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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
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The Committee on Community Affairs (Passidomo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 78 - 188

and insert:

Section 1. Section 712.001, Florida Statutes, is created to read:

712.001 Short title.—This chapter may be cited as the "Marketable Record Title Act."

Section 2. Section 712.01, Florida Statutes, is reordered and amended to read:



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11 712.01 Definitions.—As used in this chapter, the term law:

12 (1) “Community covenant or restriction” means any agreement  
13 or limitation contained in a document recorded in the public  
14 records of the county in which a parcel is located which:

15 (a) Subjects the parcel to any use restriction that may be  
16 enforced by a property owners’ association; or

17 (b) Authorizes a property owners’ association to impose a  
18 charge or assessment against the parcel or the parcel owner.

19 (4) ~~(1)~~ The term “Person” includes the as used herein  
20 denotes singular or plural, natural or corporate, private or  
21 governmental, including the state and any political subdivision  
22 or agency thereof as the context for the use thereof requires or  
23 denotes and including any property owners’ ~~homeowners’~~  
24 association.

25 (6) ~~(2)~~ “Root of title” means any title transaction  
26 purporting to create or transfer the estate claimed by any  
27 person ~~and~~ which is the last title transaction to have been  
28 recorded at least 30 years before ~~prior to~~ the time when  
29 marketability is being determined. The effective date of the  
30 root of title is the date on which it was recorded.

31 (7) ~~(3)~~ “Title transaction” means any recorded instrument or  
32 court proceeding that ~~which~~ affects title to any estate or  
33 interest in land and that ~~which~~ describes the land sufficiently  
34 to identify its location and boundaries.

35 (5) ~~(4)~~ “Property owners’ association” ~~The term “homeowners’~~  
36 ~~association”~~ means a homeowners’ association as defined in s.  
37 720.301, a corporation or other entity responsible for the  
38 operation of property in which the voting membership is made up  
39 of the owners of the property or their agents, or a combination



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40 thereof, and in which membership is a mandatory condition of  
41 property ownership, or an association of parcel owners which is  
42 authorized to enforce a community covenant or restriction ~~use~~  
43 ~~restrictions~~ that is ~~are~~ imposed on the parcels.

44 ~~(3)-(5) The term~~ "Parcel" means real property that ~~which~~ is  
45 used for residential purposes and that is subject to exclusive  
46 ownership and ~~which is subject~~ to any covenant or restriction of  
47 a property owners' ~~homeowners'~~ association.

48 ~~(2)-(6) The term~~ "Covenant or restriction" means any  
49 agreement or limitation contained in a document recorded in the  
50 public records of the county in which a parcel is located which  
51 subjects the parcel to any use or other restriction or  
52 obligation ~~which may be enforced by a homeowners' association or~~  
53 ~~which authorizes a homeowners' association to impose a charge or~~  
54 ~~assessment against the parcel or the owner of the parcel or~~  
55 ~~which may be enforced by the Florida Department of Environmental~~  
56 ~~Protection pursuant to chapter 376 or chapter 403.~~

57  
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete lines 3 - 26

61 and insert:

62 creating s. 712.001, F.S.; providing a short title;  
63 amending s. 712.01, F.S.; defining and redefining  
64 terms; amending s. 712.05, F.S.; revising the