

By the Committee on Judiciary; and Senator Baker

590-03247-10

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1 A bill to be entitled
2 An act relating to marketable record title; amending
3 s. 712.03, F.S.; revising the exceptions to
4 marketability by including any right, title, or
5 interest held by the Board of Trustees of the Internal
6 Improvement Trust Fund, any water management district,
7 or the United States; amending s. 712.04, F.S.;
8 conforming provisions to changes made by the act;
9 amending s. 712.06, F.S.; revising the noticing
10 requirements for a statement of marketable title
11 action; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Subsection (9) is added to section 712.03,
16 Florida Statutes, to read:

17 712.03 Exceptions to marketability.—Such marketable record
18 title shall not affect or extinguish the following rights:

19 (9) Any right, title, or interest held by the Board of
20 Trustees of the Internal Improvement Trust Fund, any water
21 management district created under chapter 373, or the United
22 States.

23 Section 2. Section 712.04, Florida Statutes, is amended to
24 read:

25 712.04 Interests extinguished by marketable record title.—
26 Subject to ~~the matters stated in~~ s. 712.03, a such marketable
27 record title ~~is shall be~~ free and clear of all estates,
28 interests, claims, or charges ~~whatsoever~~, the existence of which
29 depends upon any act, title transaction, event, or omission that

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30 occurred before ~~prior to~~ the effective date of the root of
31 title. Except as provided in s. 712.03, all such estates,
32 interests, claims, or charges, however denominated, whether they
33 ~~such estates, interests, claims, or charges~~ are or appear to be
34 held or asserted by a person sui juris or under a disability,
35 whether such person is within or without the state, ~~whether such~~
36 ~~person is~~ natural or corporate, or ~~is~~ private or governmental,
37 are ~~hereby~~ declared to be null and void. However, except that
38 this chapter does ~~shall not be deemed to~~ affect any right,
39 title, or interest of the United States, Florida, or any of its
40 officers, boards, commissions, or other agencies reserved in the
41 patent or deed by which the United States, Florida, or any of
42 its agencies parted with title.

43 Section 3. Subsections (3) and (4) of section 712.06,
44 Florida Statutes, are amended, present subsection (4) is
45 renumbered as subsection (5), and a new subsection (4) is added
46 to that section, to read:

47 712.06 Contents of notice; recording and indexing.—

48 (3) The person providing the notice referred to in s.
49 712.05 shall cause the clerk of the circuit court to ~~shall, upon~~
50 ~~such filing,~~ mail by registered or certified mail to the
51 purported owner of said property, as stated in such notice, a
52 copy thereof and shall enter on the original, before recording
53 the same, a certificate showing such mailing. For preparing the
54 certificate, the claimant shall pay to the clerk the service
55 charge as prescribed in s. 28.24(8) and the necessary costs of
56 mailing, in addition to the recording charges as prescribed in
57 s. 28.24(12). If the notice names purported owners having more
58 than one address, the person filing the same shall furnish a

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59 true copy for each of the several addresses stated, and the
60 clerk shall send one such copy to the purported owners named at
61 each respective address. Such certificate shall be sufficient if
62 the same reads substantially as follows:
63

64 I hereby certify that I did on this, mail by
65 registered (or certified) mail a copy of the foregoing notice to
66 each of the following at the address stated:

67 ... (Clerk of the circuit court) ...

68 of County, Florida,

69 By ... (Deputy clerk) ...
70

71 The clerk of the circuit court is not required to mail to the
72 purported owner of such property any such notice that pertains
73 solely to the preserving of any covenant or restriction or any
74 portion of a covenant or restriction.

75 (4) In lieu of providing notice through the clerk of the
76 circuit court as provided in subsection (3), the person may
77 publish the notice in a newspaper as provided in chapter 50.
78 Such notice must be published once a week for 2 consecutive
79 weeks in the manner provided in s. 712.05 and must include the
80 book and page number where the notice is recorded in the
81 official records and the name of the county where the property
82 is located.

83 (5)~~(4)~~ Failure of any purported owner to receive the mailed
84 notice shall not affect the validity of the notice or vitiate
85 the effect of the filing of such notice.

86 Section 4. This act shall take effect July 1, 2010.