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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/15/2017	.	
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Appropriations Subcommittee on General Government (Brandes)
recommended the following:

Senate Amendment (with title amendment)

Delete line 288

and insert:

Section 8. Effective July 1, 2017, section 627.7843,
Florida Statutes, is amended to read:

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

(1) As used in this section, the term "property information
report" ~~"ownership and encumbrance report"~~ means any a report



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11 that complies with this section and discloses ~~certain defined~~
12 documents or information ~~imparting constructive notice and~~
13 appearing in the official records as defined in s. 28.001, the
14 records of a county tax collector pertaining to ad valorem real
15 property taxes and special assessments levied by a governmental
16 authority, or the records of the office of the Secretary of
17 State or other filing office pertaining ~~relating to specified~~
18 real or personal property. A property information report may be
19 issued by any person, including a Florida-licensed title
20 insurer, title agent, or title agency. A report that does not
21 contain the statement required in subsection (3) is title
22 insurance as defined in s. 624.608.

23 (2) A property information report does not include a title
24 search, as defined in s. 627.7711, performed solely for the
25 purpose of issuing a title insurance commitment, title insurance
26 policy, or any related form ~~An ownership and encumbrance report~~
27 ~~may not directly or indirectly set forth or imply any opinion,~~
28 ~~warranty, guarantee, insurance, or other similar assurance as to~~
29 ~~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 expressly identified
32 by name in the report as the recipient of the report and may not
33 exceed the amount paid for the report. Contractual remedies are
34 available only for an error or omission that arises from a
35 property information report. A property information report must
36 contain the following statement or a substantially similar
37 statement: "This property information report is not title
38 insurance. Pursuant to s. 627.7843, F.S., the maximum liability
39 of the issuer of this property information report for any errors



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

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

54 Section 9. Effective July 1, 2017, section 177.041, Florida
55 Statutes, is amended to read:

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

60 (1) A boundary survey of the platted lands. However, a new
61 boundary survey for a replat is required only when the replat
62 affects any boundary of the previously platted property or when
63 improvements which may affect the boundary of the previously
64 platted property have been made on the lands to be replatted.
65 The boundary survey must be performed and prepared under the
66 responsible direction and supervision of a professional surveyor
67 and mapper preceding the initial submittal of the plat to the
68 local governing body. This subsection does not restrict a legal



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69 entity from employing one professional surveyor and mapper to
70 perform and prepare the boundary survey and another professional
71 surveyor and mapper to prepare the plat.

72 (2) A title opinion of an attorney at law licensed in
73 Florida or a property information report that complies with s.
74 627.7843 which shows ~~certification by an abstractor or a title~~
75 ~~company showing~~ that record title to the land as described and
76 shown on the plat is in the name of the person, persons,
77 corporation, or entity executing the dedication. The title
78 opinion or property information report ~~certification~~ shall also
79 show all mortgages not satisfied or released of record nor
80 otherwise terminated by law.

81 Section 10. Effective July 1, 2017, subsections (11) and
82 (16) of section 177.091, Florida Statutes, are amended to read:

83 177.091 Plats made for recording.—Every plat of a
84 subdivision offered for recording shall conform to the
85 following:

86 (11) Each plat shall show a description of the lands
87 subdivided, and the description shall be the same in the
88 property information report ~~title certification~~. The description
89 must be so complete that from it, without reference to the plat,
90 the starting point and boundary can be determined.

91 (16) Location and width of proposed easements and existing
92 easements identified in the title opinion or property
93 information report ~~certification~~ required by s. 177.041(2) shall
94 be shown on the plat or in the notes or legend, and their
95 intended use shall be clearly stated. Where easements are not
96 coincident with property lines, they must be labeled with
97 bearings and distances and tied to the principal lot, tract, or



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98 right-of-way.

99 Section 11. Effective July 1, 2017, paragraph (a) of
100 subsection (5) of section 197.502, Florida Statutes, is amended
101 to read:

102 197.502 Application for obtaining tax deed by holder of tax
103 sale certificate; fees.—

104 (5) (a) The tax collector may contract with a title company
105 or an abstract company to provide the minimum information
106 required in subsection (4), consistent with rules adopted by the
107 department. If additional information is required, the tax
108 collector must make a written request to the title or abstract
109 company stating the additional requirements. The tax collector
110 may select any title or abstract company, regardless of its
111 location, as long as the fee is reasonable, the minimum
112 information is submitted, and the title or abstract company is
113 authorized to do business in this state. The tax collector may
114 advertise and accept bids for the title or abstract company if
115 he or she considers it appropriate to do so.

116 1. The property information ~~ownership and encumbrance~~
117 report must include the letterhead of the person, firm, or
118 company that makes the search, and the signature of the
119 individual who makes the search or of an officer of the firm.
120 The tax collector is not liable for payment to the firm unless
121 these requirements are met. The report may be submitted to the
122 tax collector in an electronic format.

123 2. The tax collector may not accept or pay for any title
124 search or abstract if financial responsibility is not assumed
125 for the search. However, reasonable restrictions as to the
126 liability or responsibility of the title or abstract company are



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127 acceptable. Notwithstanding s. 627.7843(3), the tax collector
128 may contract for higher maximum liability limits.

129 3. In order to establish uniform prices for property
130 information ~~ownership and encumbrance~~ reports within the county,
131 the tax collector must ensure that the contract for property
132 information ~~ownership and encumbrance~~ reports include all
133 requests for title searches or abstracts for a given period of
134 time.

135 Section 12. Except as otherwise expressly provided in this
136 act, this act shall take effect upon becoming a law.

137

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

139 And the title is amended as follows:

140 Delete line 25

141 and insert:

142 by the act; amending s. 627.7843, F.S.; defining the
143 term "property information report" and replacing the
144 term "ownership and encumbrance report"; deleting a
145 prohibition and requirements relating to ownership and
146 encumbrance reports; providing that a property
147 information report does not include a title search
148 performed solely for certain purposes; providing a
149 contractual liability limitation for the issuer of a
150 property information report; requiring certain
151 disclosures in property information reports; providing
152 applicability; amending ss. 177.041, 177.091, and
153 197.502, F.S.; conforming provisions to changes made
154 by the act; providing effective dates.