

By Senator Wise

5-02852-08

20081078__

1 A bill to be entitled
2 An act relating to personal property title insurance;
3 amending s. 624.608, F.S.; redefining the term "title
4 insurance" to include personal property; defining the term
5 "personal property title insurance"; amending s. 627.7711,
6 F.S.; modifying the definition of "primary title services"
7 to mean those services based upon an evaluation of a
8 reasonable title search or a search of the records of an
9 appropriate database; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 624.608, Florida Statutes, is amended to
14 read:

15 624.608 "Title insurance" defined.--"Title insurance" is:

16 (1) Insurance of owners of real or personal property or
17 others having an interest in real or personal property or
18 contractual interest derived therefrom, or liens or encumbrances
19 on real or personal property, against loss or damage by lien or
20 encumbrance, rights or defective titles, or invalidity, or
21 adverse claim to title.~~;~~~~or~~

22 (2) "Personal property title insurance" means coverage that
23 insures:

24 (a) Whether affirming or negating, one or more of the
25 elements of attachment, perfection, or priority of a security
26 interest in personal property or fixtures;

27 (b) The results, as to correctness, completeness, or other
28 criteria, of a search of:

29 1. The filing office of the financing statement record of a

5-02852-08

20081078__

30 debtor; or

31 2. Any other database, whether publicly or privately
32 maintained, such as court dockets, tax records, motor vehicle
33 department records, or the records of the Federal Aviation
34 Administration as to aircraft, the United States Coast Guard as
35 to vessels, or the United States Department of Transportation;

36 (c) The status of ownership of, rights in, powers to,
37 transfer rights in, or title with respect to personal property or
38 fixtures;

39 (d) The effectiveness of the filing of a financing
40 statement with a filing office, or any other record with any
41 publicly maintained database or registry;

42 (e) The lien status of personal property or fixtures, or
43 compliance with the Uniform Commercial Code of another state, the
44 Uniform Commercial Code of this state, international conventions
45 such as the United Nations Commission on International Trade Law
46 (UNCITRAL), or similar laws or regulations; or

47 (f) Any of the matters covered by this subsection with
48 respect to the laws of any other domestic or foreign
49 jurisdiction. Insurance of owners and secured parties of the
50 existence, attachment, perfection, and priority of security
51 interests in personal property under the Uniform Commercial Code.

52 Section 2. Paragraph (b) of subsection (1) of section
53 627.7711, Florida Statutes, is amended to read:

54 627.7711 Definitions.--As used in this part, the term:

55 (1)

56 (b) "Primary title services" means determining insurability
57 in accordance with sound underwriting practices based upon
58 evaluation of a reasonable title search or a search of the

5-02852-08

20081078__

59 records of an appropriate database ~~a Uniform Commercial Code~~
60 ~~filing office~~ and such other information as may be necessary,
61 determination and clearance of underwriting objections and
62 requirements to eliminate risk, preparation and issuance of a
63 title insurance commitment setting forth the requirements to
64 insure, and preparation and issuance of the policy. Such services
65 do not include closing services or title searches, for which a
66 separate charge or separate charges may be made.

67 Section 3. This act shall take effect July 1, 2008.