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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/26/2012	.	
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The Committee on Banking and Insurance (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 627.7832, Florida Statutes, is created
to read:

627.7832 Claims payment.—A title insurer has the right to
cure each claim made. However, if an insurer does not cure a
claim within 90 days, the insurer must tender full policy limits
or pay up to an additional 25 percent above the initial amount
insured in order to reimburse the policyholder for any initial
attorney fees, moving expenses, property taxes, architect fees,



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13 engineering fees, permitting fees, or mortgage interest paid up
14 until the time that the claim is cured. Payment of the
15 additional 25 percent applies only if the insurer fails to
16 establish the title as initially insured. This section applies
17 to all title insurance policies issued on or after July 1, 2012.

18 Section 2. Subsection (1) of section 627.7845, Florida
19 Statutes, is amended to read:

20 627.7845 Determination of insurability required;
21 preservation of evidence of title search and examination.—

22 (1) A title insurer may not issue a title insurance
23 commitment, endorsement, or title insurance policy until the
24 title insurer has caused to be made a determination of
25 insurability based upon the evaluation of a reasonable title
26 search which begins with the original issuance of title ~~or a~~
27 ~~search of the records of a Uniform Commercial Code filing~~
28 ~~office, as applicable, has examined such other information as~~
29 ~~may be necessary, and has caused to be made a determination of~~
30 ~~insurability of title or the existence, attachments, perfection,~~
31 ~~and priority of a Uniform Commercial Code security interest,~~
32 ~~including endorsement coverages, in accordance with sound~~
33 ~~underwriting practices.~~

34 Section 2. This act shall take effect July 1, 2012.

35
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete everything before the enacting clause
39 and insert:

40 A bill to be entitled

41 An act relating to title insurance claims; creating s.



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42 627.7832, F.S.; providing that after a specified time,
43 a title insurer must pay the full policy limits on a
44 claim or pay a specified amount above the amount
45 insured to reimburse certain fees and expenses of the
46 insured until the claim is cured; providing for
47 applicability; amending s. 627.7845, F.S.; providing
48 that a title search begins with the original issuance
49 of title; providing an effective date.