

ENROLLED  
CS/CS/HB 643

2012 Legislature

1  
2 An act relating to title insurance; amending s.  
3 626.2815, F.S.; specifying continuing education  
4 requirements for title insurance agents; amending s.  
5 626.8437, F.S.; specifying additional grounds to deny,  
6 suspend, revoke, or refuse to renew or continue the  
7 license or appointment of a title insurance agent or  
8 agency; amending s. 626.8473, F.S.; requiring an  
9 attorney serving as a title or real estate settlement  
10 agent to deposit and maintain certain funds in a  
11 separate trust account and permit the account to be  
12 audited by the applicable title insurer, unless  
13 prohibited by the rules of The Florida Bar; amending  
14 s. 627.777, F.S.; providing procedures and  
15 requirements relating to the approval or disapproval  
16 of title insurance forms by the Office of Insurance  
17 Regulation; amending s. 627.782, F.S.; requiring title  
18 insurance agencies and certain insurers to submit  
19 specified information to the office to assist in the  
20 analysis of title insurance premium rates, title  
21 search costs, and the condition of the title insurance  
22 industry; requiring the Financial Services Commission  
23 to adopt rules; providing effective dates.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Effective October 1, 2014, and applicable to  
28 compliance periods beginning on or after that date, paragraph

ENROLLED  
CS/CS/HB 643

2012 Legislature

29 (d) of subsection (3) of section 626.2815, Florida Statutes, is  
30 amended, and paragraph (1) is added to that subsection, to read:

31 626.2815 Continuing education required; application;  
32 exceptions; requirements; penalties.—

33 (3)

34 (d) Any person who holds a license as a customer  
35 representative, limited customer representative, ~~title agent,~~  
36 motor vehicle physical damage and mechanical breakdown insurance  
37 agent, crop or hail and multiple-peril crop insurance agent, or  
38 as an industrial fire insurance or burglary insurance agent and  
39 who is not a licensed life or health insurance agent, must ~~shall~~  
40 ~~be required to~~ complete 10 hours of continuing education courses  
41 every 2 years.

42 (1) Any person who holds a license as a title insurance  
43 agent must complete a minimum of 10 hours of continuing  
44 education credit every 2 years in title insurance and escrow  
45 management specific to this state and approved by the  
46 department, which shall include at least 3 hours of continuing  
47 education on the subject matter of ethics, rules, or compliance  
48 with state and federal regulations relating specifically to  
49 title insurance and closing services.

50 Section 2. Subsection (11) is added to section 626.8437,  
51 Florida Statutes, to read:

52 626.8437 Grounds for denial, suspension, revocation, or  
53 refusal to renew license or appointment.—The department shall  
54 deny, suspend, revoke, or refuse to renew or continue the  
55 license or appointment of any title insurance agent or agency,  
56 and it shall suspend or revoke the eligibility to hold a license

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57 | or appointment of such person, if it finds that as to the  
58 | applicant, licensee, appointee, or any principal thereof, any  
59 | one or more of the following grounds exist:

60 |       (11) Failure to timely submit data as required by s.  
61 | 627.782.

62 |       Section 3. Subsection (8) is added to section 626.8473,  
63 | Florida Statutes, to read:

64 |       626.8473 Escrow; trust fund.—

65 |       (8) An attorney shall deposit and maintain all funds  
66 | received in connection with transactions in which the attorney  
67 | is serving as a title or real estate settlement agent into a  
68 | separate trust account that is maintained exclusively for funds  
69 | received in connection with such transactions and permit the  
70 | account to be audited by its title insurers, unless maintaining  
71 | funds in the separate account for a particular client would  
72 | violate applicable rules of The Florida Bar.

73 |       Section 4. Section 627.777, Florida Statutes, is amended  
74 | to read:

75 |       627.777 Approval of forms.—

76 |       (1) A title insurer may not issue or agree to issue any  
77 | form of title insurance commitment, title insurance policy,  
78 | other contract of title insurance, or related form until it is  
79 | filed with and approved by the office. The office may not  
80 | disapprove a title guarantee or policy form on the ground that  
81 | it has on it a blank form for an attorney's opinion on the  
82 | title.

83 |       (2) The office shall approve or disapprove a form filed  
84 | for approval within 180 days after receipt.

ENROLLED  
CS/CS/HB 643

2012 Legislature

85           (3) When the office approves any form, it shall determine  
86 if the current rate in effect applies or if the coverages  
87 require the adoption of a rule pursuant to s. 627.782.

88           (4) The office may revoke approval of any form after  
89 providing 180 days' notice to the title insurer.

90           (5) An insurer may not achieve a competitive advantage  
91 over any other insurer, agency, or agent as to rates or forms.  
92 If a form or rate is approved for an insurer, the office shall  
93 expeditiously approve the forms of other insurers who apply for  
94 approval if those forms contain identical coverages, rates, and  
95 deviations which have been approved under s. 627.783.

96           Section 5. Subsection (8) of section 627.782, Florida  
97 Statutes, is amended to read:

98           627.782 Adoption of rates.—

99           (8) Each title insurance agency and insurer licensed to do  
100 business in this state and each insurer's direct or retail  
101 business in this state shall maintain and submit information,  
102 including revenue, loss, and expense data, as the office  
103 determines necessary to assist in the analysis of title  
104 insurance premium rates, title search costs, and the condition  
105 of the title insurance industry in this state. This information  
106 must be transmitted to the office annually by March 31 of the  
107 year after the reporting year. The commission shall adopt rules  
108 regarding the collection and analysis of the data from the title  
109 insurance industry. ~~The commission may, by rule, require~~  
110 ~~licensees under this part to annually submit statistical~~  
111 ~~information, including loss and expense data, as the department~~

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112 | ~~determines to be necessary to analyze premium rates, retention~~  
113 | ~~rates, and the condition of the title insurance industry.~~

114 |       Section 6. Except as otherwise expressly provided in this  
115 | act, this act shall take effect July 1, 2012.