

By Senator Altman

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1                   A bill to be entitled  
2       An act relating to title insurance; amending s.  
3       20.121, F.S.; assigning the Division of Title  
4       Insurance to the Department of Financial Services;  
5       providing legislative findings and intent; deeming  
6       that references in the Florida Insurance Code  
7       pertaining to title insurance refer to the Division of  
8       Title Insurance; amending s. 626.2815, F.S.; requiring  
9       any person who holds a license as a title agent to  
10      complete a minimum of 10 hours of continuing education  
11      courses every 2 years in Florida-specific title  
12      insurance and escrow management courses approved by  
13      the Division of Title Insurance; authorizing the  
14      department to contract with private entities to  
15      administer, review, or approve the continuing  
16      education program for title insurance; amending s.  
17      626.841, F.S.; defining the term "agent in charge";  
18      amending s. 626.8417, F.S.; revising provisions to  
19      conform to changes made by the act; amending s.  
20      626.8418, F.S.; removing obsolete provisions relating  
21      to applying for a title insurance license; amending s.  
22      626.8419, F.S.; requiring the title insurance agency  
23      to obtain a fidelity bond in an amount not less than  
24      \$250,000, with a deductible not to exceed 1 percent of  
25      the bond amount; creating s. 626.8422, F.S.; requiring  
26      each title insurance agency to have a separate agent  
27      in charge at every agency location; requiring that an  
28      agent in charge be an attorney licensed by and in good  
29      standing with The Florida Bar or a Florida-licensed

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30 title agent; amending s. 626.8437, F.S.; adding  
31 additional grounds for which the department must deny,  
32 suspend, revoke, or refuse to renew or continue the  
33 license or appointment of any title insurance agent or  
34 agency; amending s. 626.8473, F.S.; requiring an  
35 attorney to deposit into a separate trust account all  
36 funds received in connection with transactions in  
37 which the attorney is serving as a title or real  
38 estate settlement agent; requiring that the trust  
39 account be maintained exclusively for funds received  
40 in connection with such transactions; providing an  
41 exception for an applicable rule of The Florida Bar;  
42 creating s. 627.7715, F.S.; creating the Division of  
43 Title Insurance within the Department of Financial  
44 Services; requiring that the division exercise all  
45 powers and duties with respect to title insurance  
46 regulation, including those exercised by the Office of  
47 Insurance Regulation and the Division of Insurance  
48 Agents and Agency Services; providing for the division  
49 director to be appointed by the Chief Financial  
50 Officer; providing for bureaus within the division;  
51 amending s. 627.777, F.S.; providing for the approval  
52 and revocation of title insurance forms; creating s.  
53 627.7815, F.S.; providing that trade secrets be  
54 preserved; providing for the filing of a trade secret  
55 notice with the department; providing a waiver of  
56 trade secret protection under certain circumstances;  
57 providing procedures to be followed to claim a trade  
58 secret; detailing the form and content of the notice

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59 for a trade secret; providing a presumption of trade  
60 secret protection under certain circumstances;  
61 creating s. 627.7985, F.S.; authorizing the Department  
62 of Financial Services to adopt rules relating to title  
63 insurance; amending s. 627.780, F.S.; revising  
64 provisions to conform to changes made by the act;  
65 amending s. 627.782, F.S.; requiring each title  
66 insurance agency licensed to do business in this state  
67 and each insurer doing direct, retail, or affiliated  
68 business to maintain and submit certain information to  
69 the department as the department determines to be  
70 necessary to assist in the analysis of title insurance  
71 premium rates, title search costs, and the condition  
72 of the title insurance industry in this state;  
73 creating s. 689.263, F.S.; prohibiting a title  
74 insurance agent or title insurance agency from  
75 disbursing funds pursuant to a completed purchase and  
76 sale transaction subject to the Real Estate Settlement  
77 Procedures Act without requiring a properly executed  
78 statement of settlement cost; providing that by a  
79 specified date the rules of the Financial Services  
80 Commission and the Office of Insurance Regulation with  
81 respect to the regulation of title insurance become  
82 the rules of the Department of Financial Services;  
83 providing that the statutory powers, duties, and  
84 functions for the administration of chs. 624, 626, and  
85 627, F.S., relating to title insurance, are  
86 transferred by a type two transfer, from the Financial  
87 Services Commission and the Office of Insurance

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88 Regulation to the Department of Financial Services;  
89 providing that the transfer of regulatory authority  
90 accomplished by this act shall not affect the validity  
91 of any pending judicial or administrative action  
92 relating to title insurance, to which action the  
93 Financial Services Commission or the Office of  
94 Insurance Regulation are parties; providing that all  
95 lawful orders issued by the Financial Services  
96 Commission or the Office of Insurance Regulation  
97 implementing or enforcing or otherwise relating to  
98 title insurance issued before the effective date of  
99 the act, remain in effect and are enforceable after  
100 the effective date of the act, unless thereafter  
101 modified in accordance with law; directing the  
102 Division of Statutory Revision to provide the relevant  
103 substantive committees of the Senate and the House of  
104 Representatives with assistance to enable the  
105 committees to prepare draft legislation to conform the  
106 Florida Statutes to the provisions of the act;  
107 directing the Division of Title Insurance to work with  
108 affected parties and to make recommendations to the  
109 Legislature relating to consolidation of all of title  
110 insurance governance into a single chapter of Florida  
111 Statutes, the possible implementation of other  
112 recommendations of the Title Insurance Study Advisory  
113 Council, and other suggestions for improvement of the  
114 statutory regulation of the title insurance industry;  
115 providing an effective date.

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117 Be It Enacted by the Legislature of the State of Florida:

118  
119 Section 1. Paragraph (p) is added to subsection (2) of  
120 section 20.121, Florida Statutes, to read:

121 20.121 Department of Financial Services.—There is created a  
122 Department of Financial Services.

123 (2) DIVISIONS.—The Department of Financial Services shall  
124 consist of the following divisions:

125 (p) The Division of Title Insurance.

126 Section 2. Legislative findings; purpose; intent.—

127 (1) The Legislature finds that a stable real estate  
128 marketplace is central to the economic foundations of this state  
129 and that the certainties of real property ownership, transfer,  
130 and encumbrance must be preserved for the public welfare. These  
131 fundamental facts support the regulation of the title insurance  
132 industry.

133 (2) The Legislature finds that a stable and efficient title  
134 insurance industry is necessary for the confidence required by  
135 all purchasers of real property, their lenders, and their  
136 investors in that it improves property valuations, lowers  
137 borrowing costs, and generally supports the flow of real estate-  
138 based capital investment.

139 (3) The Legislature further finds that it is sound public  
140 policy to encourage and support the delivery of title insurance  
141 products and services statewide. The Legislature recognizes that  
142 this can best be achieved by assuring a solvent industry that is  
143 responsive as well as responsible to all consumers and for the  
144 protection of the public land records. Central to this finding  
145 is the fact that the general public welfare is better served by

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146 delivering fiscally sound legal remedies founded in contract law  
147 rather than the mere possibility of relief in tort remedies.

148 (4) The Legislature, in recognition of the fact that a  
149 title issuer may deliver primary title services directly to or  
150 through a licensed and appointed agent or agency, finds that a  
151 viable title insurance delivery system requires comprehensive  
152 state oversight and uniform regulation of title insurers,  
153 agents, and agencies. Accordingly, it is the intent of the  
154 Legislature to establish unitary regulation of the title  
155 insurance industry by transferring the agency from the Financial  
156 Services Commission and the Office of Insurance Regulation to  
157 the Department of Financial Services. The department has  
158 comprehensive authority to regulate title insurers, title  
159 agents, title agency solvency, education, licensing, and  
160 discipline and to establish title insurance premium rates and  
161 forms.

162 (5) The Legislature recognizes that the title insurance  
163 industry is founded upon a unique compensatory structure  
164 comprised of unregulated fees for the necessarily related escrow  
165 and closing services and the regulated premium promulgated for  
166 the performance of the primary title services. The delivery of  
167 these separate but related functions is predominated by title  
168 agents and agencies, thereby placing the title insurance agent  
169 at the cornerstone of the delivery system. Maintaining a  
170 sufficient base of title insurance agents promotes price  
171 competition in the marketplace for escrow and settlement  
172 services and the ready availability of these products and  
173 services to all residents.

174 Section 3. References to commission, department, and

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175 office.—Whenever the Florida Insurance Code refers to title  
176 insurance or the regulation of title insurers, title agents, or  
177 title agencies, such reference is deemed to refer to the  
178 Division of Title Insurance of the Department of Financial  
179 Services.

180 Section 4. Paragraph (d) of subsection (3) of section  
181 626.2815, Florida Statutes, is amended, paragraph (1) is added  
182 to that subsection, and subsection (8) is added to that section,  
183 to read:

184 626.2815 Continuing education required; application;  
185 exceptions; requirements; penalties.—

186 (3)

187 (d) Any person who holds a license as a customer  
188 representative, limited customer representative, ~~title agent,~~  
189 motor vehicle physical damage and mechanical breakdown insurance  
190 agent, crop or hail and multiple-peril crop insurance agent, or  
191 as an industrial fire insurance or burglary insurance agent and  
192 who is not a licensed life or health insurance agent, shall be  
193 required to complete 10 hours of continuing education courses  
194 every 2 years.

195 (1) Any person who holds a license as a title agent must  
196 complete a minimum of 10 hours of continuing education courses  
197 every 2 years in Florida-specific title insurance and escrow  
198 management courses approved by the Division of Title Insurance.  
199 The continuing education courses shall include at least 3 hours  
200 of continuing education on the subject matter of ethics, rules,  
201 or state and federal regulatory compliance matters relating to  
202 title insurance and closing services.

203 (8) The department may contract with a private entity for

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204 services relating to the administration, review, or approval of  
 205 the continuing education program for title insurance. The  
 206 contract shall be procured as a contract for a contractual  
 207 service pursuant to s. 287.057.

208 Section 5. Subsection (3) is added to section 626.841,  
 209 Florida Statutes, to read:

210 626.841 Definitions.—The term:

211 (3) "Agent in charge" of a title insurance agency means an  
 212 attorney or a licensed and appointed title insurance agent who  
 213 is designated as agent in charge pursuant to s. 626.8422.

214 Section 6. Paragraph (c) of subsection (4) of section  
 215 626.8417, Florida Statutes, is amended to read:

216 626.8417 Title insurance agent licensure; exemptions.—

217 (4)

218 (c) If one or more ~~an attorney or~~ attorneys own a  
 219 corporation or other legal entity that ~~which~~ is doing business  
 220 as a title insurance agency other than an entity engaged in the  
 221 active practice of law, the agency must be licensed and  
 222 appointed as a title insurance agency with an agent in charge  
 223 designated for the agency agent.

224 Section 7. Section 626.8418, Florida Statutes, is amended  
 225 to read:

226 626.8418 Application for title insurance agency license.—  
 227 Before ~~Prior to~~ doing business in this state as a title  
 228 insurance agency, a title insurance agency must meet all of the  
 229 criteria set forth in this section. ~~following requirements:~~

230 ~~(1)~~ The applicant must file with the department an  
 231 application for a license as a title insurance agency, on  
 232 printed forms furnished by the department, that includes all of



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233 the following:

234 (1)~~(a)~~ The name of each majority owner, partner, officer,  
235 and director of the agency.

236 (2)~~(b)~~ The residence address of each person required to be  
237 listed under subsection (1) paragraph (a).

238 (3)~~(c)~~ The name of the agency and its principal business  
239 address.

240 (4)~~(d)~~ The location of each agency office and the name  
241 under which each agency office conducts or will conduct  
242 business.

243 (5)~~(e)~~ The name of each agent to be in full-time charge of  
244 an agency office and specification of which office.

245 (6)~~(f)~~ Such additional information as the department  
246 requires by rule to ascertain the trustworthiness and competence  
247 of persons required to be listed on the application and to  
248 ascertain that such persons meet the requirements of this code.

249 ~~(2) The applicant must have deposited with the department  
250 securities of the type eligible for deposit under s. 625.52 and  
251 having at all times a market value of not less than \$35,000. In  
252 place of such deposit, the title insurance agency may post a  
253 surety bond of like amount payable to the department for the  
254 benefit of any appointing insurer damaged by a violation by the  
255 title insurance agency of its contract with the appointing  
256 insurer. If a properly documented claim is timely filed with the  
257 department by a damaged title insurer, the department may remit  
258 an appropriate amount of the deposit or the proceeds that are  
259 received from the surety in payment of the claim. The required  
260 deposit or bond must be made by the title insurance agency, and  
261 a title insurer may not provide the deposit or bond directly or~~

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262 ~~indirectly on behalf of the title insurance agency. The deposit~~  
263 ~~or bond must secure the performance by the title insurance~~  
264 ~~agency of its duties and responsibilities under the issuing~~  
265 ~~agency contracts with each title insurer for which it is~~  
266 ~~appointed. The agency may exchange or substitute other~~  
267 ~~securities of like quality and value for securities on deposit,~~  
268 ~~may receive the interest and other income accruing on such~~  
269 ~~securities, and may inspect the deposit at all reasonable times.~~  
270 ~~Such deposit or bond must remain unimpaired as long as the title~~  
271 ~~insurance agency continues in business in this state and until 1~~  
272 ~~year after termination of all title insurance agency~~  
273 ~~appointments held by the title insurance agency. The title~~  
274 ~~insurance agency is entitled to the return of the deposit or~~  
275 ~~bond together with accrued interest after such year has passed,~~  
276 ~~if no claim has been made against the deposit or bond. If a~~  
277 ~~surety bond is unavailable generally, the department may adopt~~  
278 ~~rules for alternative methods to comply with this subsection.~~  
279 ~~With respect to such alternative methods for compliance, the~~  
280 ~~department must be guided by the past business performance and~~  
281 ~~good reputation and character of the proposed title insurance~~  
282 ~~agency. A surety bond is deemed to be unavailable generally if~~  
283 ~~the prevailing annual premium exceeds 25 percent of the~~  
284 ~~principal amount of the bond.~~

285 Section 8. Paragraph (a) of subsection (1) of section  
286 626.8419, Florida Statutes, is amended to read:

287 626.8419 Appointment of title insurance agency.-

288 (1) The title insurer engaging or employing the title  
289 insurance agency must file with the department, on printed forms  
290 furnished by the department, an application certifying that the

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291 proposed title insurance agency meets all of the following  
292 requirements:

293 (a) The agency must have obtained a fidelity bond in an  
294 amount, not less than \$250,000 ~~\$50,000~~, with a deductible not to  
295 exceed 1 percent of the bond amount, acceptable to the insurer  
296 appointing the agency. If a fidelity bond is unavailable  
297 generally, the department must adopt rules for alternative  
298 methods to comply with this paragraph.

299 Section 9. Section 626.8422, Florida Statutes, is created  
300 to read:

301 626.8422 Agent in charge.-

302 (1) Each location of a title insurance agency or branch  
303 office of a title insurance agency that is within the state and  
304 that is regularly open to the public for closing services as  
305 defined in s. 627.7711, and at which disbursement of escrow  
306 funds or policy issuance services are performed must have a  
307 separate agent in charge. A title insurance agency that fails to  
308 designate an agent in charge on a form prescribed by the  
309 department, within 10 working days after the agency opens for  
310 business or changes the agent in charge, violates this chapter,  
311 and is punishable as provided in s. 626.844.

312 (2) A title insurance agency shall designate an attorney  
313 duly authorized to practice law in this state and in good  
314 standing with The Florida Bar or a Florida-licensed title agent  
315 as agent in charge for each location described in subsection  
316 (1).

317 (3) The agent in charge shall perform his or her duties as  
318 set forth in subsection (1) at the location for which he or she  
319 is named as agent in charge.

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320       (4) If a title insurance agency operates multiple  
321 locations, the agency shall designate a separate agent in charge  
322 for each location.

323       Section 10. Subsections (11) and (12) are added to section  
324 626.8437, Florida Statutes, to read:

325       626.8437 Grounds for denial, suspension, revocation, or  
326 refusal to renew license or appointment.—The department shall  
327 deny, suspend, revoke, or refuse to renew or continue the  
328 license or appointment of any title insurance agent or agency,  
329 and it shall suspend or revoke the eligibility to hold a license  
330 or appointment of such person, if it finds that as to the  
331 applicant, licensee, appointee, or any principal thereof, any  
332 one or more of the following grounds exist:

333       (11) Failure to timely submit information as required by  
334 the department.

335       (12) A licensee has been charged with an insurance-related  
336 or financial-related felony, a crime involving moral turpitude,  
337 or a crime punishable by imprisonment of 1 year or more under  
338 the law of any state, territory, or country.

339       Section 11. Present subsection (7) of section 626.8473,  
340 Florida Statutes, is renumbered as subsection (8), and a new  
341 subsection (7) is added to that section, to read:

342       626.8473 Escrow; trust fund.—

343       (7) An attorney shall deposit into a separate trust account  
344 all funds received in connection with transactions in which the  
345 attorney is serving as a title or real estate settlement agent.  
346 The trust account must be maintained exclusively for funds  
347 received in connection with such transactions. The attorney  
348 shall permit the account to be audited by its title insurers.

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349 Funds need not be maintained in a separate account for a  
350 particular client if maintaining a separate account would  
351 violate applicable rules of The Florida Bar.

352 Section 12. 627.7715, Florida Statutes is created to read:  
353 627.7715 Division of Title Insurance.-

354 (1) The Division of Title Insurance is created within the  
355 Department of Financial Services. The division shall exercise  
356 all powers and duties with respect to title insurance  
357 regulation, including those exercised by the Office of Insurance  
358 Regulation and the Division of Insurance Agents and Agency  
359 Services of the Department of Financial Services before October  
360 15, 2011. The division director shall be appointed by the Chief  
361 Financial Officer and shall have experience, education, and  
362 expertise in the field of title insurance in this state. The  
363 director may also be known as the Florida Title Insurance  
364 Commissioner.

365 (2) The Division of Title Insurance shall consist of:

366 (a) The Bureau of Title Insurance Premium Rates and Forms.

367 (b) The Bureau of Title Insurance Licensing and Education.

368 Section 13. Section 627.777, Florida Statutes, is amended  
369 to read:

370 627.777 Approval of forms.-

371 (1) A title insurer may not issue or agree to issue any  
372 form of title insurance commitment, title insurance policy,  
373 other contract of title insurance, or related form until it is  
374 filed with and approved by the office. The office may not  
375 disapprove a title guarantee or policy form on the ground that  
376 it has on it a blank form for an attorney's opinion on the  
377 title.

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378       (2) If a form filed for approval is a form certified and  
379 adopted by the American Land Title Association at the time of  
380 the filing, the department shall approve or disapprove the form  
381 within 180 days. If a form filed for approval is a form not  
382 certified by the American Land Title Association at the time of  
383 the filing, the department shall approve or disapprove the form  
384 within 1 year.

385       (3) At the time of the approval of any form, the department  
386 shall determine if a rate in effect at that time applies or if  
387 the coverages require adoption of a rule pursuant to s. 627.782.

388       (4) The department may revoke approval of any form upon 180  
389 days' notice. A basis for revocation is the decertification by  
390 the American Land Title Association of a previously approved  
391 form.

392       (5) An insurer may not achieve any competitive advantage  
393 over any other insurer, agency, or agent as to rates or forms.  
394 If a form or rate is approved for an insurer, the department  
395 shall expedite approval for a form containing the identical  
396 coverage, rate, or deviation approved under s. 627.783 for other  
397 insurers upon application.

398       Section 14. Section 627.7815, Florida Statutes, is created  
399 to read:

400       627.7815 Trade secret documents.—If any person who is  
401 required to submit a document or other information to the  
402 department pursuant to this chapter or by rule or order of the  
403 department claims that such document, rule, or order contains a  
404 trade secret, such person may file a notice of trade secret with  
405 the department. Failure to do so constitutes a waiver of any  
406 claim by the person that the requested document or information

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407 is a trade secret.

408 (1) Each page of the document or specific portion of the  
409 document claimed to be a trade secret must be clearly marked  
410 "trade secret."

411 (2) All material marked as a trade secret must be separate  
412 from all nontrade secret material and be submitted in a separate  
413 envelope clearly marked "trade secret."

414 (3) When submitting a notice of trade secret to the  
415 department, the submitting party must include an affidavit  
416 certifying under oath to the truth of the following statements  
417 concerning all documents or information that are claimed to be  
418 trade secrets:

419 (a) [I consider/My company considers] this information a  
420 trade secret that has value and provides an advantage or an  
421 opportunity to obtain an advantage over those who do not know or  
422 use it.

423 (b) [I have/My company has] taken measures to prevent the  
424 disclosure of the information to anyone other than those who  
425 have been selected to have access for limited purposes, and [I  
426 intend/my company intends] to continue to take such measures.

427 (c) The information is not, and has not been, reasonably  
428 obtainable without [my/our] consent by other persons by use of  
429 legitimate means.

430 (d) The information is not publicly available elsewhere.

431 (4) Any data submitted by a title insurance agent or title  
432 insurer pursuant to s. 627.782 are presumed to be a trade secret  
433 under this section whether or not so designated.

434 Section 15. Section 627.7985, Florida Statutes, is created  
435 to read:

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436 627.7985 Rules relating to title insurance.-

437 (1) In addition to rules authorized elsewhere in the  
438 Florida Insurance Code, the department may adopt rules relating  
439 to title insurance pursuant to ss. 120.536(1) and 120.54 to  
440 administer provisions relating to title insurance. The rules  
441 may:

442 (a) Define the license and appointment requirements for  
443 title insurance agents and agencies.

444 (b) Establish penalty guidelines for enforcing the  
445 requirements of the Florida Insurance Code.

446 (c) Describe the fiduciary responsibilities of title  
447 insurers, title insurance agents, and agencies, including, but  
448 not limited to, duties related to escrow accounts.

449 (d) Identify the responsibilities, duties, and designations  
450 of the agent in charge of a title insurance agency.

451 (e) Enable the collection and analysis of information from  
452 title insurers, title insurance agents, and agencies relating to  
453 title insurance business.

454 (f) Set reasonable requirements for the timely recording of  
455 documents and the delivery of final title insurance policies.

456 (g) Set reasonable requirements for the timely disbursement  
457 of funds, unless a longer holding period is specified in a  
458 written escrow agreement.

459 (h) Establish rules for the protection, calculation, and  
460 timely remittance of premiums that are owed to a title insurer.

461 (i) Prohibit the markup of the cost of any third-party  
462 goods and services without having added value.

463 (2) In addition to any other penalty provided, willful  
464 violation of any rule shall subject the violator to the



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465 suspension or revocation of the violator's certificate of  
466 authority or license as may be applicable under the Florida  
467 Insurance Code.

468 Section 16. Subsection (1) of section 627.780, Florida  
469 Statutes, is amended to read:

470 627.780 Illegal dealings in premium.—

471 (1) A person may not knowingly quote, charge, accept,  
472 collect, or receive a premium for title insurance other than the  
473 premium adopted by the department ~~commission~~, except as provided  
474 in s. 626.9541(1)(h)3.b.

475 Section 17. Subsection (8) of section 627.782, Florida  
476 Statutes, is amended to read:

477 627.782 Adoption of rates.—

478 (8) Each title insurance agency licensed to do business in  
479 this state and each insurer doing direct, retail, or affiliated  
480 business in this state shall maintain and submit information,  
481 including revenue, loss, and expense data, as the department  
482 determines to be necessary to assist in the analysis of title  
483 insurance premium rates, title search costs, and the condition  
484 of the title insurance industry in this state. This information  
485 must be transmitted to the department no later than March 31 of  
486 each year following the reporting year. The department shall  
487 adopt rules to assist in the collection and analysis of the data  
488 from the title insurance industry. ~~The commission may, by rule,~~  
489 ~~require licensees under this part to annually submit statistical~~  
490 ~~information, including loss and expense data, as the department~~  
491 ~~determines to be necessary to analyze premium rates, retention~~  
492 ~~rates, and the condition of the title insurance industry.~~

493 Section 18. Section 689.263, Florida Statutes, is created

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494 to read:

495 689.263 Sale of residential property; settlement statement  
496 requirements.—A title insurance agent or title insurance agency  
497 may not disburse funds pursuant to a completed purchase and sale  
498 transaction subject to the Real Estate Settlement Procedures Act  
499 of 1974, 12 U.S.C. ss. 2601 et seq., (RESPA) as amended, without  
500 requiring a statement of settlement costs meeting the following  
501 requirements:

502 (1) The settlement statement must be executed by the buyer,  
503 borrower, seller, if any, and settlement agent as defined by  
504 RESPA.

505 (2) If a title insurance premium is to be disbursed, the  
506 title insurer and the title insurance agent or title insurance  
507 agency, if any, must be disclosed.

508 Section 19. (1) Effective October 15, 2011, the rules of  
509 the Financial Services Commission and the Office of Insurance  
510 Regulation with respect to the regulation of title insurance  
511 shall become the rules of the Department of Financial Services  
512 and shall remain in effect until specifically amended or  
513 repealed in the manner provided by law.

514 (2) All of the statutory powers, duties and functions,  
515 records, personnel, property, unexpended balances of  
516 appropriations, allocations, or other funds for the  
517 administration of chapters 624, 626, and 627, Florida Statutes,  
518 related to title insurance, shall be transferred by a type two  
519 transfer, as defined in s. 20.06(2), Florida Statutes, from the  
520 Financial Services Commission and the Office of Insurance  
521 Regulation to the Department of Financial Services.

522 (3) The transfer of regulatory authority under chapters

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523 624, 626, and 627, Florida Statutes, provided by this act shall  
524 not affect the validity of any judicial or administrative action  
525 relating to title insurance pending as of 11:59 p.m. on the day  
526 before the effective date of this act, to which action the  
527 Financial Services Commission or the Office of Insurance  
528 Regulation are at that time parties, and the Department of  
529 Financial Services shall be substituted as a party in interest  
530 in any such action.

531 (4) All lawful orders issued by the Financial Services  
532 Commission or the Office of Insurance Regulation implementing or  
533 enforcing or otherwise in regard to any provision of chapter  
534 624, chapter 626, or chapter 627, Florida Statutes, relating to  
535 title insurance, issued prior to the effective date of this act,  
536 shall remain in effect and be enforceable after the effective  
537 date of this act, unless thereafter modified in accordance with  
538 law.

539 (5) The Legislature recognizes that there is a need to  
540 conform the Florida Statutes to the policy decisions reflected  
541 in the provisions of this act. The Division of Statutory  
542 Revision is directed to provide the relevant substantive  
543 committees of the Senate and the House of Representatives with  
544 assistance, upon request, to enable the committees to prepare  
545 draft legislation to conform the Florida Statutes to the  
546 provisions of this act.

547 (6) The Division of Title Insurance is directed to work  
548 with affected parties and to make recommendations to the  
549 Legislature for the consolidation of all of title insurance  
550 governance into a single chapter of Florida Statutes, the  
551 possible implementation of other recommendations of the Title

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552 Insurance Study Advisory Council, and other suggestions for  
553 improvement of the statutory regulation of the title insurance  
554 industry.

555 Section 20. This act shall take effect July 1, 2011.