

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Santiago offered the following:

Amendment (with title amendment)

Between lines 282 and 283, insert:

Section 9. Section 627.7843, Florida Statutes, is amended to read:

627.7843 Property information reports ~~Ownership and encumbrance reports.~~

(1) As used in this section, the term "property information report" means any report that contains the limitations of this section and discloses documents or information appearing in the Official Records as described in s.

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14 28.222, in the records of a county tax collector pertaining to
15 ad valorem real property taxes and special assessments imposed
16 by a governmental authority against real property, in the filing
17 office of the Secretary of State, or in another governmental
18 filing office pertaining to real or personal property. A
19 property information report may be issued by any person,
20 including a Florida-licensed title insurer, title agent, or
21 title agency "ownership and encumbrance report" means a report
22 that discloses certain defined documents imparting constructive
23 notice and appearing in the official records relating to
24 specified real property.

25 (2) A property information ~~An ownership and encumbrance~~
26 report may not directly or indirectly set forth or imply any
27 opinion, warranty, guarantee, insurance, or other similar
28 assurance and does not constitute title insurance as defined in
29 s. 624.608 as to the status of title to real property.

30 (3) The contractual liability of the issuer of a property
31 information report is limited to the person or persons expressly
32 identified by name in the property information report as the
33 recipient or recipients of the property information report and
34 may not exceed the amount paid for the property information
35 report. Only contractual remedies are available for an error or
36 omission that arises from a property information report. A
37 property information report must contain the following
38 statement:

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40 This report is not title insurance. Pursuant to s. 627.7843,
41 Florida Statutes, the maximum liability of the issuer of this
42 property information report for errors or omissions in this
43 property information report is limited to the amount paid for
44 this property information report, and is further limited to the
45 person(s) expressly identified by name in the property
46 information report as the recipient(s) of the property
47 information report. Any ownership and encumbrance report or
48 similar report that is relied on or intended to be relied on by
49 a consumer must be on forms approved by the office, and must
50 provide for a maximum liability for incorrect information of not
51 more than \$1,000.

52 (4) This section is not applicable to an opinion of title
53 issued by an attorney.

54 Section 10. Subsection (2) of section 177.041, Florida
55 Statutes, is amended to read:

56 177.041 Boundary survey and title certification required.-
57 Every plat or replat of a subdivision submitted to the approving
58 agency of the local governing body must be accompanied by:

59 (2) A title opinion of an attorney at law licensed in
60 Florida or a property information report ~~certification by an~~
61 ~~abstractor or a title company~~ showing that record title to the
62 land as described and shown on the plat is in the name of the
63 person, persons, corporation, or entity executing the

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64 dedication. The title opinion or property information report
65 must ~~certification shall~~ also show all mortgages not satisfied
66 or released of record nor otherwise terminated by law.

67 Section 11. Subsection (16) of section 177.091, Florida
68 Statutes, is amended to read:

69 177.091 Plats made for recording.—Every plat of a
70 subdivision offered for recording shall conform to the
71 following:

72 (16) Location and width of proposed easements and existing
73 easements identified in the title opinion or property
74 information report ~~certification~~ required by s. 177.041(2) must
75 ~~shall~~ be shown on the plat or in the notes or legend, and their
76 intended use shall be clearly stated. Where easements are not
77 coincident with property lines, they must be labeled with
78 bearings and distances and tied to the principal lot, tract, or
79 right-of-way.

80 Section 12. Paragraph (a) of subsection (5) of section
81 197.502, Florida Statutes, is amended to read:

82 197.502 Application for obtaining tax deed by holder of
83 tax sale certificate; fees.—

84 (5) (a) The tax collector may contract with a title company
85 or an abstract company to provide the minimum information
86 required in subsection (4), consistent with rules adopted by the
87 department. If additional information is required, the tax
88 collector must make a written request to the title or abstract

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89 | company stating the additional requirements. The tax collector
90 | may select any title or abstract company, regardless of its
91 | location, as long as the fee is reasonable, the minimum
92 | information is submitted, and the title or abstract company is
93 | authorized to do business in this state. The tax collector may
94 | advertise and accept bids for the title or abstract company if
95 | he or she considers it appropriate to do so.

96 | 1. The property information ~~ownership and encumbrance~~
97 | report must include the letterhead of the person, firm, or
98 | company that makes the search, and the signature of the
99 | individual who makes the search or of an officer of the firm.
100 | The tax collector is not liable for payment to the firm unless
101 | these requirements are met. The report may be submitted to the
102 | tax collector in an electronic format.

103 | 2. The tax collector may not accept or pay for any title
104 | search or abstract if financial responsibility is not assumed
105 | for the search. However, reasonable restrictions as to the
106 | liability or responsibility of the title or abstract company are
107 | acceptable. Notwithstanding s. 627.7843(3), the tax collector
108 | may contract for higher maximum liability limits.

109 | 3. In order to establish uniform prices for property
110 | information ~~ownership and encumbrance~~ reports within the county,
111 | the tax collector must ensure that the contract for property
112 | information ~~ownership and encumbrance~~ reports include all
113 | requests for title searches or abstracts for a given period of

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114 time.

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T I T L E A M E N D M E N T

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Remove line 23 and insert:

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exceptions; amending s. 627.7843, F.S.; replacing

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provisions relating to ownership and encumbrance

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reports with provisions relating to property

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information reports; defining the term "property

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information report"; prohibiting property information

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reports from setting forth or implying certain

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assurances; providing construction; specifying a

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limitation on the contractual liability of issuers of

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property information reports; requiring a specified

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disclosure in property information reports; providing

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applicability; amending s. 177.041, F.S.; providing

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that a specified property information report, rather

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than a specified certification by an abstractor or a

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title company, may be submitted as part of certain

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information required in relation to the plat or replat

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of a subdivision; amending ss. 177.091 and 197.502,

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F.S.; conforming provisions to changes made by the

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act; providing an effective date.

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