

Title Insurance Data Call Florida Office of Insurance Regulation Frequently Asked Questions

The following frequently asked questions are intended to supplement the information found in other documents posted on the Florida Office of Insurance Regulation (OIR) website:

<https://www.floir.com/Office/Reporting.aspx#Title>. These FAQs are grouped into three categories:

[General Questions](#)

[Title Agency Data Collections](#)

[Title Underwriter Data Collections](#)

General Questions Pertaining to the Title Insurance Data Call

1. Who must submit Data Call information?

Florida licensed title insurance agencies, retail offices of direct writers, non-resident title agencies with Florida licenses, and title insurers authorized to do business in Florida that had a license at any time during Calendar Year 2017 – regardless of whether the business was closed by the end of 2017 – are required to respond to the data call. Lawyers (and law firms) who own a licensed title agency or operate under a DFS license should report for the licensed agency. Attorneys and law firms that are not DFS licensed title insurance agencies are not required to report.

2. Why are non-agent attorneys and law firms that are appointed by title insurers to sell title insurance not required to report?

[S. 627.782\(8\)](#), F.S. limits the applicability of the Agency Data Call to licensed title insurance agencies. The OIR is required to carry out the law as written.

3. What is the due date of the Title Insurance Data Call?

The due date of the Title Insurance Data Call is on May 31. If the due date falls on a weekend, submissions must be received by the OIR by 11:59 p.m. on the next business day.

4. Are extensions granted?

No. Under the rules guiding this data call all submissions must be received by the prescribed deadline.

5. What happens if the filing is late, incomplete, or inaccurate?

The filings will be referred to DFS's Agency Investigations or OIR's Market Investigations units for enforcement action. Incomplete and inaccurate reporting may also be referred. During the review process data is validated and filers may be alerted to potential errors. Filers will be provided an opportunity to quickly correct errors, but they must include explanations for all changes to data. Specific statutory citations exist in the Underwriter and Agency FAQs sections near the end of this document.

6. How do I know which filing type to submit?

All filings, including agency filings, are created and submitted through OIR's Insurance Regulation Filing System (IRFS). When entering IRFS, filers choose whether they are filing as an underwriter or as an agency. Based on that response, underwriters will create the underwriter filing and agencies will create the agency filing.

7. What if I have no data to report?

Note that any underwriter or agency licensed to sell title insurance at any time during Calendar Year 2017 must report, even if they are no longer involved in the title insurance business as of December 31, 2017. If you had a license to sell title insurance during 2017 but had no data (i.e., no business transactions) to report, you must still create and submit the filing. By your certification or affidavit and a report displaying zeroes at the time of submission, your filing will be construed as a "no data" report.

8. How do I file the information?

For filers, who have never filed in DCAM or IRFS, go to our public site and Create an Account at: <https://irfs.fldfs.com/>. If you already have an account set up, log in using your user name followed by password. To begin the filing process, select "Create New Filing" and continue through the Title Insurance Data Call menu options. The Title Insurance Data Call will be available to underwriters and agencies only after January 1, 2018, and only to underwriters and agencies recognized by the system (i.e., in the title insurance business).

9. I receive an error message when I try to upload the template. This happens even when all the fields have a value. What is the problem?

Sometimes the system will reject templates that have a long filename or that have special characters. For example, if your file is called Cat-Fund_XCompany-2007-08-15.xls, try to rename it to a shorter filename such as CatFund1Q2007.xls.

10. I already submitted my filing but now need to correct my template. How is this done?

You can select the filing id. Upload the required components and re-submit the filing. An explanation known as a letter of clarification and a new certification or affidavit may be required each time you re-submit data.

11. What is the File Log Number? Is it the same as the Filing ID?

The file log number starts with two digits for the calendar year followed by the work unit number. This is the number assigned to a filing once it passes the validation tests and is received by the OIR. The work unit number is assigned to each filing created to help filers distinguish different filings on their workbench.

12. How can I determine if my filing went through successfully?

You will get a confirmation email once your filing went through successfully. Your email will tell you the assigned file log number for that filing.

13. I understood that my filing is confidential. How can I be assured that it will not be released?

While some filings received by OIR are sent directly to external search tools accessible by the public through the FLOIR.COM website, all Title Insurance Data Call filings are blocked from use in any public searches pursuant to s. 626.84195, F.S., which reads as follows:

626.84195 Confidentiality of information supplied by title insurance agencies and insurers. —

- (1) As used in this section, the term “proprietary business information” means information that:
- (a) Is owned or controlled by a title insurance agency or insurer requesting confidentiality under this section;
 - (b) Is intended to be and is treated by the title insurance agency or insurer as private in that the disclosure of the information would cause harm to the business operations of the title insurance agency or insurer;
 - (c) Has not been publicly disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement, providing that the information may be released to the public; and
 - (d) Concerns:
 - 1. Business plans;
 - 2. Internal auditing controls and reports of internal auditors;
 - 3. Reports of external auditors for privately held companies;
 - 4. Trade secrets, as defined in s. [688.002](#); or
 - 5. Financial information, including, but not limited to, revenue data, loss expense data, gross receipts, taxes paid, capital investment, customer identification, and employee wages.
- (2) Proprietary business information provided to the office by a title insurance agency or insurer is confidential and exempt from s. [119.07](#)(1) and s. 24(a), Art. I of the State Constitution until such information is otherwise publicly available or is no longer treated by the title insurance agency or insurer as proprietary business information. However, information provided by multiple title insurance agencies and insurers may be aggregated on an industrywide basis and disclosed to the public as long as the specific identities of the agencies or insurers are not revealed.
- (3) This section is subject to the Open Government Sunset Review Act in accordance with s. [119.15](#) and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

History. —s. 1, ch. 2012-207.

Questions Pertaining to Title Agency Data Collection

1. This data call is issued by the Office of Insurance Regulation, not the Department of Financial Services (DFS). How is the agency filing requirement enforced?

The Legislature developed statutes specific to this data call understanding the enforcement issues. DFS will enforce the filing requirements expected of title agencies:

626.8437 Grounds for denial, suspension, revocation, or refusal to renew license or appointment.—
The department shall deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency, and it shall suspend or revoke the eligibility to hold a license or

appointment of such person, if it finds that as to the applicant, licensee, appointee, or any principal thereof, any one or more of the following grounds exist:

....

(11) Failure to timely submit data as required by s. 627.782.

2. What role might third-party vendors play in the data collection process?

Third-party vendors may be retained by agencies to help collect the information required by the Agency data call. The third-party vendor may collect and organize this data for an agency and then deliver it on behalf of the agency to OIR. Specifications for this data will be consistent with the Agency data call.

Questions Pertaining to Title Underwriter Data Collections

1. How do I obtain the NAIC schedule information referenced in the data call?

This data is submitted from the company to the NAIC each year by March 1. Each underwriting title company should find this information through the company's financial statement contact.

Note: Additional information on this data call may be found on the Florida Land Title Association website (www.flta.org). Limited access is available to non-members.