

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2024-2284

LEE J CASTAGNOS, III,

Petitioner,

v.

FLORIDA DEPARTMENT OF
FINANCIAL SERVICES,

Respondent.

Petition for Review of Non-Final Administrative Order—Original
Proceeding.

January 29, 2025

PER CURIAM.

The court grants the petition and, upon the department's concession regarding the scope of its temporary suspension order, sets aside the portion of that order that prohibits the petitioner from controlling or participating in the business activities of an agent, agency, adjuster, or adjusting firm; and the portion that prohibits issuing checks from, depositing funds into, or withdrawing funds from any financial institution account used for Florida-related insurance business or transactions (*i.e.*, subparagraphs (c)(2) and (c)(3) of the suspension order). By including these two subparagraphs in the order, the department exceeded its suspension authority under section 626.611(2),

Florida Statutes, which requires the department only to “suspend a license” if it receives an information or indictment charging the licensee with a statutorily enumerated felony; that suspension itself then having the legal effect of prohibiting the licensee from “transact[ing] insurance business”—and nothing further. The court directs the department to render an amended suspension order that both is consistent with this opinion; and includes the additional information reflected in the proposed amended notice attached as Exhibit 2 to the department’s response docketed on October 10, 2024.

SET ASIDE in part with instructions.

M.K. THOMAS, NORDBY, and TANENBAUM, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Michael G. Lawrence, Jr., of Howell, Buchan & Strong, Tallahassee, for Petitioner.

Marshawn Michael Griffin, Chief Legal Counsel, and Greg Caracci, Senior Attorney, Department of Financial Services, Tallahassee, for Respondent.