFloridaCFO.com - For adjuster compliance matters **NOT** related to Licensing or Education.

askDFS@MyFloridaCFO.com - For all other compliance matters **NOT** related to Licensing or Education.

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Title Insurance Data Call

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

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

***Insurance Insights* Editor/Publisher**

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