

1 A bill to be entitled
 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; amending s.
 17 627.782, F.S.; requiring title insurance agencies and
 18 insurers to submit specified information to the office
 19 to assist in the analysis of title insurance premium
 20 rates, title search costs, and the condition of the
 21 title insurance industry; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Paragraph (d) of subsection (3) of section
 26 626.2815, Florida Statutes, is amended, and paragraph (1) is
 27 added to that subsection, to read:

28 626.2815 Continuing education required; application;

29 exceptions; requirements; penalties.-

30 (3)

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

39 (1) Any person who holds a license as a title insurance
 40 agent must complete a minimum of 10 hours of continuing
 41 education courses every 2 years in title insurance and escrow
 42 management specific to this state and approved by the
 43 department, which shall include at least 1.5 hours of continuing
 44 education on the subject matter of ethics, rules, or compliance
 45 with state and federal regulations relating to title insurance
 46 and closing services.

47
 48 Section 2. Subsection (11) is added to section 626.8437,
 49 Florida Statutes, to read:

50 626.8437 Grounds for denial, suspension, revocation, or
 51 refusal to renew license or appointment.—The department shall
 52 deny, suspend, revoke, or refuse to renew or continue the
 53 license or appointment of any title insurance agent or agency,
 54 and it shall suspend or revoke the eligibility to hold a license
 55 or appointment of such person, if it finds that as to the
 56 applicant, licensee, appointee, or any principal thereof, any

57 | one or more of the following grounds exist:

58 | (11) Failure to timely submit data as required by s.
 59 | 627.782, unless a rule challenge has been filed pursuant to s.
 60 | 120.56 as to the form or substance of data to be provided.

61 | Section 3. Subsection (8) is added to section 626.8473,
 62 | Florida Statutes, to read: 626.8473 Escrow; trust fund.—

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

71 | Section 4. Section 627.777, Florida Statutes, is amended to
 72 | read:

73 | 627.777 Approval of forms.—

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

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

83 | (3) When the office approves any form, it shall determine
 84 | if the current rate in effect applies or if the coverages

85 require the adoption of a rule pursuant to s. 627.782.

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

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

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

96 627.782 Adoption of rates.—

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

112 Section 6. This act shall take effect July 1, 2012.