

**Florida Office of Insurance Regulation**  
**Title Insurance Experience Reporting by Insurers**

*If you have any questions during your submission process, please contact*  
[TitleInsuranceExperienceReporting-Insurer@fldfs.com](mailto:TitleInsuranceExperienceReporting-Insurer@fldfs.com)

## Overview

This voluntary data collection is in three parts:

**Title Insurance Experience Reporting—Insurer Aggregate.**  
*Instructions for Parts 12, 13 and 14 of Form OIR-B1-1685 begin on Page 3.*

**Title Insurance Experience Reporting—Insurer.**  
*Instructions for Form OIR-B1-1685 begin on Page 5.*

**Title Insurance Experience Reporting—Insurer Questionnaire.**  
*Instructions for Form OIR-B1-1684 begin on Page 26.*

This document contains instructional guidelines for each part.

## Required Filers and General Reporting Definitions

Every licensed title insurer that held a Florida license during 2005 is asked to file these electronic data collection forms.

*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.

When prompted in the reporting module of the IPortal to "Select Data Reporting":

"Data filing" means reporting entity has data to report from at least one of the prior five years.

"No data filing" means the reporting entity has NO data to report from any of the prior five years.

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.

Draft Rule 690-186.013(2), FAC, requires Form OIR-B1-1684 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. Follow the completion instructions contained in the IPortal to complete your submission.

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.*

# Title Insurance Experience Reporting - Insurer Aggregate

## PART TWELVE - PAID LOSS DEVELOPMENT

### CUMULATIVE PAID LOSSES AND ALLOCATED LOSS ADJUSTMENT EXPENSES AT YEAR END (\$,000 OMITTED)

IPortal Data Template Worksheet Label: Insurer\_1685\_12

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

Report PARTS 12, 13, and 14 data for all five years of data to a separate workbook called "Title\_Insurer\_Aggregate". This workbook can be obtained from the Office's web site located at <http://www.floir.com/>.

Use the same reporting instructions as for the NAIC Annual Statement Blank, Schedule P, except that loss and ALAE should be for Florida only and direct as to reinsurance.

Data reported in PARTS 12, 13, and 14 are on a *Policy Year* basis.

Consistent with the NAIC Annual Statement, paid loss and ALAE amounts shall be reduced for salvage & subrogation (S&S), while case reserve amounts shall be gross of anticipated S&S.

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.

Direct Written Premium = Written Premium (as defined above) prior to reinsurance. The direct written premium, as with premium and Direct Premium, includes the portion that the agencies retained and the portion that the insurer received from the agencies.

## 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 C:** DIRECT WRITTEN PREMIUMS (IN THOUSANDS): Show the figures rounded in thousands. The term "Direct Written Premiums" is defined above.

**COLUMN D:** AMOUNT OF INSURANCE WRITTEN (IN MILLIONS): Show the Written Premium rounded in millions. The amount of insurance is the amount of liability for which the title policy is written.

YEARS IN WHICH POLICIES WERE WRITTEN: from 2005 back to 1986 and Prior to 1986

**PART THIRTEEN - CASE BASIS RESERVE LOSS DEVELOPMENT  
INCURRED LOSSES AND ALLOCATED LOSS ADJUSTMENT EXPENSES CASE BASIS RESERVES AT YEAR END (\$,000  
OMITTED)  
IPortal Data Template Worksheet Label: Insurer\_1685\_13**

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

Report PARTS 12, 13, and 14 data for all five years of data to a separate workbook called "Title\_Insurer\_Aggregate". This workbook can be obtained from the Office's web site located at <http://www.floir.com/>.

Use the same reporting instructions as for the NAIC Annual Statement Blank, Schedule P, except that loss and ALAE should be for Florida only and direct as to reinsurance.

Data reported in PARTS 12, 13, and 14 are on a *Policy Year* basis.

Consistent with the NAIC Annual Statement, paid loss and ALAE amounts shall be reduced for salvage & subrogation (S&S), while case reserve amounts shall be gross of anticipated S&S.

**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."

YEARS IN WHICH POLICIES WERE WRITTEN: from 2005 back to 1986 and Prior to 1986

**PART FOURTEEN - CASE BASIS INCURRED LOSS DEVELOPMENT  
CASE BASIS INCURRED LOSSES AND ALLOCATED LOSS ADJUSTMENT EXPENSES AT YEAR END (\$,000 OMITTED)  
IPortal Data Template Worksheet Label: Insurer\_1685\_14**

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

Report PARTS 12, 13, and 14 data for all five years of data to a separate workbook called "Title\_Insurer\_Aggregate". This workbook can be obtained from the Office's web site located at <http://www.floir.com/>.

Use the same reporting instructions as for the NAIC Annual Statement Blank, Schedule P, except that loss and ALAE should be for Florida only and direct as to reinsurance.

Data reported in PARTS 12, 13, and 14 are on a *Policy Year* basis.

Consistent with the NAIC Annual Statement, paid loss and ALAE amounts shall be reduced for salvage & subrogation (S&S), while case reserve amounts shall be gross of anticipated S&S.

Case incurred losses and ALAE in PART 14 equal cumulative paid from PART 12 plus case reserves from PART 13.

**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."

YEARS IN WHICH POLICIES WERE WRITTEN: from 2005 back to 1986 and Prior to 1986

# Title Insurance Experience Reporting - Insurer

## GENERAL INSTRUCTIONS

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

Statutory Accounting. All the financial information reported in the Title Insurer's Experience Report must be based on statutory accounting principles unless otherwise directed.

Individual Company vs. Group reporting. All reporting should be performed on an individual company basis.

Expense Allocations by State. 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 2 of the Insurer'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 are associated with Primary Title Services (PTS), and 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.

Affiliated Agent Reporting. Do not include affiliated agent experience in the Title Insurer Experience Report. These reporting forms are intended to collect information on title insurer operations only.

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.

Consistency with Annual Statement. Amounts reported should be in accordance with the "Instructions for Completing the NAIC Title Insurance Annual Statement Blank."

Salvage and Subrogation. Consistent with the NAIC Annual Statement, paid loss and allocated loss adjustment expense amounts shall be reduced for salvage and subrogation (S&S), while case reserve amounts shall be gross of anticipated S&S.

Work Papers. Insurers 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 Insurer'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: Insurer\_1685\_1

Florida Experience Only = Reporting only Florida experience data.

Excluding Investment Income = Investment Income shall not be considered in the amount reported.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

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.

Title insurance operations includes all underwriting, administration, and claims settlement activities of the insurer, even if they are carried out in the physical facility that also houses the agency.

Internal and External Expense: 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.

### 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 F:** REGULAR TITLE INSURANCE (INCL. RTS), POLICIES ISSUED BY INDEPENDENT, AFFILIATED, & ATTORNEY AGENTS: Include all title policies and endorsements issued by independent, affiliated, and attorney title agents.

**Column G:** REGULAR TITLE INSURANCE (INCL. RTS), POLICIES ISSUED DIRECTLY: Include all title policies and endorsements issued directly by the title insurer without any intermediary.

**COLUMN H:** RTS PROVIDED TO NON-TITLE CLIENTS, AND MISC. ACTIVITIES: Include all Related Title Services (RTS) to clients who needed the insurer services but the services provided did not result in an issuance of title insurance policy (example, sales of Ownership & Encumbrance report).

**COLUMN I:** LINE TOTALS (Auto-Calculation Field = Sum of Columns F, G, and H)

### Row Definitions:

**REVENUE SECTION**

1. TOTAL TITLE INSURANCE PREMIUMS (EXCLUDING RTS): Title insurance earned premium, which does not include Related Title Services.
2. PREMIUM RETAINED BY AGENTS (EXCLUDING RTS): The portion of the earned premium (as defined above) that is retained by the affiliated, independent, and attorney agents.
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: Calendar year incurred losses and allocated loss adjustment expenses associated with title insurance policies issued by the insurer.
  - B. POLICYHOLDER CLAIMS - ULAE: Calendar year incurred unallocated loss adjustment expenses (i.e. the claim office expenses) associated with title insurance policies by the insurer.
  - 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.
8. INCREASE IN TITLE STATUTORY PREMIUM RESERVE: Pursuant s. 625.111 F.S., include the change in title statutory premium reserve.
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 insurer. Maintenance cost includes the personnel cost of title search, examination, and abstract functions.
10. PERSONNEL COSTS: Please review the expense allocation instruction in the General Instruction. Do not include the title plant personnel cost in this section.
  - A. SALARIES - EMPLOYEES
  - B. SALARIES - OWNERS/PARTNERS
  - C. EMPLOYEE BENEFITS - EMPLOYEES
  - D. EMPLOYEE BENEFITS - OWNERS/PARTNERS
  - 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 insurance.

#### EXTERNAL EXPENSE SECTION

12. TITLE PLANT RENT AND MAINTENANCE (EXTERNAL): Payment for the usage of a title plant owned by a third party not affiliated with the insurer.
13. ADVERTISING, MARKETING & PROMOTIONAL: Advertising, marketing, and promotional expenses paid to a third party not affiliated with the insurer.
14. REAL ESTATE (NON-OWNED)
  - A. RENTAL EXPENSE: Include rents or lease payments to a third party not affiliated with the insurer.
  - B. MAINTENANCE, SECURITY, INS, ETC. (EXTERNAL): Including but not limited to the maintenance, security, and insurance expenses paid to a third party not affiliated with the insurer.
15. REAL ESTATE (OWNED)
  - A. DEPRECIATION/MORTGAGE EXPENSE: Depreciation and mortgage payment to a third party not affiliated with the insurer.
  - B. MAINTENANCE, SECURITY, INS, ETC. (EXTERNAL): Including but not limited to the maintenance, security, and insurance expenses paid to a third party not affiliated with the insurer.
  - C. TAXES: Property Tax 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.
  - 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

- A. ELECTRONIC DATA PROCESSING
- B. AUTOMOBILE
- C. OTHER EQUIPMENT (PRICE > \$1000)
- 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)
  - A. NON-POLICYHOLDER: A client who needed the insurer 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
- 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 line 7 to 34. Add each miscellaneous amount and report the total aggregate and round to thousands.

**TOTAL EXPENSE**

36. TOTAL EXPENSES INCURRED (Auto-Calculation Field = SUM OF Line 7 to Line 35 excluding Line 10H)

**PROFIT EXCLUDING INVESTMENT INCOME**

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

**PART TWO - INCOME STATEMENT (SPLIT BY TYPE OF ACTIVITY)**  
IPortal Data Template Worksheet Label: Insurer\_1685\_2

Florida Experience Only = Reporting only Florida experience data.

Excluding Investment Income = Investment Income shall not be considered in the amount reported.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

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.

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

Non-Title Clients = A client who needed the insurer services 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

**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 M:** TITLE LOSS FUNDING - Include paid losses, reserves, and all loss adjustment expenses (LAE) associated with all claims arising from title policies.

**COLUMN N:** PTS - Primary Title Services (see above)

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

**COLUMN P:** ALL ACTIVITIES EXCL. RTS & MISC. - For the Revenue Section, enter any figures that are not RTS and Miscellaneous title activities into Column P. For the Expense Sections, this column is auto-calculated field that is the sum of Columns M, N, and O

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

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

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

**COLUMN U:** ALL ACTIVITIES (Auto-Calculation Field = Sum of Columns P, Q, R, S, and T)

## Row Definitions:

### REVENUE SECTION

1. TOTAL TITLE INSURANCE PREMIUMS (EXCLUDING RTS): Title insurance earned premium, which does not include Related Title Services.
2. PREMIUM RETAINED BY AGENTS (EXCLUDING RTS): The portion of the earned premium (as defined above) that is retained by the affiliated, independent, and attorney agents.
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: Calendar year incurred losses and allocated loss adjustment expenses associated with title insurance policies issued by the insurer.
  - B. POLICYHOLDER CLAIMS - ULAE: Calendar year incurred unallocated loss adjustment expenses (i.e. the claim office expenses) associated with title insurance policies by the insurer.
  - 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.
8. INCREASE IN TITLE STATUTORY PREMIUM RESERVE: Pursuant s. 625.111 F.S., include the change in title statutory premium reserve.
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 insurer. Maintenance cost includes the personnel cost of title search, examination, and abstract functions.
10. PERSONNEL COSTS: Please review the expense allocation instruction in the General Instruction. Do not include the title plant personnel cost in this section.
  - A. SALARIES - EMPLOYEES
  - B. SALARIES - OWNERS/PARTNERS
  - C. EMPLOYEE BENEFITS - EMPLOYEES
  - D. EMPLOYEE BENEFITS - OWNERS/PARTNERS
  - 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 insurance.

### EXTERNAL EXPENSE SECTION

12. TITLE PLANT RENT AND MAINTENANCE (EXTERNAL): Payment for the usage of a title plant owned by a third party not affiliated with the insurer.
13. ADVERTISING, MARKETING & PROMOTIONAL: Advertising, marketing, and promotional expenses paid to a third party not affiliated with the insurer.
14. REAL ESTATE (NON-OWNED)
  - A. RENTAL EXPENSE: Include rents or lease payments to a third party not affiliated with the insurer.
  - B. MAINTENANCE, SECURITY, INS, ETC. (EXTERNAL): Including but not limited to the maintenance, security, and insurance expenses paid to a third party not affiliated with the insurer.
15. REAL ESTATE (OWNED)
  - A. DEPRECIATION/MORTGAGE EXPENSE: Depreciation and mortgage payment to a third party not affiliated with the insurer.
  - B. MAINTENANCE, SECURITY, INS, ETC. (EXTERNAL): Including but not limited to the maintenance, security, and insurance expenses paid to a third party not affiliated with the insurer.

- C. TAXES: Property Tax 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.
  - 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
  - A. ELECTRONIC DATA PROCESSING
  - B. AUTOMOBILE
  - C. OTHER EQUIPMENT (PRICE > \$1000)
- 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)
  - A. NON-POLICYHOLDER: A client who needed the insurer 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
- 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 line 7 to 34. Add each miscellaneous amount and report the total aggregate and round to thousands.

**TOTAL EXPENSE**

36. TOTAL EXPENSES INCURRED (Auto-Calculation Field = SUM OF Line 7 to Line 35 excluding Line 10H)

**PROFIT EXCLUDING INVESTMENT INCOME**

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

**PART THREE - INCOME STATEMENT (SPLIT BY STATE)**  
IPortal Data Template Worksheet Label: Insurer\_1685\_3

Countrywide Experience = Reporting data for Florida and other states experience.

Excluding Investment Income = Investment Income shall not be considered in the amount reported.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

(\$, 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.

**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 Y:** (1) FLORIDA

**COLUMN Z:** (2) OTHER STATES - Include all other states, Puerto Rico and American territories that the title insurer operates outside of Florida. Do not include foreign country experience data.

**COLUMN AA:** (3) COUNTRYWIDE (Auto-Calculation Field = Sum of Columns Y and Z)

**Row Definitions:**

**REVENUE SECTION**

1. TOTAL TITLE INSURANCE PREMIUMS (EXCLUDING RTS): Title insurance earned premium, which does not include Related Title Services.
2. PREMIUM RETAINED BY AGENTS (EXCLUDING RTS): The portion of the earned premium (as defined above) that is retained by the affiliated, independent, and attorney agents.
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)

**EXPENSES SECTION**

7. DIRECT LOSS & ALLOCATED LAE INCURRED: Calendar year incurred losses and loss adjustment expenses for all claims prior to salvage & subrogation.
8. UNALLOCATED LOSS ADJUSTMENT EXPENSE INCURRED: Calendar year incurred unallocated loss adjustment expenses (i.e. the claim office overhead expenses).
9. INCREASE IN STATUTORY PREMIUM RESERVE: Pursuant s. 625.111 F.S., include the change in title statutory premium reserve.
10. OPERATING EXPENSES INCURRED: Include all internal and external operating expenses.
11. AGGREGATE WRITE-IN FOR MISC. EXPENSES: Add each miscellaneous amount, report the total aggregate and round to thousands.
12. TOTAL EXPENSES (SUM 7 THROUGH 11)

**PROFIT EXCLUDING INVESTMENT INCOME SECTION**

**13. NET OPERATING GAIN (LOSS) BEFORE TAX (Line 6 MINUS Line 12)**

**INVESTMENT INCOME SECTION: Follow instruction for NAIC Annual Statement Blank for Title Insurance.**

14. INVESTMENT INCOME - TAX EXEMPT - BEFORE EXPENSES

15. INVESTMENT INCOME - DIVIDENDS - BEFORE EXPENSES

A. PARENT, SUBSIDIARY OR AFFILIATE

B. ALL OTHER

16. INVESTMENT INCOME - OTHER - BEFORE EXPENSE

17. NET REALIZED CAPITAL GAINS (LOSSES)

18. INVESTMENT EXPENSES AND OTHER DEDUCTIONS

**19. NET INVESTMENT GAIN OR (LOSS) (Sum of Lines 14+15+16+17-18)**

**20. NET INCOME BEFORE TAX (Line 13 + Line 19)**

21. FEDERAL INCOME TAXES INCURRED

**22. NET INCOME AFTER TAX (Line 20 MINUS Line 21)**

23. NET UNREALIZED CAPITAL GAINS (LOSSES)

## PART FOUR - BALANCE SHEET

IPortal Data Template Worksheet Label: Insurer\_1685\_4

Countrywide Experience = Reporting data for Florida and other states experience.

Excluding Investment Income = Investment Income shall not be considered in the amount reported.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

### 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 AD:** COUNTRYWIDE - Florida, other states, Puerto Rico and all American territories of the United States.  
Row: Use the same reporting instructions as for the NAIC Annual Statement Blank, Assets and Liability and Other Funds. Admitted Assets is from the NAIC Annual Statement Blank, Assets, column (3) and Non-Admitted Asset is from column (2).

## PART 5A - REVENUE REPORT

IPortal Data Template Worksheet Label: Insurer\_1685\_5A

Florida Experience Only = Reporting only Florida experience data.

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

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.

Insurer Affiliated Agent = A title insurance agency that is wholly owned or majority owned (50% or over) by the title insurer.

Independent Agent = A title insurance agency that is not wholly owned or majority owned (50% or over) by any title insurer.

### 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 AH:** LICENSED AGENTS - AFFILIATED (1): Include all title policies issued by Insurer affiliated agents (defined above).

**Column AI:** LICENSED AGENTS - INDEPENDENT (2): Include all title policies issued by the independent agents (defined above).

**COLUMN AJ:** ATTORNEY AGENTS (3): Include all policies issued by attorneys who are exempted from licensing under chapter 626 F.S., Section 626.8417 (4)(a).

**COLUMN AK:** DIRECT OPERATIONS (4): Include all title policies issued directly by the title insurer without any intermediary.

**COLUMN AL:** RTS PROVIDED TO NON-TITLE AND MISC. ACTIVITIES (5): Include all Related Title Services (RTS) to clients who needed the insurer services but the services provided did not result in an issuance of title insurance policy (example, sales of Ownership & Encumbrance report).

**COLUMN AM:** **TOTAL (6) (Auto-Calculation Field = Sum of Columns AH, AI, AJ, AK, and AL)**

### Row Definitions:

#### REVENUE SECTION

1. TOTAL TITLE INSURANCE PREMIUMS (EXCLUDING RTS): Title insurance earned premium, which does not include Related Title Services.
2. PREMIUM RETAINED BY AGENTS (EXCLUDING RTS): The portion of the earned premium (as defined above) that is retained by the affiliated, independent, and attorney agents.

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)

**PART 5B - REVENUE REPORT/ITEMIZATION BY AFFILIATED AGENTS**

IPortal Data Template Worksheet Label: Insurer\_1685\_5B

Florida Experience Only = Reporting only Florida experience data.

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

Insurer Affiliated Agent = A title insurance agency that is wholly owned or majority owned (50% or over) by the title insurer.

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 AQ:** NAME OF AGENCY - Name of the affiliated agency

**COLUMN AP:** FEIN - Federal Employer Identification Number

**COLUMN AQ:** PREMIUM RETAINED BY AGENT - The portion of the Earned Premium (as defined above) that is retained by the affiliated agency.

**COLUMN AR:** PREMIUM REMITTED TO INSURER - The portion of the Earned Premium (as defined above) that is remitted to the insurer by the affiliated agency.

**COLUMN AS:** TOTAL (Auto-Calculation Field = Sum of Columns AQ and AR)

**PART SIX - TRANSACTION REPORT**

IPortal Data Template Worksheet Label: Insurer\_1685\_6

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

(\$, 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.

Direct Premium = Written Premium (as defined above) prior to reinsurance. The direct premium, as with premium, includes the portion that the agencies retained and the portion that the insurer received from the agencies.

**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 AY:** NUMBER OF TRANSACTIONS (1): Show the actual number of transactions. Each policy may have several endorsements. Report each endorsement separately. For example, a policy may have transaction types 1, 9, 13, and 15; record a count for each transaction and record the direct premium for each transaction. If an original transaction was later adjusted, only one transaction should be recorded in the total with the direct premium reflecting all adjustments.

**COLUMN AZ:** DIRECT PREMIUMS (2): Show the Written Premium rounded in thousands. The term "Direct Premiums" is defined above.

For each Row: report the "Number of Transactions" and "Direct Premiums" for each transaction type associated with the specific Transaction Code.

TRANSACTION CODE	TRANSACTION TYPE	REGULATION
1	ORIGINAL OWNER'S OR LEASEHOLD POLICY	690-186.003 (1)
2	REISSUE OWNER'S OR LEASEHOLD POLICY	690-186.003 (2)
3	REISSUE MORTGAGE POLICY - NON-REFINANCE	690-186.003 (2)
4	REISSUE MORTGAGE POLICY - REFINANCE	690-186.003 (2)
5	CONTRACT PURCHASER	690-186.003 (6)
6	ORIGINAL FIRST MORTGAGE POLICY - SINGLE ISSUE	690-186.003 (1)
7	MORTGAGE POLICY - 2ND MORTGAGE	690-186.003 (1)
8	SUBSTITUTION LOAN	690-186.003 (4)
9	SIMULTANEOUS ISSUE - MORTGAGEE POLICY	690-186.003 (5) (a)
10	SIMULTANEOUS ISSUE - LEASEHOLD POLICY	690-186.003 (5) (c)
11	CONSTRUCTION LOAN POLICY	690-186.003 (10)
12	TRUTH IN LENDING ENDORSEMENT	690-186.005 (5)
13	CONDOMINIUM ENDORSEMENT	690-186.005 (6)
14	PLANNED UNIT DEVELOPMENT ENDORSEMENT	690-186.005 (6)
15	VARIABLE RATE ENDORSEMENT	690-186.005 (6)
16	NEGATIVE AMORTIZATION ENDORSEMENT	690-186.005 (6)
17	MANUFACTURED HOUSING ENDORSEMENT	690-186.005 (6)
18	ENVIRONMENTAL PROTECTION LIEN	690-186.005 (6)
19	REVOLVING CREDIT ENDORSEMENT	690-186.005 (6)
20	FLORIDA FORM 9 ENDORSEMENT	690-186.005 (8)
21	NAVIGATIONAL SERVITUDE ENDORSEMENT	690-186.005 (8)
22	SHARED APPRECIATION ENDORSEMENT	690-186.005 (8)
23	ADDITIONAL INTERESTS ENDORSEMENT	690-186.005 (8)
24	OPTION ENDORSEMENT	690-186.005 (8)
25	CHANGE OF PARTNERS	690-186.005 (8)
26	CONTIGUITY ENDORSEMENT	690-186.005 (8)
27	SURVEY ENDORSEMENT	690-186.005 (8)
28	CONSTRUCTION LOAN UP-DATE ENDORSEMENT	690-186.005 (8)
29	FOREIGN CURRENCY ENDORSEMENT	690-186.005 (8)
30	ASSIGNMENT OF MORTGAGE ENDORSEMENT	690-186.005 (8)
31	BALLOON MORTGAGE ENDORSEMENT	690-186.005 (8)
32	OTHER MISCELLANEOUS	

## PART SEVEN - OWNERS LIABILITY DISTRIBUTION

IPortal Data Template Worksheet Label: Insurer\_1685\_7

### TRANSACTION TYPE 1 - ORIGINAL OWNER'S OR LEASEHOLD POLICY

See PART 6 for definition of transaction codes. Sort entries by the total liability or amount of insurance covered by the transaction types: 1 (Original owners or leasehold policy), 6 (Original first mortgage policy - single issue), or 7 (Mortgage policy - 2nd mortgage). Do not include any simultaneous issue policies.

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

(\$, 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.

Direct Premium = Written Premium (as defined above) prior to reinsurance. The direct premium, as with premium, includes the portion that the agencies retained and the portion that the insurer received from the agencies.

### 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 BD:** ACTUAL NUMBER OF TRANSACTIONS (1): Show the actual number of transactions. Each policy may have several endorsements. Report each endorsement separately. For example, a policy may have transaction types 1, 9, 13, and 15; record a count for each transaction and record the direct premium for each transaction. If an original transaction was later adjusted, only one transaction should be recorded in the total with the direct premium reflecting all adjustments.

**COLUMN BE:** DIRECT PREMIUMS, EXCLUDING SPECIAL CHARGES, CREDITS, AND ENDORSEMENTS (2): Show the Written Premium rounded in thousands. The term "Direct Premiums" is defined above.

**FOR EACH ROW:** Liability amount shown in each interval is in thousands. For example, the interval 75 to 100 means the amount of insurance is more than \$75,000 but could be equal to or less than \$100,000.

**PART EIGHT - REISSUE & SUBSTITUTION LOAN LIABILITY DISTRIBUTION FLORIDA EXPERIENCE ONLY**

IPortal Data Template Worksheet Label: Insurer\_1685\_8

**TRANSACTION TYPES 3, 4 or 8 - REISSUE & SUBSTITUTION LOAN POLICIES**

See PART 6 for definition of transaction codes. Sort entries by the total liability or amount of insurance covered by the transaction types: 3 (Reissue mortgage policy - non-refinance), 4 (Reissue mortgage policy - refinance), or 8 (Substitution loan).

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

(\$, 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.

Direct Premium = Written Premium (as defined above) prior to reinsurance. The direct premium, as with premium, includes the portion that the agencies retained and the portion that the insurer received from the agencies.

**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 BI:** ACTUAL NUMBER OF TRANSACTIONS (1): Show the actual number of transactions. Each policy may have several endorsements. Report each endorsement separately. For example, a policy may have transaction types 1, 9, 13, and 15; record a count for each transaction and record the direct premium for each transaction. If an original transaction was later adjusted, only one transaction should be recorded in the total with the direct premium reflecting all adjustments.

**COLUMN BJ:** DIRECT PREMIUMS, EXCLUDING SPECIAL CHARGES, CREDITS, AND ENDORSEMENTS (2): Show the Written Premium rounded in thousands. The term "Direct Premiums" is defined above.

**FOR EACH ROW:** Liability amount shown in each interval is in thousands. For example, the interval 75 to 100 means the amount of insurance is more than \$75,000 but could be equal to or less than \$100,000.

## PART NINE - LOSS EXPERIENCE BY TYPE OF RISK

IPortal Data Template Worksheet Label: Insurer\_1685\_9

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

(\$, 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."

ALTA CODE: American Land Title Association Risk Codes

TYPE OF RISK: Definition of the ALTA Risk Codes

Claims encoding should be based on the most specific code applicable to each situation.

Claims encoding should be based on allegations of the claimant, whether believed to be correct or not.

For claims that occurred prior to 1992 before the establishment of the ALTA risk codes, find the best matching transaction code to the claim, if possible.

Allocated Loss Adjustment Expenses is defined in the NAIC Annual Statement Blank.

**COLUMN BN:** NUMBER OF CLAIMS REPORTED (1): Actual number of claimed reported in the calendar year from all current and prior policies.

**COLUMN BO:** NUMBER OF CLOSED CLAIMS (2): Actual number of claimed closed in the calendar year from all current and prior policies.

**COLUMN BP:** CALENDAR YEAR LOSS & ALAE PAYMENTS (3): Report the figures in thousands. Show all loss and allocated loss adjustment expense paid in the calendar year from all current and prior policies.

**COLUMN BQ:** CHANGE IN LOSS & ALAE RESERVE (4): Report the figures in thousands. Show all the loss and allocated loss adjustment expense reserve changes during the calendar year. The change equals the year ending claim reserves minus the beginning of the year claim reserves.

**COLUMN BR:** LOSS & ALAE INCURRED (5) (Auto-Calculation Field = Sum of Columns BP and BQ)

**PART TEN - LOSS EXPERIENCE BY CLAIM RESPONSIBILITY**  
IPortal Data Template Worksheet Label: Insurer\_1685\_10

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

ALTA CODE: American Land Title Association Responsibility Codes  
RESPONSIBILITY: Definition of the ALTA Responsibility Codes

Claims encoding should be based on the most specific code applicable to each situation.

Claims encoding should be based on allegations of the claimant, whether believed to be correct or not.

For claims which occurred prior to 1992 before the establishment of the ALTA risk codes, find the best matching transaction code to the claim, if possible.

Allocated Loss Adjustment Expenses is defined in the NAIC Annual Statement Blank.

**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 BV:** NUMBER OF CLAIMS REPORTED (1): Actual number of claims reported in the calendar year from all current and prior policies.

**COLUMN BW:** NUMBER OF CLOSED CLAIMS (2): Actual number of claims closed in the calendar year from all current and prior policies.

**COLUMN BX** CALENDAR YEAR LOSS & ALAE PAYMENTS (3): Report the figures in thousands. Show all loss and allocated loss adjustment expense paid in the calendar year from all current and prior policies.

**COLUMN BY** CHANGE IN LOSS & ALAE RESERVE (4): Report the figures in thousands. Show all the loss and allocated loss adjustment expense reserve changes during the calendar year. The change equals the year ending claim reserves minus the beginning of the year claim reserves.

**COLUMN BZ** LOSS & ALAE INCURRED (5) (Auto-Calculation Field = Sum of Columns BX and BY)

## PART ELEVEN - LOSS EXPERIENCE BY COUNTY

IPortal Data Template Worksheet Label: Insurer\_1685\_11

Florida Experience Only = Reporting only Florida experience data.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

(\$, 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 CD:** NUMBER OF CLAIMS REPORTED (1): Actual number of claims reported on property located in that county in the calendar year from all current and prior policies.

**COLUMN CE:** NUMBER OF CLOSED CLAIMS (2): Actual number of claims closed on property located in that county in the calendar year from all current and prior policies.

**COLUMN CF:** CALENDAR YEAR LOSS & ALAE PAYMENTS (3): Report the figures in thousands. Show all loss and allocated loss adjustment expense paid in the calendar year from all current and prior policies.

**COLUMN CG:** CHANGE IN LOSS & ALAE RESERVE (4): Report the figures in thousands. Show all the loss and allocated loss adjustment expense reserve changes during the calendar year. The change equals the year ending claim reserves minus the beginning of the year claim reserves.

**COLUMN CH:** LOSS & ALAE INCURRED (5) (Auto-Calculation Field = Sum of Columns BX and BY)

FOR EACH ROW: Report data according to the list of Florida counties and the associated unique identifier code.

**PART FIFTEEN - SUMMARY OF AFFILIATE TRASACTIONS**  
**IPortal Data Template Worksheet Label: Insurer\_1685\_15**

Countrywide Experience = Reporting data for Florida and other states experience.

Excluding Investment Income = Investment Income shall not be considered in the amount reported.

Direct as to reinsurance = Prior to any reinsurance transactions, either assumed or ceded.

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

List all transactions between the insurer group and its non-insurer parents, subsidiaries or affiliates that did business in Florida during the year.

**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."

Use the same reporting instructions as for the NAIC Annual Statement Blank, Schedule Y.

# Title Insurance Experience Reporting - Insurer Questionnaire

## Required Data Elements

IPortal Data Template Worksheet Label: Insurer\_1684\_PartA

**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."

List each of the companies doing business in Florida that qualify as "subsidary, controlled or affiliated" in the NAIC Annual Statement instructions for Schedule D for the company submitting these data. (Agencies should be same as on work sheet titled Insurer\_1685\_5B).

Please use the Department of Financial Services - Agent and Agency Services' "Licensee Search" located at [http://www.fldfs.com/Data/AAR\\_ALIS1/index.htm](http://www.fldfs.com/Data/AAR_ALIS1/index.htm) if needed.

- COMPANY
- FL LICENSE NUMBER
- FEIN (FEDERAL EMPLOYER IDENTIFICATION NUMBER)
- BUSINESS ADDRESS
- CITY
- STATE
- ZIP CODE
- IF AN AGENCY, INDICATE IF IT WRITES EXCLUSIVELY FOR YOUR INSURER GROUP

	COLUMN CU	COLUMN CV	COLUMN CW	COLUMN CX	COLUMN CY	COLUMN CZ	COLUMN DA	
REPORTING YEAR _____								
List each of the companies doing business in Florida that qualify as "subsidary, controlled or affiliated" in the NAIC Annual Statement instructions for Schedule D for the company submitting these data (Agencies should be same as on work sheet titled Ins								
Trade Secret	COMPANY	FL LICENSE NUMBER	FEIN	BUSINESS ADDRESS	CITY	STATE	ZIP CODE	IF AN AGENCY, INDICATE IF IT WRITES EXCLUSIVELY FOR YOUR INSURER GROUP
No / Yes								

IPortal Data Template Worksheet Label: Insurer\_1684\_PartB

**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."

List addresses for all of your title insurance direct operations in Florida for the company submitting these data. Please include the following:

- NAME (NAME OF THE OPERATION)
- BUSINESS ADDRESS
- CITY
- STATE
- ZIP CODE

	COLUMN DC	COLUMN DD	COLUMN DE	COLUMN DF	COLUMN DG
REPORTING YEAR _____					
List addresses for all of your title insurance direct operations in Florida for the company submitting these data.					
Trade Secret	NAME	BUSINESS ADDRESS	CITY	STATE	ZIP CODE
No / Yes					

Additional entries may be added via the "Supplementary Information" function in "Filing Component List" section of the IPortal.

**IPortal Data Template Worksheet Label: Insurer\_1684\_PartC**

**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."

Using the "Comments Column" or lists provided answer the following:

1. Are there any insurer operations on site at an agency, or other company that provides related title services? (Select from list: None; Policy Service; Underwriting; Claims; Other - Please explain).
2. In reference to item above, are shared expenses by your company fully reimbursed? (Select from list: YES, using GAAP allocations; YES, using management or service contracts; NO - please explain.).
3. Describe the methods used to determine expenses used in this data call.
4. Explain how home office, corporate and regional overhead is allocated to Florida.
5. Explain how Florida expenses are allocated to type of operation.
6. Identify how expense allocation methods depart from Generally Accepted Accounting Principles (GAAP).
7. Has your company commenced operations, ceased operations or merged with another entity during the year? (Select from list: YES - Please explain; NO.)
8. Does the Insurer's Experience Report reconcile to the company's Statutory Annual Statement? (Select from list: NO - please explain; YES.)
9. Explain any unusual event or feature of your data submission that may have an impact on its usefulness for Florida title insurance rate determination.
10. 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...? (Select from list: Too much; Too little; Just right.) Please attempt to quantify if possible.
11. Please comment similarly on the amount of gradation currently represented in the reissue rates.
12. What changes would you recommend to the current rates for the various title endorsements currently in use in Florida?
13. What changes would you recommend to the data call?

If more space is needed, please use the "Supplementary Information" function in "Filing Component List" section of the IPortal.

**IPortal Data Template Worksheet Label: Insurer\_1684\_PartD**

**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."

Provide a summary of the details of your reinsurance program:

Please use the Department of Financial Services "Company Directory" located at <http://www.fldfs.com/data/CompanySearch/> if needed.

<b>COLUMN DM</b>	Reinsurer Name: Provide name of the reinsurer (not the broker)
<b>COLUMN DN</b>	NAIC CoCode: NAIC Company Code
<b>COLUMN DO</b>	FLORIDA CoCode: Florida Company Code
<b>COLUMN DP</b>	Actual Retention Point: Insurer's retention point
<b>COLUMN DQ</b>	Actual Attachment Point: Reinsurer's attachment point
<b>COLUMN DR</b>	Premium Amounts (\$,000 omitted): Subject premium paid to reinsurer for the reinsurance protection
<b>COLUMN DS</b>	Policy Terms: The policy term of the contract (i.e. effective date of the contract)
<b>COLUMN DT</b>	Other Points of Interest: Ceding commission, type of reinsurance (quota share, excess of loss, etc.), and other comments.

COLUMN DM

COLUMN DN

COLUMN DO

COLUMN DP

COLUMN DQ

COLUMN DR

COLUMN DS

COLUMN DT

REPORTING YEAR \_\_\_\_\_

Provide a summary of your reinsurance program broken out by reinsurer, including reinsurer names, retention points, attachment points, premium amounts, policy terms, etc.

Trade Secret	Reinsurer Name	NAIC CoCode	FLORIDA CoCode	Actual Retention Point	Actual Attachment Point	Premium Amounts (\$,000 omitted)	Policy Terms	Other Points of Interest
No / Yes								

If more space is needed, please use the "Supplementary Information" function in "Filing Component List" section of the IPortal.

## Useful Florida Statutes and Administrative Rules

### 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.floir.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.