

Amendment No.

CHAMBER ACTION

Senate

House

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1
2 Representative Ambler offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. (1) This act may be cited as the "Florida 2008
7 Title Insurance Study Advisory Council Act."

8 (2) The purpose of this act is to create an advisory
9 council to undertake a comprehensive examination of the title
10 insurance delivery system of this state with the ultimate goal
11 of making recommendations for legislation to promote a sound and
12 stable system to promote the safety of real property transfers
13 in this state.

14 (3) The Florida 2008 Title Insurance Study Advisory
15 Council is created. The council shall consist of the following
16 21 members:

917831
4/24/2008 11:39 AM

Amendment No.

17 (a) The Governor or the Governor's designee, who shall
18 serve as chair of the council.

19 (b) The Chief Financial Officer or the Chief Financial
20 Officer's designee, who shall serve as vice chair of the
21 council.

22 (c) One member of the Senate appointed by the President of
23 the Senate.

24 (d) One member of the House of Representatives appointed
25 by the Speaker of the House of Representatives.

26 (e) The Insurance Consumer Advocate appointed pursuant to
27 s. 627.0613, Florida Statutes.

28 (f) The Commissioner of Insurance Regulation or the
29 commissioner's designee.

30 (g) The Commissioner of the Office of Financial Regulation
31 or the commissioner's designee.

32 (h) Three representatives of title insurers doing business
33 in the state from three different title insurers, appointed by
34 the President of the Senate. No more than one representative may
35 be named from each affiliated group of corporations as defined
36 in s. 624.509(5)(a)2., Florida Statutes. Such appointments may
37 not overlap with those insurer appointments made under paragraph
38 (i).

39 (i) Four representatives of title insurers doing business
40 in the state from four different title insurers, appointed by
41 the Speaker of the House of Representatives. No more than one
42 representative may be named from each affiliated group of
43 corporations as defined in s. 624.509(5)(a)2., Florida Statutes.

917831

4/24/2008 11:39 AM

Amendment No.

44 Such appointments may not overlap with those insurer
45 appointments made under paragraph (h).

46 (j) Two independent licensed title insurance agents
47 appointed by the President of the Senate from a list of three
48 agents submitted by the Florida Land Title Association.

49 (k) One independent licensed title insurance agent
50 appointed by the Speaker of the House of Representatives from a
51 list of three agents submitted by the Florida Land Title
52 Association.

53 (l) Two members of the Real Property, Probate and Trust
54 Law Section of The Florida Bar who are practicing real estate
55 attorneys not employed by a title insurer. The designation of
56 such members shall be made by the Real Property, Probate and
57 Trust Law Section of The Florida Bar.

58 (m) One member of the banking industry from a bank
59 performing home and commercial mortgage lending, appointed by
60 the Commissioner of Financial Regulation.

61 (n) One member of the real estate industry, either an
62 independent realtor or one representing a company handling home
63 and commercial real estate transactions, including closings,
64 appointed by the Chief Financial Officer.

65 (4) The council shall be administratively supported by the
66 staff of the Executive Office of the Governor. The Department of
67 Financial Services, the Office of Insurance Regulation, and
68 other agencies of the state, as well as staff of the applicable
69 legislative committees, shall supply any information,

917831

4/24/2008 11:39 AM

Amendment No.

70 assistance, and facilities that are deemed necessary by the
71 council to carry out its duties.

72 (5) The council shall undertake a comprehensive
73 examination of the title insurance delivery system in this state
74 and shall include in its study consideration of:

75 (a) The historical development of the title insurance
76 industry in this state and its uniqueness among other lines of
77 insurance.

78 (b) The current regulatory structure under which oversight
79 responsibility is shared among different state agencies.

80 (c) The adequacy of funds and agency personnel to exercise
81 regulatory oversight.

82 (d) The adequacy of current mechanisms and expertise to
83 gather meaningful data to properly evaluate and adopt title
84 insurance rates.

85 (e) Such other topics as the chair, in consultation with
86 the council, deems necessary to conduct a thorough examination
87 of the title insurance industry.

88 (6) The council, at the direction of the chair, may invite
89 independent actuaries who have expertise in title insurance to
90 provide information and appear before the council to aid in
91 performing its duties. In order to assist the council, the
92 Office of Program Policy Analysis and Government Accountability
93 shall conduct an independent review of the historical
94 development of the title insurance industry in this state and
95 the current fragmented regulatory framework and shall report its

917831

4/24/2008 11:39 AM

Amendment No.

96 findings to the council. Such report shall be submitted to the
97 council by September 30, 2008.

98 (7) The council shall hold its initial meeting no later
99 than August 1, 2008, in Tallahassee. Staff for the council chair
100 shall schedule and organize the initial meeting. Subsequent
101 meetings of the council must be held in Tallahassee according to
102 a schedule developed by the chair.

103 (8) The council shall submit a final report, setting forth
104 findings and specific legislative recommendations, to the
105 Governor, the President of the Senate, and the Speaker of the
106 House of Representatives on or before December 31, 2009. The
107 council's final report shall be approved by at least two-thirds
108 of the council's membership and the chair must be in the
109 prevailing majority. The council shall terminate after
110 submitting its final report but not later than December 31,
111 2009.

112 Section 2. The sum of \$242,003 in nonrecurring funds is
113 appropriated from the Insurance Regulatory Trust Fund in the
114 Department of Financial Services for transfer to the Executive
115 Office of the Governor for the 2008-2009 fiscal year for the
116 purpose of implementing the Florida 2008 Title Insurance Study
117 Advisory Council.

118 Section 3. The sum of \$242,003 is appropriated from the
119 Grants and Donations Trust Fund in the Executive Office of the
120 Governor for the 2008-2009 fiscal year, and two full-time
121 equivalent positions are authorized for the duration of the
122 Florida 2008 Title Insurance Study Advisory Council.

917831

4/24/2008 11:39 AM

Amendment No.

123 Section 4. This act shall take effect upon becoming a law.
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126 **T I T L E A M E N D M E N T**

127 Remove the entire title and insert:

128 A bill to be entitled

129 An act relating to title insurance; creating the Florida
130 2008 Title Insurance Study Advisory Council; providing for
131 membership; providing for administrative support for the
132 council; providing responsibilities of the council;
133 authorizing the council to invite independent actuaries to
134 provide certain information; requiring the Office of
135 Program Policy Analysis and Government Accountability to
136 conduct a review and report to the council; requiring that
137 the report be submitted to the council by a certain date;
138 providing council meeting requirements; requiring the
139 council to file a report with the Governor and the
140 Legislature; providing for termination of the council;
141 providing appropriations and authorizing additional
142 positions; providing an effective date.
143

144 WHEREAS, the Legislature finds that a stable and efficient
145 title insurance delivery system is necessary to promote the
146 economic well-being of the residents of Florida, and

147 WHEREAS, Florida consumers have a right to effective and
148 affordable title insurance, and

Amendment No.

149 WHEREAS, title insurance is essential to ensure homeowners
150 and landowners of the safety of real estate transfers in
151 Florida, and

152 WHEREAS, investors and lienholders require the security
153 accorded their business interests by a financially stable and
154 regulated title insurance industry, and

155 WHEREAS, a viable title insurance delivery system requires
156 efficient and comprehensive state oversight to regulate insurer
157 and agent solvency, education, licensing, and discipline and the
158 establishment of nondiscriminatory title insurance rates and
159 forms, and

160 WHEREAS, it is the express intent of the Legislature to
161 conduct a comprehensive review of the title insurance industry,
162 the current regulatory scheme, and the rules affecting the
163 conduct of the industry, NOW, THEREFORE,