

Florida Office of Insurance Regulation
Title Insurance Experience Reporting by Agencies
If you have any questions during your submission process, please contact
TitleInsuranceExperienceReporting-Agencies@fldfs.com

Overview

There are two different Excel data templates. Please complete and email the set which is appropriate to your reporting situation:

- “**NO DATA FILING**” is to be used when the reporting entity has NO data to report from any of the prior five years.
- “**DATA FILING**” is to be used when the reporting entity has data to report from at least one of the prior five years.

The “**DATA FILING**” template is in two parts:
Title Insurance Experience Reporting - Agency
OIR-B1-1683

Specific instructions for Form OIR-B1-1683 begin on page 4.

Title Insurance Experience Reporting - Agency Questionnaire
OIR-B1-1682

Specific instructions for Form OIR-B1-1682 begin on page 20.

REQUIRED FILERS AND GENERAL REPORTING DEFINITIONS

Every licensed title agency that held a Florida license during 2005 is asked to file these electronic data collection forms. This is to be accomplished by completing the appropriate Excel data template available at:

<http://www.flair.com/AgentCompanyDataCall.htm>

And, then, emailing them to:

TitleInsuranceExperienceReporting-Agencies@fldfs.com

Please note: A set of data templates is needed for each reporting year as indicated below:

The submittal should reflect data for the prior five years ending December 31, 2005.

If you chose not to file, your company’s data will not be used to establish premium rates or to establish limits on charges for related title services.

Additional documentation may be included in your email.

Section 624.307, FS, establishes the authority of the Office of Insurance Regulation (Office) to “collect, propose, publish, and disseminate information relating to the subject matter of any duties imposed upon it by law.”

Section 627.782, FS, requires the Financial Services Commission to adopt rules specifying the premium rates to be charged for title insurance. Additionally, this section allows the Financial Services Commission to establish limits on charges for related title services. The Office of Insurance Regulation (the “Office”) is the office of the Financial Services Commission charged with the regulation of insurance and insurers. In order to fulfill its statutory duties, the Office requests that you submit to the Office the following statistical data for the five (5) year period ending December 31, 2005. Your failure to fully comply with this request for data may dramatically affect title insurance rates, retention rates, limitations on related title services, and the condition of the title insurance industry. Premium rates and limits on charges for related title services will be established by the Financial Services Commission based on an evaluation of what is submitted.

Pursuant to Section 815.045, FS, “trade secret information,” as defined in Section 812.081, FS, and as provided for in Section 815.04(3), FS, is confidential and exempt from the public records law. However, a claim that some portion of the information to be submitted to the Office pursuant to this rule is trade secret information shall not be a ground for any failure to submit the information required by this rule. Failure to submit information as required by this rule shall be a violation of the Insurance Code and shall subject the licensed title insurance agency or licensed title insurer to sanctions. If a public records request is made to the Office and if the Office determines that a response would make available information which the submitter has indicated is “trade secret information,” the Office will notify the agency or insurer to determine if the information should still be protected as trade secret information.

The agency or insurer should be prepared to take formal measures to protect any information which the agency or insurer maintains should be protected as trade secret information. For every information submittal pursuant to this rule, any claim of trade secret information must take the following form:

- (a) Each document claimed to contain trade secret information shall be submitted to the I-File System, and the submitting agency or insurer shall check the trade secrets indicator flag appearing in the applicable data reporting form;
- (b) Every portion of a document claimed to contain trade secret information shall be clearly marked on each page claimed to contain trade secret information, and each such page shall be clearly marked to specify the portion of the text claimed to contain trade secret information; and
- (c) For every submittal for which a claim is made that such submittal contains trade secret information, the submitter shall additionally include a separate document titled "Trade Secret Summary" which must identify each document and each page of a document claimed to contain trade secret information and for each claim of trade secret information must specify the detailed factual basis on which each such claim is made using the "Supplementary Information" function in the "Filing Component List" section of the Office's I-File System.

Submitting entities may further address this issue in each of their data filings by uploading a cover letter addressed to the Office via the "Supplementary Information" function in "Filing Component List" section of the IPortal.

Each submission must be made on an individual basis. Combined or consolidated reports will not be accepted.

GENERAL INSTRUCTIONS

Calendar Year Reporting of Data. All the statistical data reported in the Experience Report must be prepared on a calendar year basis.

Individual Agents Reporting. All reporting should be based on the agency total rather than individual agents. In other words, if the individual title agent is employed within an agency, then the agent's experience shall be combined with all other agents employed within the same agency. If an agent writes directly with a title insurer, then this agent should report as if he/she were an agency.

Affiliated Agency Reporting. Do not include affiliated agency experience in the Title Agency Experience Report. These reporting forms are intended to collect information on each agency operations. The affiliated agency should file its own report. An affiliated Agency is defined as a title insurance agency that is wholly owned or majority owned (50% or over) by another agency.

Expense Allocations by State. For multi-state agency operations, allocation of income and expense amounts to the State of Florida must be in accordance with the Uniform Financial Reporting Plan (UFRP) of the American Land Title Association (ALTA). These summaries must be prepared based upon standard worksheets contained in the UFRP.

Expense Allocations by Activity: For Parts 1 and 6 of the Agency's Experience Report, it is important that expenses be properly allocated between Primary Title Services, Related Title Services, and other functions. This is necessary in order for expenses to be properly matched against the various sources and, ultimately, to properly gauge the adequacy of premium rates.

Premiums associated with Primary Title Services (PTS) include the determination of insurability, the closing protection letter, and issuance of the policy, among other activities. Related Title Services (RTS) produce additional fees, which cover the title search, title examination and closing activities.

However, because the same personnel are routinely involved with activities which fall into both categories, it is essential that their costs (salaries, benefits, office rent, supplies, etc.) be allocated to the appropriate PTS and RTS categories. This is particularly true for closing personnel who spend a substantial portion of their time determining insurability and title examination personnel who also spend significant time determining insurability.

To help with the expense allocation, here are some tips:

- (1) Salaries and benefits shall apply directly to the function each individual employee performs. For example, if the employee's sole function is to perform the title examination and closing activities, then all expenses related to this employee should be allocated to RTS.

- (2) If certain employees have multiple responsibilities among various activities, allocate salaries and benefits based on the percentage of time this employee devotes to each function. For example, if an employee spends equal amount of time in the determination of insurability, policy issuance, title search, examination, and closing activities; then all expenses related to this employee should be spread 2/5 to PTS and 3/5 to RTS functions.
- (3) If certain expenses are applicable to two or more activities, you should make reasonable allocations. A percentage-of-revenue basis is generally not appropriate for salaries, benefits, rent, or occupancy expenses.

Pass-Throughs. Amounts that are collected from customers for certain ancillary services (surveying, express mail, etc.), which are passed directly on to service-providing third-parties on a dollar-for-dollar basis, shall be omitted from the accounting. That is, such amounts shall not be accounted for as a revenue amount with an offsetting expense amount.

Materiality. Any "Other" or "Miscellaneous" item which is greater than 0.5% of total revenue should be considered material and should be accompanied by a detailed explanation.

Work Papers. Agency should maintain work papers in an adequate degree of detail so that a qualified professional experienced in insurance accounting can verify calculations and ascertain the reasonableness of the methods and assumptions used. Work papers should be maintained for at least three years after the Agency's Experience Report has been filed with the Office of Insurance Regulation.

Negative numbers reported. Negative numbers are allowed to be reported. However, a warning will appear when a negative figure is entered. The warning is to confirm that it is the user's intention to enter this negative number.

PART ONE: INCOME STATEMENT

IPortal Data Template Worksheet Label: Agency_1683_1

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Definitions and Clarifications:

Primary Title Services (PTS)= Services include the determination of insurability in accordance with sound underwriting practices based upon evaluation of a reasonable search and examination of the title or the records of a Uniform Commercial Code filing office and such other information as may be necessary, determination and clearance of underwriting objections and requirements to eliminate risk, preparation and issuance of a title insurance commitment setting forth the requirements to insure, and preparation and issuance of the policy.

Related Title Services (RTS) = Services performed by a title insurer or title insurance agent or agency, in the agent's or agency's capacity as such, including, but not limited to, preparing or obtaining a title search, examining title, examining searches of the records of a Uniform Commercial Code filing office and such other information as may be necessary, preparing documents necessary to close the transaction, conducting the closing, or handling the disbursing of funds related to the closing in a real estate closing transaction in which a title insurance commitment or policy is to be issued.

Premium = The charge, as specified by rule of the commission, that is made by a title insurer for a title insurance policy, including the charge for performance of primary title services by a title insurer or title insurance agent or agency, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms, and upon which charge a premium tax is paid under s. [624.509](#). As used in this part or in any other law, with respect to title insurance, the word "premium" does not include a commission.

Note: Premium to be reported in this part is on an "EARNED" basis. The premium defined above and in s. 627.7711 F.S. can be either on a written or earned basis.

Internal Expense = Expenses paid to an entity that is also owned or partially owned by the same parent organization or group as the agency. Exclude charitable contributions, political contributions, lobbying costs, costs of bad faith suits, fines or penalties for law violations, voluntary non-deductible Errors & Omissions / Malpractice claim payments to claimants, etc.

External Expense = Expenses paid to an entity that is a separate entity with no ownership relationship with the agency. Exclude charitable contributions, political contributions, lobbying costs, costs of bad faith suits, fines or penalties for law violations, voluntary non-deductible Errors & Omissions / Malpractice claim payments to claimants, etc.

Title Client = Policyholder = A client who is involved with a sale and an issuance of a title policy.

Non-Title Clients = Non-Policyholder = A client who needed the services from the agency but the services provided did not result in an issuance of Title Insurance policy (example, sales of Ownership & Encumbrance report).

LAE= Loss Adjustment Expense; ALAE = Allocated Loss Adjustment Expense; ULAE = Unallocated Loss Adjustment Expense.

Owners/Partners = In determination of the status of owners/partners involved with an Employee Stock Ownership Plan (ESOP), follow the Security Exchange Commission rule of 10% ownership of stocks. In other words, if an employee's share of the company stocks through an ESOP is over 10% of all outstanding shares, then the employee shall be treated as owner/partner rather than as employee.

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

COLUMN E: TITLE LOSS FUNDING - Include paid losses, reserves, and all loss adjustment expenses (LAE) associated with all claims arising from title policies. This column is blocked and is not a required filed for reporting.

COLUMN F: PTS - Primary Title Services (see definition above)

COLUMN G: MARKETING - Including but not limited to marketing activities relating to advertising, promotional activities, and entertainment.

COLUMN H: ALL ACTIVITIES EXCL. RTS & MISC. - For the Revenue Section, enter numeric figures that are not RTS and Miscellaneous Title Activities into this Column. For the Internal and External Expense Sections, this column is an auto-calculation field (Sum of Columns E, F, and G)

COLUMN I: RTS PROVIDED TO TITLE CLIENTS (CLOSING & ESCROW) - Related Title Services limited to closing and escrow services provided to title clients.

COLUMN J: RTS PROVIDED TO TITLE CLIENTS (ALL OTHER) - Related Title Services other than closing and escrow services provided to title clients, such as preparing and obtaining a title search and examining the title.

COLUMN K: RTS PROVIDED TO NON-TITLE CLIENTS - Related Title Services for a client who needed the services from the agency but the services provided did not result in an issuance of Title Insurance policy.

COLUMN L: MISC. ACTIVITIES - Any activities not included in the prior columns.

COLUMN M: ALL ACTIVITIES (Auto-Calculation Field = Sum of Columns H, I, J, K, and L)

Row Definitions:

REVENUE SECTION

1. TOTAL TITLE INSURANCE PREMIUMS: Title insurance earned premium (as defined above), which does not include Related Title Services.
2. PREMIUM RETAINED BY AGENTS: The portion of the earned premium (as defined above), which does not include related Title Service, that is retained by the agency.
3. PREMIUM REMITTED TO INSURER (Auto-Calculation Field = Line 1 MINUS Line 2)
4. PRODUCTION REVENUES (RTS): Revenue income derived from title search, title examination, and Closing & Escrow services.
 - A. SEARCH: Revenue derived from title search.
 - B. EXAMINATION: Revenue derived from title examination.
 - C. CLOSING & ESCROW: Fees collected from closing and escrow services.
5. OTHER REVENUE: Revenue derived from sources other than the aforementioned.
6. TOTAL REVENUE (Auto-Calculation Field = Sum of Line 3 to Line 5)

INTERNAL EXPENSE SECTION

7. TITLE LOSS & LOSS ADJUSTMENT EXPENSE INCURRED: Calendar year incurred losses and loss adjustment expenses.
 - A. POLICYHOLDER CLAIMS - LOSSES & ALAE: This line is not a required reporting field for agency.
 - B. POLICYHOLDER CLAIMS - ULAE: This line is not a required reporting field for agency.
 - C. NON-POLICYHOLDER CLAIMS - LOSSES & LAE: Calendar year incurred losses and claim expenses from non-title (e.g. Errors & Omissions or Malpractice claims) losses that are net of recoveries from insurers. This is for reporting the actual claim losses and expenses incurred in the settlement of the claims but not for voluntary loss mitigation payments.
8. INCREASE IN TITLE STATUTORY PREMIUM RESERVE: This line is not a required reporting field for agency.

9. TITLE PLANT RENT AND MAINTENANCE (INTERNAL): The rent and maintenance cost associated with the operation of the title plant owned and operated by the title Agency. Maintenance cost includes the personnel cost of title search, examination, and abstract functions.
10. PERSONNEL COSTS: Please review the expense allocation instruction and definition of Owners/Partners above. Do not include the title plant personnel cost in this section.
 - A. SALARIES - EMPLOYEES: Include salaries, bonuses, draws, and other W-2 compensation (per diem, mileage, vehicle use, education, etc. in excess of IRS allowances)
 - B. SALARIES - OWNERS/PARTNERS: Include salaries, bonuses, draws, and other W-2 compensation (per diem, mileage, vehicle use, education, etc. in excess of IRS allowances)
 - C. EMPLOYEE BENEFITS - EMPLOYEES: Include group insurance, profit sharing, pension plans, unemployment taxes, service awards, employee lounge supplies, company parties, etc.
 - D. EMPLOYEE BENEFITS - OWNERS/PARTNERS: Include group insurance, profit sharing, pension plans, unemployment taxes, service awards, employee lounge supplies, company parties, etc.
 - E. PAYROLL TAXES
 - F. EMPLOYEE EDUCATION
 - G. OTHER PERSONNEL COSTS
 - H. SUBTOTAL (Auto-Calculation Field = Sum of Line 10A to Line 10G)
11. REAL ESTATE MAINTENANCE & SECURITY (INTERNAL): The internal cost of maintaining the real estate that houses the operation of the title agency.

EXTERNAL EXPENSE SECTION

12. TITLE PLANT RENT AND MAINTENANCE (EXTERNAL): Payment for the usage of a title plant services owned by a third party.
13. ADVERTISING, MARKETING & PROMOTIONAL: Advertising, marketing, and promotional expenses paid to a third party.
14. REAL ESTATE (NON-OWNED)
 - A. RENTAL EXPENSE: Rents or lease payments to a third party.
 - B. MAINTENANCE, SECURITY, INS, ETC. (EXTERNAL): Including but not limited to the maintenance, security, and insurance expenses paid to a third party.
15. REAL ESTATE (OWNED)
 - A. DEPRECIATION/MORTGAGE EXPENSE: Depreciation and mortgage payments to a third party.
 - B. MAINTENANCE, SECURITY, INS, ETC. (EXTERNAL): Including but not limited to the maintenance, security, and insurance expenses paid to a third party.
 - C. TAXES: Property taxes and other real estate related taxes paid to the local, state, or federal governments.
16. TRAVEL: Business and education related travel expenses are to be reported in each of the following categories.
 - A. AIR TRAVEL
 - B. LODGING
 - C. MEALS & ENTERTAINMENT
 - D. AUTOMOBILE RENTAL (INCL. INS)
 - E. TAXI / TRAIN / BUS / OTHER TRAVEL
17. EQUIPMENT DEPRECIATION/LEASE & RELATED EXPENSE: Include depreciation/lease expense as well as delivery, fuel, maintenance, insurance, etc.
 - A. ELECTRONIC DATA PROCESSING
 - B. AUTOMOBILE
 - C. OTHER EQUIPMENT (PRICE > \$1,000)
18. OFFICE SUPPLIES & PRINTING
19. POSTAGE, TELEPHONE, MESSENGER & EXPRESS
20. TITLE FEES - SEARCH/ABSTRACT: If the expense is a pass through, enter "0" for the line.
 - A. PAID TO TITLE AGENTS
 - B. PAID TO INSURERS

C. PAID TO OTHERS

21. TITLE FEES - EXAM: If the expense is a pass through, enter "0" for the line.

- A. PAID TO TITLE AGENTS
- B. PAID TO INSURERS
- C. PAID TO OTHERS

22. TITLE FEES - SURVEY & OTHER PRODUCTION SERVICES: If the expense is a pass through, enter "0" for the line.

- A. PAID TO TITLE AGENTS
- B. PAID TO INSURERS
- C. PAID TO OTHERS

23. CLOSING & ESCROW FEES: If the expense is a pass through, enter "0" for the line.

- A. PAID TO TITLE AGENTS
- B. PAID TO INSURERS
- C. PAID TO OTHERS

24. INSURANCE EXPENSE: Do not include insurance on real estate.

- A. E&O & BONDING
- B. OTHER (EXCL. AUTOMOBILE & PROPERTY)

25. TAXES, LICENSES & FEES (EXCL. REAL ESTATE TAX & FIT): Include notary bonds, sales tax permit, personal property taxes, franchise taxes, agent, agency, and solicitor license fees.

- A. NON-POLICYHOLDER: A client who needed the insurer or agency services but the services provided did not result in an issuance of Title Insurance policy.
- B. RECORDING, TAX CERTIFICATE, & INSPECTION FEES

26. BOARDS & BUREAUS

27. TRADE CLUBS/ASSOCIATIONS

28. DIRECTORS' FEES

29. LEGAL EXPENSE (NON-POLICYHOLDER)

30. ACCOUNTING/AUDITING

31. INTEREST EXPENSE: Include interest paid on all business loans except building mortgages, and also include yearly accrual of amortized loan origination fees.

32. BAD DEBT EXPENSE (NET OF RECOVERIES)

33. BUSINESS START-UP EXPENSE

34. BUSINESS FAILURE EXPENSE

35. AGGREGATE WRITE-INS FOR MISC. EXPENSES: For miscellaneous expenses that do not fit into any of the categories described in lines 7 to 34 above. Add up each miscellaneous amount, report the total aggregate, and round to thousands.

TOTAL EXPENSE

36. TOTAL EXPENSES INCURRED (Auto-Calculation Field = Sum of Lines 7 to 35 excluding Line 10H)

PROFIT EXCLUDING INVESTMENT INCOME

37. OPERATING PROFIT (LOSS) BEFORE TAX (Auto-Calculation Field = Line 6 MINUS Line 36)

PART TWO - PREMIUM BROKEN DOWN BY INSURER

IPortal Data Template Worksheet Label: Agency_1683_2

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Premium = The charge, as specified by rule of the commission, that is made by a title insurer for a title insurance policy, including the charge for performance of primary title services by a title insurer or title insurance agent or agency, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms, and upon which charge a premium tax is paid under s. [624.509](#). As used in this part or in any other law, with respect to title insurance, the word "premium" does not include a commission.

Note: Premium to be reported in this part is on an "EARNED" basis. The premium defined above and in s. 627.7711 F.S. can be either on a written or earned basis.

Butler Rebates = A discretionary reduction in "premium" given to policyholders by the agents as a result of Supreme Court of Florida's decision on [Chicago Title Insurance Company v. Butler](#), 770 So.2d 1210 (Fla. 2000).

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

COLUMN O: Name of Each Insurer For Which This Agency Wrote Premiums (1) - List each title insurer for which the agency wrote the policy on its behalf and received premiums.

COLUMN P: NAIC COMPANY CODE FOR INSURER LISTED IN PREVIOUS COLUMN (2)

COLUMN Q: REMITTED (3) - The portion of the Earned Premium (as defined above) that is remitted to the insurer by the title agency (including the balances owed but not yet remitted).

COLUMN R: REMITTED (3) (Auto-Calculation Field = Column Q DIVIDED by Column U)

COLUMN S: RETAINED (4) - The portion of the Earned Premium (as defined above) that is retained by the title agency before any Butler or similar rebates (excluding the balances owed but not yet remitted).

COLUMN T: RETAINED (4) (Auto-Calculation Field = Column S DIVIDED by Column U)

COLUMN U: TOTAL (5) (Auto-Calculation Field = Sum of Columns Q and S)

COLUMN V: TOTAL (5) (Auto-Calculation Field = Sum of Columns R and T)

COLUMN W: PREMIUM BALANCES OWED (6) - Report the year-end premium balances that are owed but not yet remitted to the each of the title insurers reported.

Row Definitions:

Total amount (Auto-Calculation Field): The total amount reported in Columns (3), (4) and (5) of Part 2 must match with the corresponding figures in Lines (2), (3), and (1) from Column (4) of Part 1.

If more rows are needed in the form for reporting, add new rows in the following manner: to add a new row, click a "Yes" or "No" on the TRADE SECRET column (leftmost column) of the form. Once the "Yes" or "No" is selected, a new line number will appear in the next column. Continue to report data as before and add as many rows as needed.

PART THREE - OTHER REVENUE

IPortal Data Template Worksheet Label: Agency_1683_3

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Definitions and Clarifications:

Primary Title Services (PTS)= Services include the determination of insurability in accordance with sound underwriting practices based upon evaluation of a reasonable search and examination of the title or the records of a Uniform Commercial Code filing office and such other information as may be necessary, determination and clearance of underwriting objections and requirements to eliminate risk, preparation and issuance of a title insurance commitment setting forth the requirements to insure, and preparation and issuance of the policy.

Related Title Services (RTS) = Services performed by a title insurer or title insurance agent or agency, in the agent's or agency's capacity as such, including, but not limited to, preparing or obtaining a title search, examining title, examining searches of the records of a Uniform Commercial Code filing office and such other information as may be necessary, preparing documents necessary to close the transaction, conducting the closing, or handling the disbursing of funds related to the closing in a real estate closing transaction in which a title insurance commitment or policy is to be issued.

Premium = The charge, as specified by rule of the commission, that is made by a title insurer for a title insurance policy, including the charge for performance of primary title services by a title insurer or title insurance agent or agency, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms, and upon which charge a premium tax is paid under s. [624.509](#). As used in this part or in any other law, with respect to title insurance, the word "premium" does not include a commission.

Note: Premium to be reported in this part is on an "EARNED" basis. The premium defined above and in s. 627.7711 F.S. can be either on a written or earned basis.

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

COLUMN AA: TITLE LOSS FUNDING - This column is blocked and is not a required field for reporting.

COLUMN AB: PTS - This column is blocked and is not a required field for reporting.

COLUMN AC: MARKETING - This column is blocked and is not a required field for reporting.

COLUMN AD: ALL ACTIVITIES EXCL. RTS & MISC. - Enter other revenue amounts that are not derived from RTS and Miscellaneous Title Activities into this Column.

COLUMN AE: RTS PROVIDED TO TITLE CLIENTS (CLOSING & ESCROW) - Related Title Services limited to closing and escrow services provided to title clients.

COLUMN AF: RTS PROVIDED TO TITLE CLIENTS (ALL OTHER) - Related Title Services other than closing and escrow services provided to title clients, such as preparing and obtaining a title search and examining the title.

COLUMN AG: RTS PROVIDED TO NON-TITLE CLIENTS - Related Title Services for a client who needed the services from the agency but the services provided did not result in an issuance of Title Insurance policy.

COLUMN AH: MISC. ACTIVITIES - Any activities not included in the prior columns.

COLUMN AI: ALL ACTIVITIES (Auto-Calculation Field = Sum of Columns AD, AE, AF, AG, and AH)

Row Definitions:

ITEMIZE "OTHER REVENUE"

TOTAL (Auto-Calculation Field): The total amount reported in each columns of Part 3 must match with the corresponding columns of part 1, line 5 (Other revenue).

1. Investment Income (Due to Delayed Premium remittance): Interest, dividends, or capital gains derived from the part of the premium owed to the title insurer but not yet remitted to the title insurer.
2. Investment Income (All Other): Interest, dividends, or capital gains derived from the other sources of revenue and investments other than from the premium owed to the title insurer.
3. Abstracting
4. Underwriting Inspection Fees
5. In-house Copy, Express & Other Fees
6. Recording Fees
7. Tax certificates
8. Termite, Building & Other inspection Fees
9. Other (itemize) - Fill in this section for item(s) not listed above

For lines 3 through 9 above, use standard industry definitions.

If more rows are needed in the form for reporting, add new rows in the following manner: to add a new row, click a "Yes" or "No" on the TRADE SECRET column (leftmost column) of the form. Once the "Yes" or "No" is selected, a new line number will appear in the next column. Continue to report data as before and add as many rows as needed.

PART FOUR - OTHER CONSIDERATION PAID TO OWNERS AND PARTNERS

IPortal Data Template Worksheet Label: Agency_1683_4

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Definitions and Clarifications:

Owners/Partners = In determination of the status of owners/partners involved with an Employee Stock Ownership Plan (ESOP), follow the Security Exchange Commission rule of 10% ownership of stocks. In other words, if an employee's share of the company stocks through an ESOP is over 10% of all outstanding shares, then the employee shall be treated as owner/partner rather than as employee.

Column Definition:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

COLUMN AL: OTHER CONSIDERATION PAID TO OWNERS AND PARTNERS: Fees or any other kind of remunerations of monetary values, other than normal salary and benefits, paid to the Owners or Partners (defined above) of the title agency shall be reported. Do not include stockholders dividends for corporations.

COLUMN AM: AMOUNT: Report the amount in thousands.

Row Definitions:

TOTAL (Auto-Calculation Field)

1. Directors Fees
2. Exam Fees
3. Search Fees
4. Closing & Escrow Fees
5. Management Fees
6. Rents
7. Interest
8. Other (itemize) - Fill in this section for item(s) not listed above

For lines 1 through 8 above, use standard industry definitions.

If more rows are needed in the form for reporting, add new rows in the following manner: to add a new row, click a "Yes" or "No" on the TRADE SECRET column (leftmost column) of the form. Once the "Yes" or "No" is selected, a new line number will appear in the next column. Continue to report data as before and add as many rows as needed.

PART 5A - LOSS AND LOSS ADJUSTMENT EXPENSES INCURRED BY AGENT (NET OF RECOVERY FROM INSURERS)

IPortal Data Template Worksheet Label: Agency_1683_5A

This form is to provide the itemized details for the expense reported in Part 1 Line 7C (Non-Policyholder Claims - Losses & LAE) of the Agent's Experience report. Report calendar year incurred losses and claim expenses from non-title (e.g. Errors & Omissions or Malpractice claims) losses that are net of recoveries from insurers. This is for reporting the actual claim losses and expenses incurred in the settlement of the claims but not for voluntary loss mitigation payments.

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Definitions and Clarifications:

Primary Title Services (PTS)= Services include the determination of insurability in accordance with sound underwriting practices based upon evaluation of a reasonable search and examination of the title or the records of a Uniform Commercial Code filing office and such other information as may be necessary, determination and clearance of underwriting objections and requirements to eliminate risk, preparation and issuance of a title insurance commitment setting forth the requirements to insure, and preparation and issuance of the policy.

Related Title Services (RTS) = Services performed by a title insurer or title insurance agent or agency, in the agent's or agency's capacity as such, including, but not limited to, preparing or obtaining a title search, examining title, examining searches of the records of a Uniform Commercial Code filing office and such other information as may be necessary, preparing documents necessary to close the transaction, conducting the closing, or handling the disbursing of funds related to the closing in a real estate closing transaction in which a title insurance commitment or policy is to be issued.

Non-Title Clients = Non-Policyholder = A client who needed the services from the agency but the services provided did not result in an issuance of Title Insurance policy (example, sales of Ownership & Encumbrance report).

LAE = Loss Adjustment Expense; ALAE = Allocated Loss Adjustment Expense; ULAE = Unallocated Loss Adjustment Expense.

Net of recoveries from Insurers = The portion of the losses and loss adjustment expense amounts not covered by title insurer.

Include Errors & Omissions / Malpractice claims and losses that are net of recoveries from insurers. Include the amount of deductibles paid by the agency. Do NOT include the amount of voluntary non-deductible claim payments paid by the agent, which otherwise would have been recoverable from the title, E&O, or other insurer.

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

Report calendar year incurred losses and claim expenses (e.g. Errors & Omissions or Malpractice claims) that are net of recoveries from insurers. This is for reporting the actual claim losses and expenses incurred in the settlement of the claims. Do NOT include the amount of voluntary non-deductible claim payments paid by the agent that otherwise would have been recoverable from the title, E&O, or other insurer.

COLUMN AP: TITLE LOSS FUNDING - This column is blocked and is not a required filed for reporting.

COLUMN AQ: PTS - This column is blocked and is not a required filed for reporting.

COLUMN AR: MARKETING - This column is blocked and is not a required filed for reporting.

COLUMN AS: ALL ACTIVITIES EXCL. RTS & MISC. - enter claim loss figures that are not associated with RTS and Miscellaneous Title Activities into this Column.

COLUMN AT: RTS PROVIDED TO TITLE CLIENTS (CLOSING & ESCROW) - Incurred losses and LAE from Related Title Services limited to closing and escrow services provided to title clients.

COLUMN AU: RTS PROVIDED TO TITLE CLIENTS (ALL OTHER) - Incurred losses and LAE from Related Title Services other than closing and escrow services provided to title clients, such as preparing and obtaining a title search and examining the title.

COLUMN AV: RTS PROVIDED TO NON-TITLE CLIENTS - Incurred losses and LAE from Related Title Services for a client who needed the services from the agency but the services provided did not result in an issuance of Title Insurance policy.

COLUMN AW: MISC. ACTIVITIES - Incurred losses and LAE from any other activities not included in the prior columns.

COLUMN AX: ALL ACTIVITIES (Auto-Calculation Field = Sum of Columns AS, AT, AU, AV, and AW)

Row Definitions:

Report calendar year incurred losses and claim expenses (e.g. Errors & Omissions or Malpractice claims) that are net of recoveries from insurers. This is for reporting the actual claim losses and expenses incurred in the settlement of the claims. Do NOT include the amount of voluntary non-deductible claim payments paid by the agent that otherwise would have been recoverable from the title, E&O, or other insurer.

1. CLOSING AND ESCROW LOSSES
2. AGENT SEARCH & EXAM LOSSES
3. ALL OTHER LOSSES
4. LOSS ADJUSTMENT EXPENSE

TOTAL (Auto-Calculation Field = Sum of Lines 1 to 4): The total amount reported in Part 5A shall match with the corresponding columns in line 7C (Loss and Loss Adjustment Expense for Non-Policyholder Claims - Loss and LAE) of Part 1.

PART 5B - LOSS AND LOSS ADJUSTMENT EXPENSES INCURRED BY AGENT

IPortal Data Template Worksheet Label: Agency_1685_5B

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Definitions and Clarifications:

LAE= Loss Adjustment Expense; ALAE = Allocated Loss Adjustment Expense; ULAE = Unallocated Loss Adjustment Expense.

Net of recoveries from Insurers = The portion of the losses and loss adjustment expense amounts not covered by title insurer.

Include Errors & Omissions / Malpractice claims and losses that are net of recoveries from insurers. Include the amount of deductibles paid by the agency. Do NOT include the amount of voluntary non-deductible claim payments paid by the agent, which otherwise would have been recoverable from the title, E&O, or other insurer.

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

COLUMN AZ: DATA OF PAYMENT - If a series of payments were made over a period of time, report the first payment date of the claim payments.

COLUMN BA: LOSS AMOUNT - Report the amount to the nearest thousands. This is for reporting the direct claim loss only, not for voluntary loss mitigation payments.

COLUMN BB: LOSS ADJUSTMENT EXPENSE AMOUNT - Report the amount to the nearest thousands. This is for reporting the claim expenses paid in the settlement of the claims only, not for voluntary loss mitigation payments.

If more rows are needed in the form for reporting, add new rows in the following manner: to add a new row, click a "Yes" or "No" on the TRADE SECRET column (leftmost column) of the form. Once the "Yes" or "No" is selected, a new line number will appear in the next column. Continue to report data as before and add as many rows as needed.

PART SIX - MISC. EXPENSES

IPortal Data Template Worksheet Label: Agency_1683_6

This form is to provide the itemized details for the expense reported in Part 1 Line 35 (AGGREGATE WRITE-INS FOR MISC. EXPENSES) of the Agent's Experience report.

Florida Experience Only = Reporting only Florida experience data.

(\$) = DO NOT round reporting figures to the nearest thousands. Report the actual amount to the nearest dollar.

Definitions and Clarifications:

Primary Title Services (PTS)= Services include the determination of insurability in accordance with sound underwriting practices based upon evaluation of a reasonable search and examination of the title or the records of a Uniform Commercial Code filing office and such other information as may be necessary, determination and clearance of underwriting objections and requirements to eliminate risk, preparation and issuance of a title insurance commitment setting forth the requirements to insure, and preparation and issuance of the policy.

Related Title Services (RTS) = Services performed by a title insurer or title insurance agent or agency, in the agent's or agency's capacity as such, including, but not limited to, preparing or obtaining a title search, examining title, examining searches of the records of a Uniform Commercial Code filing office and such other information as may be necessary, preparing documents necessary to close the transaction, conducting the closing, or handling the disbursing of funds related to the closing in a real estate closing transaction in which a title insurance commitment or policy is to be issued.

Non-Title Clients = Non-Policyholder = A client who needed the services from the agency but the services provided did not result in an issuance of Title Insurance policy (example, sales of Ownership & Encumbrance report).

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

(\$) = DO NOT round reporting figures to the nearest thousands. Report the actual amount to the nearest dollar.

COLUMN BE: TITLE LOSS FUNDING - This column is blocked and is not a required field for reporting.

COLUMN BF: PTS - Primary Title Services (see definition above)

COLUMN BG: MARKETING - Including but not limited to marketing activities relating to advertising, promotional activities, and entertainment.

COLUMN BH: ALL ACTIVITIES EXCL. RTS & MISC. (Auto-calculated field (Sum of Columns BE, BF, and BG)

COLUMN BI: RTS PROVIDED TO TITLE CLIENTS (CLOSING & ESCROW) - Related Title Services limited to closing and escrow services provided to title clients.

COLUMN BJ: RTS PROVIDED TO TITLE CLIENTS (ALL OTHER) - Related Title Services other than closing and escrow services provided to title clients, such as preparing and obtaining a title search and examining the title.

COLUMN BK: RTS PROVIDED TO NON-TITLE CLIENTS - Related Title Services for a client who needed the services from the agency but the services provided did not result in an issuance of Title Insurance policy.

COLUMN BL: MISC. ACTIVITIES - Any activities not included in the prior columns.

COLUMN BM: ALL ACTIVITIES (Auto-Calculation Field = Sum of Columns BH, BI, BJ, BK, and BL)

If more rows are needed in the form for reporting, add new rows in the following manner: to add a new row, click a "Yes" or "No" on the TRADE SECRET column (leftmost column) of the form. Once the "Yes" or "No" is selected, a new line number will appear in the next column. Continue to report data as before and add as many rows as needed.

Note: The total amount reported in Part 6, rounded to the nearest thousands, must match with the corresponding columns in line 35 (Aggregate Write-in for Miscellaneous Expenses) of Part 1.

PART SEVEN - RESIDENTIAL VS. COMMERCIAL SPLIT

IPortal Data Template Worksheet Label: Agency_1683_7

Florida Experience Only = Reporting only Florida experience data.

Definitions and Clarifications:

Premium = The charge, as specified by rule of the commission, that is made by a title insurer for a title insurance policy, including the charge for performance of primary title services by a title insurer or title insurance agent or agency, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms, and upon which charge a premium tax is paid under s. [624.509](#). As used in this part or in any other law, with respect to title insurance, the word "premium" does not include a commission.

Note: Premium to be reported in this part is on a "WRITTEN" basis. The premium defined above and in s. 627.7711 F.S. can be either on a written or earned basis.

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

COLUMN BP: TOTAL TITLE INSURANCE PREMIUMS / RESIDENTIAL: Report only the title policy premium issued to personal residential (i.e. non-commercial) properties. Owner-occupied rental properties totaling up to 4 units are considered personal residences of the owner. Round reporting figures to the nearest thousands.

COLUMN BQ: TOTAL TITLE INSURANCE PREMIUMS / COMMERCIAL: Report only the title policy premium issued to commercial properties. Round reporting figures to the nearest thousands.

COLUMN BR: TOTAL (Auto-Calculation Field = Sum of Columns BP and BQ)

COLUMN BS: NUMBER OF TRANSACTIONS OR POLICIES ISSUED / RESIDENTIAL: Show the actual number of transactions issued to personal residential (i.e. non-commercial) properties. Owner-occupied rental properties totaling up to 4 units are considered personal residences of the owner.

COLUMN BT: NUMBER OF TRANSACTIONS OR POLICIES ISSUED / COMMERCIAL: Show the actual number of transactions issued to commercial properties.

COLUMN BU: TOTAL (Auto-Calculation Field = Sum of Columns BS and BT)

Row Definitions:

1. Original Owners & Leasehold Policies: Transaction type 1 per Regulation 690-186.003 (1).
2. Single Issue Lender's Policies: Transaction type 6 per Regulation 690-186.003 (1).
3. Construction Loan Policies: Transaction type 11 per Regulation 690-186.003 (10).
4. Search or Abstract Without Policy Issued by Agent:

TOTAL (Auto-Calculation Field = Sum of Lines 1 to 4)

For purposes of reporting the number of transactions or policies:

- Count simultaneous issue situations as one transaction or policy rather than two (e.g., when mortgagee and mortgagor are both issued a policy).
- Do not count endorsements.
- Include commitments for which no policy was issued in Line 4.

PART EIGHT A- RECONCILIATION OF REPORTED NET INCOME TO BOOK INCOME & TAXABLE INCOME

IPortal Data Template Worksheet Label: Agency_1683_8

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

Row Definitions:

1. Net Income per Part 1: This figure is taken directly from Part 1, Line 37, and column (9).
2. Adjustments for book income: Auto Calculated Field (Sum of Lines 2a to 2f)
 - a) Charitable contributions
 - b) Political contributions and lobbying
 - c) Penalties
 - d) Depreciation
 - e) Income tax expense
 - f) Other (attach itemized schedule)
3. Subtotal 1 and 2: Auto Calculated Field (Sum of Lines 1 and 2)
4. Book Income (should equal 3): If the amount reported in this line does not match those calculated in line 3, the agency must explain the discrepancy in the comment box provided.
5. Book/tax adjustments: Auto Calculated Field (Sum of Lines 5a to 5f)
 - a) Depreciation - tax adjustments
 - b) 50% of meals & entertainment
 - c) Carryovers/Carrybacks
 - d) Capital gains or losses
 - e) Tax exempt income
 - f) Other (attach itemized schedule)
6. Subtotal 4 and 5 Auto Calculated Field (Sum of Lines 4 and 5)
7. Taxable Income: Report gross income before any local, state, or federal taxes.

It is normal for some discrepancies to occur in this reconciliation report. Insert a note at the bottom of the Agency Questionnaire #10 explaining major differences.

PART EIGHT B - FISCAL YEAR WORKSHEET

IPortal Data Template Worksheet Label: Agency_1683_8

This part is optional and is made available for an agency to convert fiscal year financial data to a calendar year basis for reporting agency experience.

Florida Experience Only = Reporting only Florida experience data.

(\$, 000) = Round reporting figures to the nearest thousands.

Column Definitions:

Trade Secret Indicator: You may use the "Trade Secret" column to indicate if you wish to declare any line "trade secret information," pursuant to s. 815.045, F.S., as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S. Selecting the field will activate a dropdown arrow which will allow you to declare the information on the associated line as "trade secret information."

COLUMN CA: Most Recent Fiscal Year:

COLUMN CB: Months After Last Fiscal Year

COLUMN CC: Months Included in Prior Experience Report

COLUMN CD: Total: Auto Calculated Field (Column CA added to Column CB minus Column CC)

Note: Report the total revenue or expense figures in nearest thousands.

PART NINE - AGENCY QUESTIONNAIRE

IPortal Data Template Worksheet Label: Agency_1682

Again, in any instance that your additional comments are longer than the 255 character maximum on the data template, please upload your additional comments by accessing the "Supplementary Information" function in "Filing Component List" section of the IPortal. For ease of use, you may wish to combine all your comments for this section in one document.

1. Affiliation (select all applicable)
 - a. Minority ownership by an insurer.
 - b. Minority ownership of an insurer.
 - c. Majority ownership by an insurer.
 - d. Majority ownership of an insurer.
 - e. Part ownership by a realtor or real estate agency.
 - f. Part ownership by a real estate developer.
 - g. Part ownership by a mortgage lender.
 - h. Law firm.
 - i. None of the above (use the next column to explain).
2. If there is any ownership by an insurer or of an insurer, are there any insurer operations on site? (select all applicable)
 - a. Ownership by an insurer.
 - b. Ownership of an insurer.
 - c. Does not apply.
 - d. Policy service.
 - e. Underwriting.
 - f. Claims.
 - g. Other (use the next column to explain).
3. In reference to the item above, are shared expenses by your company fully reimbursed? (select all applicable)
 - a. Does not apply.
 - b. Yes, using GAAP cost allocations.
 - c. Yes, using management or service contracts.
 - d. No (use the next column to explain).
4. Some title agencies share facilities, employees, supplies, etc. with other non-title business activities. Indicate any operation your agency shares with a non-title operation. (select all applicable)
 - a. None
 - b. Attorney / law firm
 - c. Lending Institution
 - d. Real Estate Broker
 - e. Survey /Engineering
 - f. Tax Service
 - g. Other (use the next column to explain)
5. How do you allocate expenses among the types of operations shown in Agent's Experience Report? Please select each allocation method used.
 - a. Direct Basis
 - b. Square Footage
 - c. Time Studies
 - d. Gross revenues
 - e. Assets
 - f. Other (use the next column to explain)
6. Has the agency commenced operations, ceased operations or merged with another entity during the reporting year?
 - a. No
 - b. Yes(use the next column to explain)
7. Provide tax year ending date as MM/DD/YYYY.
8. Tax status at year end. (select only one)
 - a. C-corporation
 - b. S-corporation
 - c. General Partnership
 - d. Limited Liability Partnership
 - e. Sole Proprietor
 - f. Other (use the next column to explain)

9. Did a CPA prepare the Agency Experience Report provided?
 - a. Yes
 - b. No (use the next column to explain)
10. Does the Agent's Experience Report reconcile to the agency's Federal Income Tax return?
 - a. No
 - b. Yes (use the next column to explain)
11. What is the basis of depreciation of assets used in the Agency Experience Report? (Select as applicable.)
 - a. Same as Federal Income Tax
 - b. Cash basis (no depreciation)
 - c. Other (use the next column to explain)
12. Regarding "Investment Income (Due to Delayed Premium Remittance)" from Part 3 of the Agency Experience Report, please provide the information shown.
 - a. Investment Income (Due to Delayed Premium Remittance)
 - b. Average Agents Balances over Course of Year
 - c. Average Before-Tax Rate of Return on Funds
 - d. Average Remittance Delay (in Days) [= a / (b x c) x 365]
13. Are there any unusual events or features of your data submission that may have an impact on its usefulness for Florida title insurance rate determination?
 - a. No
 - b. Yes (use the next column to explain)
14. Pursuant to Rule 690-186.003, F.A.C., Florida's original title insurance rates currently grade downward as the amount of insurance increases from less than \$100,000 to over \$10 million. In reflecting the relative amount of expense and loss potential, do you believe that the current amount of downward gradation is too much, too little, or just right? (Mark your choice in the next column.) Please attempt to quantify if possible. Also, please comment similarly on the amount of gradation currently represented in the reissue rates, using the Comments column on the right of the dropdown box.
15. What changes would you recommend to the current rates for the various title endorsements currently in use in Florida?
 - a. None
 - b. I would change..(use the next column to explain)
16. What changes would you recommend to the Agency Experience Report? Please enter response in Comments column.

Useful Florida Statutes and Administrative Rules

Proposed Rule 690-186.013. Title Insurance Statistical Gathering.

(1) By June 1 of each year after 2006, licensed title insurance agencies and title insurers must electronically submit statistical data to the Office. The submittal shall be accomplished by electronically completing OIR forms OIR-B1-1685, Title Insurance Experience Reporting - Insurer; OIR-B1-1684, Title Insurance Experience Reporting - Insurer Questionnaire; OIR-B1-1683, Title Insurance Experience Reporting - Agency; OIR-B1-1682, Title Insurance Experience Reporting - Agency Questionnaire as applicable to the title agency or title insurer, as adopted and incorporated by this reference. Forms OIR-B1-1682, OIR-B1-1683, OIR-B1-1684, and OIR-B1-1685 may be obtained from the Office's web site located at <http://www.flair.com/>

Forms OIR-B1-1682 and OIR-B1-1683 are to be completed by title agencies. Forms OIR-B1-1684 and OIR-B1-1685 are to be completed by title insurers. The submittal shall reflect data for the prior year ending December 31. Pursuant to F.S. s. 627.782, the statistical data is collected for the purposes of analyzing premium rates, retention rates, and the condition of the title insurance industry

(2) Forms OIR-B1-1682, OIR-B1-1683, OIR-B1-1684, and OIR-B1-1685 shall be submitted electronically. All submittals shall be to <https://iportal.fldfs.com>, the industry portal to the Office's I-File System, as a data filing. A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.

(3) The Commission will, among other relevant factors, use the data submitted to the Office pursuant to this rule in adopting rules specifying:

- (a) the premium to be charged in this state by title insurers for the respective types of title insurance contracts,
- (b) for policies issued through agents or agencies, the percentage of such premium required to be retained by the title insurer, and
- (c) any limitations on related title services charges. Hence, title insurers may wish to ensure that title agencies with whom they do business make accurate, timely and complete data submittals pursuant to this rule.

(4) Pursuant to s. 815.045, F.S., "trade secret information," as defined in s. 812.081, F.S., and as provided for in s. 815.04(3), F.S., is confidential and exempt from the public records law. However, a claim that some portion of the information to be submitted to the Office pursuant to this rule is trade secret information shall not be a ground for any failure to submit the information required by this rule. Failure to submit information as required by this rule shall be a violation of the Insurance Code and shall subject the licensed title insurance agency or licensed title insurer to sanctions. If a public records request is made to the Office and if the Office determines that a response would make available information which the submitter has indicated is "trade secret information," the Office will notify the agency or insurer to determine if the information should still be protected as trade secret information. The agency or insurer should be prepared to take formal measures to protect any information which the agency or insurer maintains should be protected as trade secret information. For every information submittal pursuant to this rule, any claim of trade secret information must take the following form:

- (a) each document claimed to contain trade secret information shall be submitted to the I-File System, and the submitting agency or insurer shall check the trade secrets indicator flag appearing in the applicable data reporting form;
- (b) every portion of a document claimed to contain trade secret information shall be clearly marked on each page claimed to contain trade secret information, and each such page shall be clearly marked to specify the portion of the text claimed to contain trade secret information; and
- (c) for every submittal for which a claim is made that such submittal contains trade secret information, the submitter shall additionally include a separate document titled "Trade Secret Summary" which must identify each document and each page of a document claimed to contain trade secret information and for each claim of trade secret information must specify the detailed factual basis on which each such claim is made using the "Supplementary Information" function in the "Filing Component List" section of the Office's I-File System.

627.782 Adoption of rates.

- (1) Subject to the rating provisions of this code, the commission must adopt a rule specifying the premium to be charged in this state by title insurers for the respective types of title insurance contracts and, for policies issued through agents or agencies, the percentage of such premium required to be retained by the title insurer which shall not be less than 30 percent. However, in a transaction subject to the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. ss. 2601 et seq., as amended, no portion of the premium attributable to

providing a primary title service shall be paid to or retained by any person who does not actually perform or is not liable for the performance of such service. The commission may, by rule, establish limitations on related title services charges made in addition to the premium based upon the expenses associated with the services rendered and other relevant factors.

- (2) In adopting premium rates, the commission must give due consideration to the following:
 - (a) The title insurers' loss experience and prospective loss experience under closing protection letters and policy liabilities.
 - (b) A reasonable margin for underwriting profit and contingencies, including contingent liability under s. 627.7865, sufficient to allow title insurers, agents, and agencies to earn a rate of return on their capital that will attract and retain adequate capital investment in the title insurance business and maintain an efficient title insurance delivery system.
 - (c) Past expenses and prospective expenses for administration and handling of risks.
 - (d) Liability for defalcation.
 - (e) Other relevant factors.
- (3) Rates may be grouped by classification or schedule and may differ as to class of risk assumed.
- (4) Rates may not be excessive, inadequate, or unfairly discriminatory.
- (5) The premium applies to each \$100 of insurance issued to an insured.
- (6) The premium rates apply throughout this state.
- (7) The commission shall, in accordance with the standards provided in subsection (2), review the premium as needed, but not less frequently than once every 3 years, and shall, based upon the review required by this subsection, revise the premium if the results of the review so warrant.
- (8) The commission may, by rule, require licensees under this part to annually submit statistical information, including loss and expense data, as the department determines to be necessary to analyze premium rates, retention rates, and the condition of the title insurance industry.

815.045 Trade secret information.

The Legislature finds that it is a public necessity that trade secret information as defined in s. 812.081, and as provided for in s. 815.04(3), be expressly made confidential and exempt from the public records law because it is a felony to disclose such records. Due to the legal uncertainty as to whether a public employee would be protected from a felony conviction if otherwise complying with chapter 119, and with s. 24(a), Art. I of the State Constitution, it is imperative that a public records exemption be created. The Legislature in making disclosure of trade secrets a crime has clearly established the importance attached to trade secret protection. Disclosing trade secrets in an agency's possession would negatively impact the business interests of those providing an agency such trade secrets by damaging them in the marketplace, and those entities and individuals disclosing such trade secrets would hesitate to cooperate with that agency, which would impair the effective and efficient administration of governmental functions. Thus, the public and private harm in disclosing trade secrets significantly outweighs any public benefit derived from disclosure, and the public's ability to scrutinize and monitor agency action is not diminished by nondisclosure of trade secrets.

815.04 Offenses against intellectual property; public records exemption.

- (1) Whoever willfully, knowingly, and without authorization modifies data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.
- (2) Whoever willfully, knowingly, and without authorization destroys data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.
- (3)(a) Data, programs, or supporting documentation which is a trade secret as defined in s. 812.081 which resides or exists internal or external to a computer, computer system, or computer network which is held by an agency as defined in chapter 119 is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - (b) Whoever willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation which is a trade secret as defined in s. 812.081 or is confidential as provided by law residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.
- (4)(a) Except as otherwise provided in this subsection, an offense against intellectual property is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (b) If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

812.081 Trade secrets; theft, embezzlement; unlawful copying; definitions; penalty.

(1) As used in this section:

- (a) "Article" means any object, device, machine, material, substance, or composition of matter, or any mixture or copy thereof, whether in whole or in part, including any complete or partial writing, record, recording, drawing, sample, specimen, prototype model, photograph, microorganism, blueprint, map, or copy thereof.
- (b) "Representing" means completely or partially describing, depicting, embodying, containing, constituting, reflecting, or recording.
- (c) "Trade secret" means the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. "Trade secret" includes any scientific, technical, or commercial information, including any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:
 - 1. Secret;
 - 2. Of value;
 - 3. For use or in use by the business; and
 - 4. Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.
- (d) "Copy" means any facsimile, replica, photograph, or other reproduction in whole or in part of an article and any note, drawing, or sketch made of or from an article or part or portion thereof.

(2) Any person who, with intent to deprive or withhold from the owner thereof the control of a trade secret, or with an intent to appropriate a trade secret to his or her own use or to the use of another, steals or embezzles an article representing a trade secret or without authority makes or causes to be made a copy of an article representing a trade secret is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) In a prosecution for a violation of the provisions of this section, it is no defense that the person so charged returned or intended to return the article so stolen, embezzled, or copied.