

Tallahassee Report

2018
 Issue #2

Serving Title Professionals throughout Florida

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A Message from the President

Timothy Steele | North American Title Company



President's Address

2018 is shaping up as a great year for FLTA.

First off thank you to the 40+ members who participated in this year's Lobby Days. In February our members took on several key priorities helping frame the Title Industry's story making great impact in this year's legislative session. As a result, Governor Scott signed several bills into law that our association had been diligently working on. Government Affairs Chair, Marty Solomon gives a great overview of these outcomes in his article. It's hard to believe, but we are already planning for 2019 – Save the date for 2019 FLTA Lobby Days, April 8 – 10.

Now with the legislative session officially closed out, we begin to look to the mid-term election season. Without a doubt this year's election tracking will be an interesting one. The Governor's seat is open along with the Attorney General, Chief Financial Officer, 11-Senator seats and all House Districts campaigning to retain or gain new position. Through our association's Title Industry of Florida Political Action Committee (TIFPAC) our members have the ability to make great impact in the industry. By contributing to TIFPAC we are all making great strides in making our industry stronger for years to come. I encourage all members to visit <https://www.flta.org/PAC-FUND> and consider contributing. Collectively we will make a great impact.

There are upcoming events around the state on various topics. In fact, in late April FLTA will be in the Panhandle conducting two events for CE credit on a topic that I have publicly decried as an issue we need to stomp out of our industry, wire fraud. A lot of awareness has been brought to our industry on this topic and, I dare say, we have made some progress in that manner. However, every time I hear the statistics on cyber-attacks that were successful, I know we have more work to do. The good news is FLTA is not letting up on this.

I look forward to seeing you at our next convention in the Keys in November, if not before then around the state.

1-Day with 2 Sites in the Panhandle
CYBER SECURITY AND FRAUD PROTECTION UPDATE
WITH **CE CREDIT AND NETWORKING**

Guest Speaker:

Ben Graybar, HancockWhitney Bank

Presented by:



Tuesday, April 24th at 11:30 am

Lunch at The Fish House

Pensacola

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Tuesday, April 24th at 6:00 pm

Dinner at Firefly

Panama City

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Fellow Section Members,

Do you know what the FLTA is doing for you? There's an easy way to find out through the monthly Agents' Section call. Every month you receive an email invitation inviting you to add the call to your calendar. The next time you get it, click on accept and then dial in.

You don't have to join the conversation; if you want, just listen. But your input is also important. We discuss about up and coming webinars, seminars and Meet and Greets around the state. We encourage sharing your ideas and experiences with the group. In addition to agent news we often hear updates from the Membership Committee, the Governmental Affairs Committee, the Forms Committee and the Data Call Committee on events that are affecting our side of the industry.

Scott Merritt, FLTA Executive Director, usually gives a general update of what has been accomplished since our last meeting call. For example, on a recent call, members heard an update from ALTA's, Justin Ailes who gave us an overview on the new TRID Bill fix and its impact to title agents and future legislative steps. This is helpful for many reasons, but allows us to prepare for its impact prior to implementation.

We usually schedule an hour for the call, but if you have to leave the call, just hang up. The next call is scheduled for Tuesday, May 8th at 10:00 a.m.

These calls bring title insurance professionals together from all over Florida and even agents from other states have joined our calls.

I am very excited to see that the number of agents participating in these calls are continuing to grow every month.

Don't forget about our membership drive: Drive for 5 (500 that is). By recruiting new agency members, you could win prizes at our November convention.

Please join us on the next call and if you have a topic or issue you would like to have discussed on the calls this year, please let me know!

With Gratitude,

Nancy Baumann, Agents' Section Chair

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Closers' Choice wants to remind you to mark your calendars for these upcoming events.



Florida Data Call
DEADLINE
May 31, 2018



NS3
National Settlement
Services Summit
June 6 – 7, 2018
Detroit, Michigan



National
Conference
Oct. 9 – 12, 2018
Los Angeles



Annual Conference
Nov. 12 – 14, 2018
Duck Key, Florida



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[Application for Designation Testing Now Open](#)



Spring is a time for renewal and awakenings! It's also the perfect time to show your peers your knowledge and abilities by becoming a Certified Land Closer (C.L.C.) or Certified Land Searcher (C.L.S.). The application deadline is fast approaching. The test application and information are available on the [FLTA website](#), under the Education tab. **Please note that the deadline is April 20, 2018, so please don't delay and apply today!**

If you have performed the duties of a closer, searcher or examiner for a minimum of 5 years, it's time to be recognized for your knowledge and commitment to our Industry. Please take the next step in showing your eagerness to enhance and confirm your skills and be awarded the respected honor of being a CLC or CLS. Once a designation is achieved, there is no renewal process or recurring fees.

Application Requirements:

1. Have credible full-time experience in the state of Florida for at least a period of five (5) years must be met prior to application deadline, all with an Abstract or Title Insurance Company, or Agent thereof. Two (2) years' experience out of state may be substituted for one (1) year of Florida Experience. The maximum out of state experience allowed will be four (4) years.
2. Submit to the C.L.T. Institute SECRETARY the following forms:
 - a. Completed Application (C.L.C. or C.L.S.) from the applicant.
 - b. Completed Employer's Certification from the Manager, or in the event the Manager is the applicant, from their immediate supervisor, verifying the applicant's experience, position and qualifications for taking the examination.
 - c. Detailed résumé of title insurance experience that includes: name, address, phone number, contact person, dates of employment of current and previous title insurance related positions. You must also give details of title insurance related duties and length of experience in each position held. The applicant must have performed the duties of a closer and/or searcher for a minimum of 5 years. Working for a title company in any other capacity will not necessarily meet the requirement of sitting for the exam.
 - d. Fees for both the application and the examination:
 - i. must be sent with the forms referenced in item 2 above, made payable to the Florida Land Title Association, Inc. (or FLTA is also acceptable) and
 - ii. mailed to the CLT Institute SECRETARY (NOT the FLTA address). These fees are non-refundable.

Application, Résumé Form and Employer's Certification Forms are all found within the [packet](#).

If you currently hold the designation of CLC or CLS and would like to be involved with the Certified Land Institute, please feel free to contact me at cblalock@firstam.com.

Click [HERE](#) to order The Basic Title Insurance Handbook with the Booth Supplement Chapters.



We tracked quite a few bills through an exciting session of the Legislature. We had a well-attended and effective Lobby Days event February.

Two of the most significant bills for the industry include Senator Passidomo's **MRTA Bill**, the **Electronic Notarization Bill**, the **Homestead Waiver Bill**, and the **Interspousal Waiver** (within the Taxation Bill). FLTA made comments and suggestions on each of these bills. In particular, issues with the **Electronic Notarization Bill** continued to change late in the session, and became the focus of much activity for the FLTA.

The **MRTA Bill** (SB 266, HB 617) will allow certain homeowner's association covenants and restrictions to be revived and protected from extinguishment under Marketable Record Title Act (MRTA). The Government Affairs Committee established a subcommittee who met with Senator Passidomo to discuss some potential technical changes to the definitions in the bill, and some changes were made in response. The bill passed and was signed into law by the Governor on March 21, 2018.

The **Electronic Notarization Bill** (HB 771, SB 1042) would have allowed remote online notarization to be executed by a Florida registered notary located within Florida. A number of FLTA Government Affairs committee members, as well as The Real Property, Probate & Trust Law (RPPTL) Section worked on various aspects of this bill. Ultimately, it did not pass, but the expectation is that a similar bill will emerge next session.

The **Homestead Waiver Bill** (HB 4211, SB 512) provides language for deeds between spouses that will be deemed to waive a spouse's homestead rights. This bill passed and was signed by the Governor on March 19, 2018.

Interspousal transfer and exemption from documentary stamp (HB 7087 amending Florida Statute section 201.02). Real property being transferred due to a divorce is exempt by statute from documentary stamp taxes. Ironically, if one owns real property, gets married later, and wishes to add his or her new spouse to title, documentary stamp taxes would be required. There is no statutory exemption. An exemption for interspousal transfer from documentary stamp taxes was signed into law and creates an exemption for the above scenario, effective July 1, 2018.

Three other bills received FLTA support this past session:

The **Unlawful Inducements Bill** (HB 483, SB 762), limits gifts by licensed insurers and agents to \$25 dollars. An amendment to the has removed "per year" language. This bill passed the legislature and has been signed by the Governor.

The **Lis Pendens Bill** (HB 599, SB 904), would have clarified that a lis pendens operates all the way through a judicial sale of the property, where confusion had been created by the *Ober* case. This was a RPPTL Section initiative, sponsored by Representative Altman of Indialantic. It did not pass. Another Section initiative, the **Ejectment Bill** (HB 631,

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SB804), sponsored by Representative Edwards-Walpole of Sunrise and Senator Passidomo, overhauled the language of the ejectment and unlawful detainer statutes to modernize them and clarify which is appropriate for different circumstances. The HB 599 passed and was signed into law by the Governor on March 23, 2018.

Finally, the **Secure Business Filings, Identity Theft and Public Records**, passed and was signed by the Governor on March 21, 2018. Please join us on our next regularly scheduled Government Affairs Committee call!

Membership Corner

Our committee is striving hard to increase our Membership thru our Membership Drive to 5 (500 that is)! The Membership Drive will run until October 31, 2018 with the announcement of the winners at our FLTA Annual Convention held in November 2018.

As an incentive to help everyone help us help them in the Membership Drive, we have a \$500.00 CASH prize for the First Place Winner, the person who brings in the most, new agencies (not branch offices of existing members) before 10/31/2018. Let's get out there and add some good folks to our Association!

We know how important FLTA is to you, why not share that with those who are not members and ask them to join. Many Agencies are just waiting for someone to ask them to join, and many don't even know that our State Association exists, so let's get out there and drum up some new Members! YOU can do this!

One of the key benefits of being a FLTA Member is the legislative support of a Governmental Consulting Service and Lobbyist/Advocate and the second key benefit is the Educational support provided thru our webinars.

By the way if you need CE Hours, check out these two opportunities in the Panhandle:

Same subject, same presenter, same day but two times and locations.

<u>Pensacola: CE Lunch</u>	<u>Panama City: CE Dinner</u>
Tuesday, April 24, 11:30 a.m.	Tuesday, April 24, 6:00 p.m.
The Fish House	Firefly
600 S. Barracks St. Pensacola, FL 32502	535 N. Richard Jackson Blvd. Panama City, FL 32407
<u>Pensacola Registration</u>	<u>Panama City Registration</u>

More information is available on our FLTA website.

We will be scheduling more meetings in our other 6 zones during the remaining part of 2018, so keep an eye out for a meeting close to you and watch our newsletter for notifications.

Get involved, make a difference! Join our Membership Committee, drop me an email at: joanne@treasuretitle.com if you would like to be a part of group!

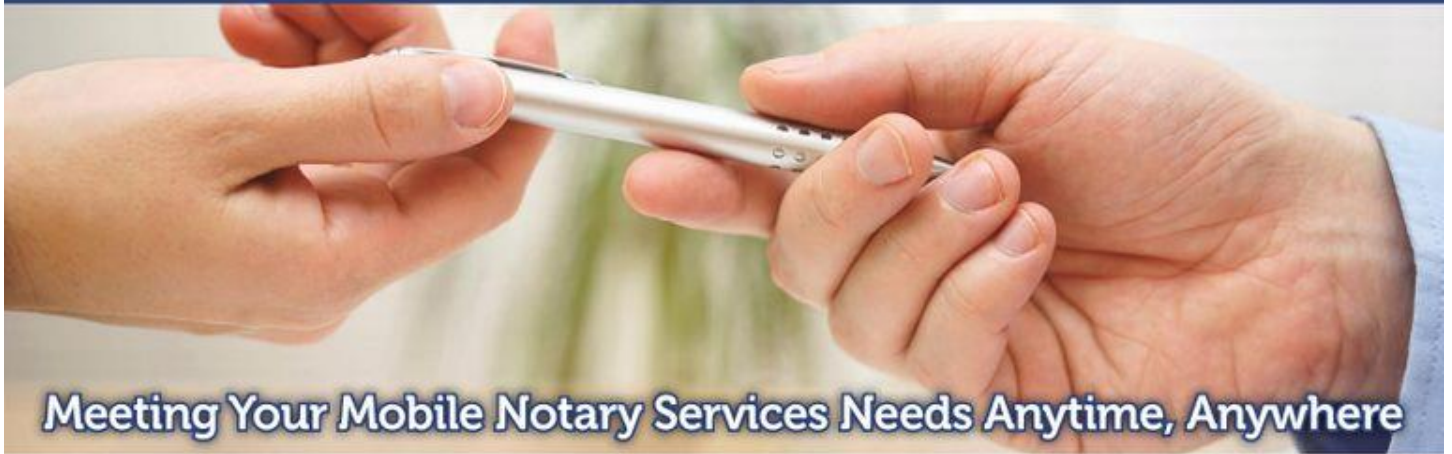


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The Proposed ALTA 2018 Owner's and Loan Policy Forms – Planning for Change

The pace of technology innovations has increased our need to be forward thinking about the title insurance industry and how to best serve our customers' current and future requirements while securing our place as a valued player in the real estate industry. Innovations come in evolutionary and revolutionary varieties. It is imperative we not allow ourselves to become victims of the next revolutionary innovations like Blackberry, Toys "R" Us, Kodak or Polaroid. Planning for change in consideration of economic forecasts for the rest of 2018 and 2019, the outcome of the Office of Insurance Regulation's rate review or the entry of new technologies into our industry, which promise efficiencies but may also allow the developers to assume a more assertive position between you and your realtors and mortgage lender customers as well as title insurers and their agents, all require thoughtful planning to secure your place in the market. The FLTA Convention this coming fall will be focused on the necessity of planning for and managing change in the real estate settlement industry.

The American Land Title Association has been focused on meeting our customers' current and future needs. It has developed the first new set of the basic owners and loan policy forms since 2006 to meet the current and anticipated future needs of the lending community, property owners and leaseholders. The new policy forms are not finalized and are still open for comment but ALTA final approval is anticipated later this year. An initial

discussion about the proposed forms is scheduled with the Florida Office of Insurance Regulation for mid-April 2018. The proposed policy forms have expanded certain coverages, as well as more clearly defined or added exclusions and conditions to comport with the existing (or what we had believed was) law. One example of this is that title policy forms have never had insuring language insuring the quantity of area or acreage. Now a specific exclusion has been added to clarify that the policy excludes liability for quantity of area, square footage or acreage. Additionally, expanded policy coverage has been proposed to cover the following matters:

1. The new proposed forms include a new covered risk for electronic notarization of any sort and include insurance against invalidity of a document affecting Title as a result of repudiation of the electronic signature because the electronic signature was not valid.
2. The definition of Insured is expanded in the proposed Owner's and Loan Policy forms with respect to a grantee of the Insured that is an Affiliate, and foreclosure or deed in lieu of foreclosure by an Affiliate.
3. The new proposed forms provide the title insurer will not deny liability because the policy is issued electronically or lacks wet signatures.
4. The new proposed Loan Policy expands the coverage of insurance against lack of priority of the Insured Mortgage to refer to particular obligations and expenses.
5. The new proposed Schedule A includes optional "Transaction Identification Data" as requested by many lenders. The Conditions section of the policy disclaims liability for errors in the information.
6. A new Covered Risk has been added in the proposed forms for Perishable Agricultural Commodities Act (PACA) and Packers and Stockyards Act (PSA) claims if a notice of violation or enforcement is in the Public Records.

Special thanks go out to the members of the ALTA forms committee who spend countless weeks, months, and years anticipating the needs of our customers and crafting coverages to address those needs so we remain not only relevant but continue as a crucial member of the real estate industry. The necessity of planning for change and managing the change has never been greater. I hope to see you at the Fall FLTA convention where we will have speakers to help us address how to plan for and manage change.

Agent Section Lobby Fund

Donations to the lobby fund are always needed. See below to donate today!

The Florida Land Title Association is unique in retaining a political consulting firm in Tallahassee specifically to advise and represent the Agents Section. The cost of these professionals is paid from voluntary contributions to the Agent Section Lobby Fund. Please contribute to support your industry by mailing a check to:

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Title Industry of Florida - PAC

FLTA would like to give a BIG thank you to those that have not only contributed a portion of their membership dues, but contributed even more throughout the year!!

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Gary Dechellis
Southern Title

President's Club (\$500)

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North American Title Ins. Co.
Island Title & Escrow Agency

Ambassador's Club (\$250)

Carr, Riggs & Ingram, LLC
Melissa Murphy
Alliant National

Gold Club (\$100)

Larry Deal

Silver Club (\$50)

1TRACT-Lee Swaffield
Barry Scholnik

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Help your voice be heard in Tallahassee by donating today!

FLTA - Digitally Refreshed



This Winter and early Spring have been very busy times for FLTA. Between tracking legislative priorities, hosting lobby days and most recently holding our annual Round Table, we have not slowed down, too much. There has also been a great deal happening behind the scenes.

As many agree in today's day and age, first impressions are no longer occurring over the telephone or when someone walks through your office door. It begins on the World Wide Web. Yep, it occurs long before there is an actual exchange of words between individuals. Therefore, I am excited to share our [Web site](#) has been

refreshed and is now live with its new look.

If you have not visited the site in sometime, please take a look and explore. Members may log-in with their same username and password combination as before. The revamped site offers us a cleaner sleeker design and will allow us to post [industry news](#) to news feeds to help spread industry messages. While some pages are being finalized feel free to let us know if there is specific information you would like to see or would be helpful to you and your business.

To compliment the new digital face of our association I am also pleased to share our partnership with Sherrie D. Long Marketing & Communications launched in January. Through the expertise of Sherrie and her team we have been able to dramatically improve our social media outlets and interact with our members and the public in a much-improved fashion. We have already witnessed a climb in our overall analytics and digital usage over the past few months and look forward to what this partnership will bring in the future.

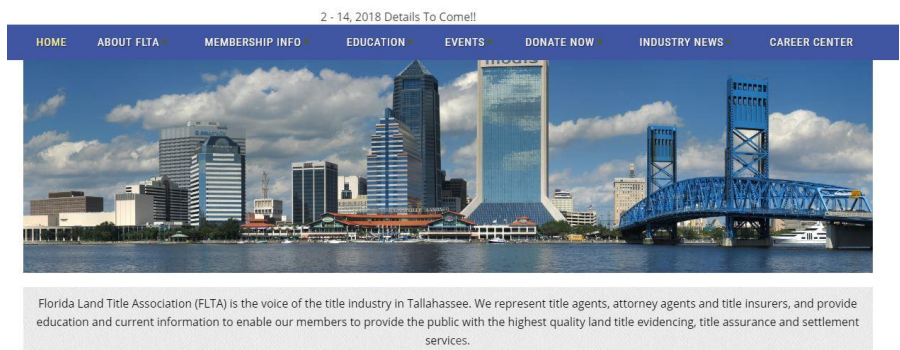
With this I invite you to "like" us on [Facebook](#), "follow" us on [LinkedIn](#) and "tweet" us on [Twitter](#) for real time updates and connectivity.

FLTA IS THE VOICE OF TITLE INSURANCE IN FLORIDA, AND YOU ARE FLTA.

THANK YOU FOR BEING A MEMBER!!!



☐ Remember me



A VICTORY FOR FLORIDA PROPERTY OWNERS' FLTA SPONSORED ESTOPPEL BILL BECOMES LAW

Tallahassee, FLA - June 15, 2017 - Florida Land Title Association (FLTA) is pleased to announce the successful passing of its HOA/COA estoppel certificate reform legislation. On Friday April 28th the bill cleared its final legislative hurdle after a three year run through the Capitol halls. Yesterday, June 14th,



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