

Raffone et al v. First American Title Ins. Co.

Year: 2015

Court: Court of Appeal, First District

Case Number: 1D14-4791/2004-CA-78

Florida law imposes a non-delegable duty on title insurers to charge a lower reissue rate when a property is refinanced with clear title. UP argued in its brief that title insurers are sophisticated data collectors who can and should be able to locate prior owner's policies and determine whether a current homeowner is entitled to a lower rate. This duty is non-delegable and necessarily falls upon the insurer, who is in a much better position to discharge this duty than the policyholder.

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