# NEW TITLE INSURANCE ENDORSEMENTS AVAILABLE IN FLORIDA

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By: Jeffrey R. Margolis

The Florida Office of Insurance Regulation has authorized the use of five new endorsements for issuance in conjunction with Florida title insurance policies. The following endorsements are available as of November 2, 2020.

## ALTA 9.3-06 Restrictions, Encroachments, Minerals Endorsement

The ALTA 9.3-06 Restrictions, Encroachments, Minerals Endorsement is similar to the Florida Form 9 Endorsement and is only available for loan policies. The primary difference between the Florida Form 9 Endorsement and the ALTA 9.3-06 Endorsement is that the ALTA 9.3-06 does not insure against damage or encroachments relating to the future exercise of a right to use the surface of the property to extract or development of mineral interests.

## ALTA 12-06 Aggregation Endorsement

The ALTA 12-06 Aggregation Endorsement is available for commercial loan policies where the underlying loan covers multiple properties within the State of Florida. Still, it is not practical to issue a single loan policy. Where multiple loan policies are issued based upon each property's value encumbered by the mortgage, the ALTA 12-06 Aggregation Endorsement allows for the total amount of all the loan policies to be combined to create an aggregate amount of insurance which applies to all the properties. Suppose a claim is made on a title insurance policy. In that case, the insured may recover up to the aggregate amount of insurance, even though the loan policy for a particular property has a lesser amount of insurance when the same mortgage encumbers all the properties.

## ALTA 23-06 and 23.1-06 Co-Insurance Endorsements

The ALTA 23-06 and 23.1-06 Co-Insurance Endorsements are available when multiple underwriters share a particular transaction's risk. The ALTA 23-06 Endorsement is utilized when there is one loan policy issued. The ALTA 23.1-06 Endorsement is used when multiple policies have been issued. These endorsements set forth the percentage of risk applicable to each of the co-insurers and provides for each co-insurer's ability to issue an ALTA 12-06 Aggregation Endorsement in conjunction with the Co-Insurance Endorsement.

## ALTA 39-06 Policy Authentication Endorsement

The Policy Authentication Endorsement, which is available for both owner’s and loan policies, provides assurance that the insurer will not deny liability under the policy or any endorsements to the policy solely because the policy or endorsements were issued electronically. The endorsement confirms that policies and

endorsements issued solely in an electronic format or lack signatures are binding on the insurer so long as the policy (or endorsement) is dated and has a policy number.

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