

1 A bill to be entitled
 2 An act relating to property information reports;
 3 amending s. 627.7843, F.S.; redefining the term
 4 "ownership and encumbrance report" as "property
 5 information report"; exempting certain title search
 6 services from a property information report; limiting
 7 the contractual liability of an issuer of such report;
 8 requiring that such report contain a specified
 9 statement; providing applicability; amending ss.
 10 177.041, 177.091, and 197.502, F.S.; conforming
 11 provisions to changes made by the act; providing an
 12 effective date.

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

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 16 Section 1. Section 627.7843, Florida Statutes, is amended
 17 to read:

18 627.7843 Property information ~~Ownership and encumbrance~~
 19 reports.—

20 (1) As used in this section, the term "property
 21 information report" ~~"ownership and encumbrance report"~~ means any
 22 a report that complies with this section and discloses ~~certain~~
 23 defined documents or information ~~imparting constructive notice~~
 24 and appearing in the official records as defined in s. 28.001,
 25 the records of a county tax collector pertaining to ad valorem

26 | real property taxes and special assessments levied by a
27 | governmental authority, or the records of the office of the
28 | Secretary of State or other filing office pertaining ~~relating~~ to
29 | ~~specified~~ real or personal property. A property information
30 | report may be issued by any person, including a Florida-licensed
31 | title insurer, title agent, or title agency. A report that does
32 | not contain the statement required in subsection (3) is title
33 | insurance as defined in s. 624.608.

34 | (2) A property information report does not include a title
35 | search, as defined in s. 627.7711, performed solely for the
36 | purpose of issuing a title insurance commitment, title insurance
37 | policy, or any related form ~~An ownership and encumbrance report~~
38 | ~~may not directly or indirectly set forth or imply any opinion,~~
39 | ~~warranty, guarantee, insurance, or other similar assurance as to~~
40 | ~~the status of title to real property.~~

41 | (3) The contractual liability of the issuer of a property
42 | information report is limited to the person expressly identified
43 | by name in the report as the recipient of the report and may not
44 | exceed the amount paid for the report. Contractual remedies are
45 | available only for an error or omission that arises from a
46 | property information report. A property information report must
47 | contain the following statement or a substantially similar
48 | statement: "This property information report is not title
49 | insurance. Pursuant to s. 627.7843, F.S., the maximum liability
50 | of the issuer of this property information report for any errors

51 or omissions contained herein is limited to the amount paid for
52 this property information report and is further limited to the
53 person(s) expressly identified by name in this property
54 information report as the recipient(s) of this property
55 information report." ~~Any ownership and encumbrance report or~~
56 ~~similar report that is relied on or intended to be relied on by~~
57 ~~a consumer must be on forms approved by the office, and must~~
58 ~~provide for a maximum liability for incorrect information of not~~
59 ~~more than \$1,000.~~

60 (4) This section does not apply to an opinion of title
61 issued by an attorney licensed to practice law in the state.
62 This section may not adversely affect any limitation of
63 liability or disclaimer contained in a report that does not
64 contain the statement required in subsection (3).

65 Section 2. Section 177.041, Florida Statutes, is amended
66 to read:

67 177.041 Boundary survey and property information report
68 ~~title certification~~ required.—Every plat or replat of a
69 subdivision submitted to the approving agency of the local
70 governing body must be accompanied by:

71 (1) A boundary survey of the platted lands. However, a new
72 boundary survey for a replat is required only when the replat
73 affects any boundary of the previously platted property or when
74 improvements which may affect the boundary of the previously
75 platted property have been made on the lands to be replatted.

76 The boundary survey must be performed and prepared under the
77 responsible direction and supervision of a professional surveyor
78 and mapper preceding the initial submittal of the plat to the
79 local governing body. This subsection does not restrict a legal
80 entity from employing one professional surveyor and mapper to
81 perform and prepare the boundary survey and another professional
82 surveyor and mapper to prepare the plat.

83 (2) A title opinion of an attorney at law licensed in
84 Florida or a property information report that complies with s.
85 627.7843 which shows ~~certification by an abstractor or a title~~
86 ~~company showing~~ that record title to the land as described and
87 shown on the plat is in the name of the person, persons,
88 corporation, or entity executing the dedication. The title
89 opinion or property information report ~~certification~~ shall also
90 show all mortgages not satisfied or released of record nor
91 otherwise terminated by law.

92 Section 3. Subsections (11) and (16) of section 177.091,
93 Florida Statutes, are amended to read:

94 177.091 Plats made for recording.—Every plat of a
95 subdivision offered for recording shall conform to the
96 following:

97 (11) Each plat shall show a description of the lands
98 subdivided, and the description shall be the same in the
99 property information report ~~title certification~~. The description
100 must be so complete that from it, without reference to the plat,

101 the starting point and boundary can be determined.

102 (16) Location and width of proposed easements and existing
 103 easements identified in the title opinion or property
 104 information report ~~certification~~ required by s. 177.041(2) shall
 105 be shown on the plat or in the notes or legend, and their
 106 intended use shall be clearly stated. Where easements are not
 107 coincident with property lines, they must be labeled with
 108 bearings and distances and tied to the principal lot, tract, or
 109 right-of-way.

110 Section 4. Paragraph (a) of subsection (5) of section
 111 197.502, Florida Statutes, is amended to read:

112 197.502 Application for obtaining tax deed by holder of
 113 tax sale certificate; fees.-

114 (5)(a) The tax collector may contract with a title company
 115 or an abstract company to provide the minimum information
 116 required in subsection (4), consistent with rules adopted by the
 117 department. If additional information is required, the tax
 118 collector must make a written request to the title or abstract
 119 company stating the additional requirements. The tax collector
 120 may select any title or abstract company, regardless of its
 121 location, as long as the fee is reasonable, the minimum
 122 information is submitted, and the title or abstract company is
 123 authorized to do business in this state. The tax collector may
 124 advertise and accept bids for the title or abstract company if
 125 he or she considers it appropriate to do so.

126 1. The property information ~~ownership and encumbrance~~
127 report must include the letterhead of the person, firm, or
128 company that makes the search, and the signature of the
129 individual who makes the search or of an officer of the firm.
130 The tax collector is not liable for payment to the firm unless
131 these requirements are met. The report may be submitted to the
132 tax collector in an electronic format.

133 2. The tax collector may not accept or pay for any title
134 search or abstract if financial responsibility is not assumed
135 for the search. However, reasonable restrictions as to the
136 liability or responsibility of the title or abstract company are
137 acceptable. Notwithstanding s. 627.7843(3), the tax collector
138 may contract for higher maximum liability limits.

139 3. In order to establish uniform prices for property
140 information ~~ownership and encumbrance~~ reports within the county,
141 the tax collector must ensure that the contract for property
142 information ~~ownership and encumbrance~~ reports include all
143 requests for title searches or abstracts for a given period of
144 time.

145 Section 5. This act shall take effect July 1, 2017.