



118522

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2017	.	
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	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 327 and 328

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



118522

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

23 (2) A property information ~~An ownership and encumbrance~~
24 report may not directly or indirectly set forth or imply any
25 opinion, warranty, guarantee, insurance, or other similar
26 assurance as to the status of title to real property.

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

35
36 “This report is not title insurance. Pursuant to s. 627.7843,
37 Florida Statutes, the maximum liability of the issuer of this
38 property information report for errors or omissions in this
39 property information report is limited to the amount paid for



118522

40 this property information report, and is further limited to the
41 person(s) expressly identified by name in the property
42 information report as the recipient(s) of the property
43 information report.” ~~Any ownership and encumbrance report or~~
44 ~~similar report that is relied on or intended to be relied on by~~
45 ~~a consumer must be on forms approved by the office, and must~~
46 ~~provide for a maximum liability for incorrect information of not~~
47 ~~more than \$1,000.~~

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

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

52 177.041 Boundary survey and title certification required.-
53 Every plat or replat of a subdivision submitted to the approving
54 agency of the local governing body must be accompanied by:

55 (2) A title opinion of an attorney at law licensed in
56 Florida or a property information report certification ~~by an~~
57 ~~abstractor or a title company~~ showing that record title to the
58 land as described and shown on the plat is in the name of the
59 person, persons, corporation, or entity executing the
60 dedication. The title opinion or property information report
61 must certification ~~shall~~ also show all mortgages not satisfied
62 or released of record nor otherwise terminated by law.

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

65 177.091 Plats made for recording.-Every plat of a
66 subdivision offered for recording shall conform to the
67 following:

68 (16) Location and width of proposed easements and existing



118522

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

76 Section 12. Paragraph (a) of subsection (5) of section
77 197.502, Florida Statutes, is amended to read:

78 197.502 Application for obtaining tax deed by holder of tax
79 sale certificate; fees.-

80 (5) (a) The tax collector may contract with a title company
81 or an abstract company to provide the minimum information
82 required in subsection (4), consistent with rules adopted by the
83 department. If additional information is required, the tax
84 collector must make a written request to the title or abstract
85 company stating the additional requirements. The tax collector
86 may select any title or abstract company, regardless of its
87 location, as long as the fee is reasonable, the minimum
88 information is submitted, and the title or abstract company is
89 authorized to do business in this state. The tax collector may
90 advertise and accept bids for the title or abstract company if
91 he or she considers it appropriate to do so.

92 1. The property information ownership and encumbrance
93 report must include the letterhead of the person, firm, or
94 company that makes the search, and the signature of the
95 individual who makes the search or of an officer of the firm.
96 The tax collector is not liable for payment to the firm unless
97 these requirements are met. The report may be submitted to the



118522

98 tax collector in an electronic format.

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

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

111
112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete line 29

115 and insert:

116 by the act; amending s. 627.7843, F.S.; replacing
117 provisions relating to ownership and encumbrance
118 reports with provisions relating to property
119 information reports; defining the term "property
120 information report"; prohibiting property information
121 reports from setting forth or implying certain
122 assurances as to the statute of title of real
123 property; specifying a limitation on the contractual
124 liability of issuers of property information reports;
125 requiring a specified disclosure in property
126 information reports; providing applicability; amending



118522

127 s. 177.041, F.S.; providing that a specified property
128 information report, rather than a specified
129 certification by an abstractor or a title company, may
130 be submitted as part of certain information required
131 in relation to the plat or replat of a subdivision;
132 amending ss. 177.091 and 197.502, F.S.; conforming
133 provisions to changes made by the act; providing an
134 effective date.