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1                   A bill to be entitled  
2           An act relating to errors in deeds; creating s.  
3           689.041, F.S.; defining terms; providing that a deed  
4           containing a scrivener's error conveys title as if  
5           there had been no such error if certain requirements  
6           are met; providing a form for a curative notice;  
7           requiring the clerks of the circuit court to accept  
8           and record curative notices; providing for the  
9           operation of a curative notice; providing  
10          construction; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Section 689.041, Florida Statutes, is created to  
15 read:

16           689.041 Curative procedure for scrivener's errors in  
17 deeds.-

18           (1) As used in this section, the term:

19           (a) "Erroneous deed" means any deed, other than a quitclaim  
20 deed, which contains a scrivener's error.

21           (b) "Intended real property" means the real property vested  
22 in the grantor and intended to be conveyed by the grantor in the  
23 erroneous deed.

24           (c) "Scrivener's error" means a single error or omission in  
25 the legal description of the intended real property in no more  
26 than one of the following categories:

27           1. An error or omission in no more than one of the lot or  
28 block identifications of a recorded platted lot; however, the  
29 transposition of the lot and block identifications is considered

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30 one error for the purposes of this subparagraph;

31 2. An error or omission in no more than one of the unit,  
32 building, or phase identifications of a condominium or  
33 cooperative unit; or

34 3. An error or omission in no more than one directional  
35 designation or numerical fraction of a tract of land that is  
36 described as a fractional portion of a section, township, or  
37 range; however, an error or omission in the directional  
38 description and numerical fraction of the same call is  
39 considered one error for the purposes of this subparagraph.

40  
41 The term "scrivener's error" does not include any error in a  
42 document that contains multiple errors.

43 (2) A deed that contains a scrivener's error conveys title  
44 to the intended real property as if there had been no  
45 scrivener's error, and, likewise, each subsequent erroneous deed  
46 containing the identical scrivener's error conveys title to the  
47 intended real property as if there had been no such error if all  
48 of the following apply:

49 (a) Record title to the intended real property was held by  
50 the grantor of the first erroneous deed at the time the first  
51 erroneous deed was executed.

52 (b) Within the 5 years before the record date of the  
53 erroneous deed, the grantor of any erroneous deed did not hold  
54 title to any other real property in the same subdivision,  
55 condominium, or cooperative development or in the same section,  
56 township, and range, described in the erroneous deed.

57 (c) The intended real property is not described exclusively  
58 by a metes and bounds legal description.

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59        (d) A curative notice is recorded in the official records  
60 of the county in which the intended real property is located  
61 which evidences the intended real property to be conveyed by the  
62 grantor.

63        (3) A curative notice must be in substantially the  
64 following form:

65  
66                    Curative Notice, Per Sec. 95.2311, F.S.  
67                    Scrivener's Error in Legal Description

68  
69        The undersigned does hereby swear and affirm:

70  
71        1. The deed which transferred title from ...(Insert  
72 Name)... to ...(Insert Name)... on ...(Date)... and recorded on  
73 ...(Record Date)... in O.R. Book ....., Page ....., and/or  
74 Instrument No. ...., of the official records of ...(Name of  
75 County)..., Florida, (hereinafter referred to as "first  
76 erroneous deed") contained the following erroneous legal  
77 description:

78  
79        ...(Insert Erroneous Legal Description)...

80  
81        2. The deed transferring title from ...(Insert Name)... to  
82 ...(Insert Name)... and recorded on ...(Record Date)... in O.R.  
83 Book ....., Page ....., and/or Instrument No. ...., of the  
84 official records of ...(Name of County)..., Florida, contains  
85 the same erroneous legal description described in the first  
86 erroneous deed.

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88 ...(Insert and repeat paragraph 2. as necessary to include  
89 each subsequent erroneous deed in the chain of title containing  
90 the same erroneous legal description)...

91  
92 3. I have examined the official records of the county in  
93 which the intended real property is located and have determined  
94 that the deed dated ...(Date)..., and recorded on ...(Record  
95 Date)... in O.R. Book ....., Page .... and/or Instrument No.  
96 ....., official records of ...(Name of County)..., Florida,  
97 establishes that record title to the intended real property was  
98 held by the grantor of the first erroneous deed at the time the  
99 first erroneous deed was executed.

100  
101 4. I have examined or have had someone else examine the  
102 official records of ...(Name of County)..., Florida, and certify  
103 that:

104 a. Record title to the intended real property was held by  
105 the grantor of the first erroneous deed, ...(Insert Name)..., at  
106 the time that deed was executed.

107 b. The grantor of the first erroneous deed and the grantors  
108 of any subsequent erroneous deeds listed above did not hold  
109 record title to any property other than the intended real  
110 property in either the same subdivision, condominium or  
111 cooperative or the same section, township and range, if  
112 described in this manner, at any time within the 5 years before  
113 the date that the erroneous deed was executed.

114 c. The intended real property is not described by a metes  
115 and bounds legal description.



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146 subsequent erroneous deeds containing the same scrivener's error  
147 described in the curative notice and releases any cloud or  
148 encumbrance that any of the erroneous deeds may have created as  
149 to any property other than the intended real property. The  
150 correction relates back to the record date of the first  
151 erroneous deed.

152 (6) The remedies under this section are not exclusive and  
153 do not abrogate any right or remedy under the laws of this state  
154 other than this section.

155 Section 2. This act shall take effect July 1, 2020.