

69B-210.010 Unlawful Inducements, Title Insurance.

(1) The term “unlawful inducement” as used in this rule means an inducement or rebate prohibited by Section 626.9541(1)(h)1., 3 F.S.; specifically:

(a) Permitting, or offering to make, or making, any contract or agreement as to such contract other than plainly expressed in the title insurance policy, commitment, or closing protection letter issued thereon; or

(b) Paying, allowing, giving, receiving, or offering to pay, allow, give, or receive, directly or indirectly, as an inducement to such title insurance contract , any unlawful rebate of premiums payable on the title insurance contract, any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatsoever which is not specified in the title insurance commitment, policy, or closing protection letter.

(2) All lists contained within this rule are intended as examples and are not exhaustive. This rule does not prohibit inducements, discounts, or rebates provided by approved rates, advertising gifts of not more than \$25 as allowed by Section 626.9541(1)(m), F.S., or inducements, discounts, and rebates otherwise expressly allowed by law.

(3) For purposes of this rule, the term “interested party” means a real estate broker, real estate salesperson, mortgage broker, lender, real estate developer, builder, property appraiser, surveyor, escrow agent, closing agent, buyer, seller, mortgagor, or any other person or entity involved in a real estate transaction for which title insurance could be issued; or any representative of such a person or entity. The term does not include bona fide employees of a title agent or title agency or title insurer.

(4) As they relate to the transaction of title insurance, the following inducements, when not specified by the title insurance commitment, policy, or closing protection letter, are unlawful inducements and constitute unfair insurance trade practices under Sections 626.9521 and 626.9541, F.S.:

(a) Directly or indirectly paying, allowing, or giving, or offering to pay, allow, or give, as an inducement to the purchase of insurance:

(1) Any fee or portion of the cost of an inspection, inspection report, appraisal, or survey, including wind inspection.

(2) Membership in any organization, society, association, guild, union, alliance or club at a discount, reduced rate, or at no cost.

(3) A charitable or other tax-deductible contribution on behalf of the purchaser or interested party.

(4) Stocks, bonds, securities, property, or any dividend or profit accruing or to accrue thereon.

(5) Employment in exchange for the purchase of title insurance.

(6) Printing of bulletins, flyers, post cards, labels, etc. for an interested party.

(7) Furnishing of office equipment (fax machines, telephones, copy machines, etc.) to an interested party.

(8) Telephone contracts for an interested party.

(9) Simulated panoramic home and property tours to an interested party which they in turn utilize in order to promote their listings or sales.

(10) Giftcards or gift certificates to or for an interested party.

(11) Sponsoring and hosting of open houses for interested party to promote their listings.

(12) Food, beverages, or room rentals at events, when such provision or payment is designed to promote the business of an interested party other than the title insurer, agent or agency.

(13) Costs to advertise and promote the listings of real estate salespersons, real estate brokers, or the business of any interested party in periodicals or publications.

(14) An interested party to fill out processing (order) forms in exchange for title insurance policies.

[(15) “Leads” or mailing lists to an interested party at no cost or a reduced cost.]

(16) Any arrangement to provide unearned compensation to an interested party.

Rulemaking Authority 624.308(1), 626.9611 FS. Law Implemented 626.112(8), 626.572, 626.611(11), 626.621(6), 626.8411, 626.8437(8), 626.844(5), 626.9521, 626.9541(1)(h), (m), 626.9611 FS. History - New