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1
 2 An act relating to real property fraud; creating s.
 3 28.2225, F.S.; creating the Title Fraud Prevention
 4 Through Identity Verification Pilot Program in Lee
 5 County; authorizing the clerk of the circuit court for
 6 Lee County to require the production of a government-
 7 issued photographic identification card before
 8 recording a deed or other instrument in specified
 9 circumstances and providing requirements therefor;
 10 providing requirements for the clerk, including
 11 submitting a certain report to the Governor and
 12 Legislature by a specified date; providing that the
 13 clerk is not required to allow access to a record or
 14 other information that is confidential and exempt;
 15 providing for prospective repeal; creating s. 28.47,
 16 F.S.; requiring the clerk to create, maintain, and
 17 operate an opt-in recording notification service;
 18 providing definitions; requiring the clerk to ensure
 19 that registration for such service is possible through
 20 an electronic registration portal; providing portal
 21 and notification requirements; providing immunity from
 22 liability for the clerk; providing construction;
 23 providing applicability for certain property
 24 appraisers; creating s. 65.091, F.S.; providing that
 25 an action may be brought under ch. 65, F.S., to quiet

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26 title after a fraudulent attempted conveyance;
 27 requiring the court to quiet title and award certain
 28 title and rights under certain circumstances;
 29 requiring the clerk to provide a simplified complaint
 30 form; creating s. 689.025, F.S.; requiring a quitclaim
 31 deed to be in a specified form; amending s. 695.26,
 32 F.S.; revising requirements for recording instruments
 33 affecting real property; providing effective dates.
 34

35 Be It Enacted by the Legislature of the State of Florida:
 36

37 Section 1. Section 28.2225, Florida Statutes, is created
 38 to read:

39 28.2225 Title fraud prevention through identity
 40 verification; pilot program.-There is created in Lee County the
 41 Title Fraud Prevention Through Identity Verification Pilot
 42 Program.

43 (1) As used in this section, the term "clerk" means the
 44 clerk of the circuit court for Lee County.

45 (2) Notwithstanding any other provision to the contrary in
 46 this chapter, when a deed or other instrument purporting to
 47 convey real property or an interest therein is presented to the
 48 clerk for recording, the clerk may require the person presenting
 49 the deed or other instrument to produce a government-issued
 50 photographic identification card as follows:

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51 (a) If a person presents a deed or other instrument
 52 purporting to convey real property or an interest therein to the
 53 clerk for recording in person, the clerk may require the person
 54 to produce a government-issued photographic identification card
 55 for inspection by the clerk before recording the deed or other
 56 instrument. The clerk must record the name and address of such
 57 person, as the information appears on the identification card,
 58 in a record to be kept by the clerk, along with the official
 59 records book and page number or instrument number of the deed or
 60 other instrument recorded in connection to the production of the
 61 identification card. Such a record may not be made available for
 62 viewing on the clerk's official public website but shall be made
 63 available for public inspection and copying as required by the
 64 public records laws of this state.

65 (b) If a person presents a deed or other instrument
 66 purporting to convey real property or an interest therein to the
 67 clerk for recording through an electronic recording service, the
 68 clerk may require the person to submit a photocopy of a
 69 government-issued photographic identification card before
 70 recording the deed or other instrument. The clerk must note on
 71 the photocopy of the identification card the official records
 72 book and page number or instrument number assigned to the deed
 73 or other instrument recorded in connection to the submission of
 74 the photocopy of the identification card and retain the
 75 photocopy of such identification card in a record to be kept by

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76 | the clerk. Such a record may not be made available for viewing
 77 | on the clerk's official public website but shall be made
 78 | available for public inspection and copying as required by the
 79 | public records laws of this state. However, a person who submits
 80 | a photocopy of his or her identification card under this
 81 | paragraph may redact from the photocopy of such identification
 82 | card before submission all of the information he or she does not
 83 | wish to be made public, except for his or her name, address, and
 84 | photograph.

85 |
 86 | The clerk may refuse to record a deed or other instrument
 87 | purporting to convey real property or an interest therein when
 88 | the clerk requires the production of a government-issued
 89 | photographic identification card as specified in this subsection
 90 | and the person presenting the deed or other instrument for
 91 | recording does not produce the requested identification card in
 92 | compliance with this subsection.

93 | (3) A clerk who participates in the pilot program must:

94 | (a) Provide notice of the government-issued photographic
 95 | identification card requirement on the clerk's official public
 96 | website.

97 | (b) Require the production of a government-issued
 98 | photographic identification card from all persons presenting a
 99 | deed or other qualifying instrument for recording, whether in
 100 | person or through an electronic recording service, until the

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101 clerk no longer participates in the pilot program and provides
 102 notice that the production of such an identification card is no
 103 longer required on the clerk's official public website.

104 (c) By December 31, 2025, submit a report containing the
 105 following information to the Governor, the President of the
 106 Senate, and the Speaker of the House of Representatives:

107 1. The number of persons who presented a deed or other
 108 qualifying instrument for recording:

109 a. In person.

110 b. Through an electronic recording service.

111 2. The types of identification cards produced in
 112 connection with the presentation of deeds or other qualifying
 113 instruments for recording, and the number of each type.

114 3. Feedback received from the community, if any, in
 115 response to the clerk's participation in the pilot program.

116 4. Whether the pilot program led to the identification of
 117 any persons suspected or accused of fraudulently conveying, or
 118 attempting to fraudulently convey, real property, and the
 119 outcome of any criminal charges or civil actions brought against
 120 such persons.

121 5. The clerk's recommendation as to whether the production
 122 of a government-issued photographic identification card in
 123 connection with the presentation of a deed or other instrument
 124 for recording is appropriate to require throughout this state.

125 6. Any other information the clerk deems necessary.

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126 (4) This section does not require the clerk to provide or
 127 allow access to a record or other information that is
 128 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 129 of the State Constitution or to otherwise violate the public
 130 records laws of this state.

131 (5) This section is repealed on July 1, 2025.

132 Section 2. Section 28.47, Florida Statutes, is created to
 133 read:

134 28.47 Recording notification service.—

135 (1) On or before July 1, 2024, each clerk of the circuit
 136 court must create, maintain, and operate a free recording
 137 notification service which is open to all persons wishing to
 138 register for the service. For purposes of this section, the
 139 term:

140 (a) "Land record" means a deed, mortgage, or other
 141 document purporting to convey or encumber real property.

142 (b) "Monitored identity" means a personal or business name
 143 or a parcel identification number submitted by a registrant for
 144 monitoring under a recording notification service.

145 (c) "Recording notification" means a notification sent by
 146 electronic mail indicating to a registrant that a land record
 147 associated with the registrant's monitored identity has been
 148 recorded in the public records of the county.

149 (d) "Recording notification service" means a service which
 150 sends automated recording notifications.

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151 (e) "Registrant" means a person who registers for a
 152 recording notification service.

153 (2) The clerk must ensure that registration for the
 154 recording notification service is possible through an electronic
 155 registration portal, which portal must:

156 (a) Be accessible through a direct link on the clerk's
 157 official public website;

158 (b) Allow a registrant to subscribe to receive recording
 159 notifications for at least five monitored identities per valid
 160 electronic mail address provided;

161 (c) Include a method by which a registrant may unsubscribe
 162 from the service;

163 (d) List a phone number at which the clerk's office may be
 164 contacted during normal business hours with questions related to
 165 the service; and

166 (e) Send an automated electronic mail message to a
 167 registrant confirming his or her successful registration for or
 168 action to unsubscribe from the service, which message must
 169 identify each monitored identity for which a subscription was
 170 received or canceled.

171 (3) When a land record is recorded for a monitored
 172 identity, a recording notification must be sent within 24 hours
 173 after the recording to each registrant who is subscribed to
 174 receive recording notifications for that monitored identity.
 175 Such notification must contain, at a minimum:

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- 176 (a) Information identifying the monitored identity for
 177 which the land record was filed;
- 178 (b) The land record's recording date;
- 179 (c) The official record book and page number or instrument
 180 number assigned to the land record by the clerk;
- 181 (d) Instructions for electronically searching for and
 182 viewing the land record using the assigned official record book
 183 and page number or instrument number; and
- 184 (e) A phone number at which the clerk's office may be
 185 contacted during normal business hours with questions related to
 186 the recording notification.
- 187 (4) There is no right or cause of action against, and no
 188 civil liability on the part of, the clerk with respect to the
 189 creation, maintenance, or operation of a recording notification
 190 service as required by this section.
- 191 (5) Nothing in this section may be construed to require
 192 the clerk to provide or allow access to a record or information
 193 which is confidential and exempt from s. 119.07(1) and s. 24(a),
 194 Art. I of the State Constitution or to otherwise violate the
 195 public records laws of this state.
- 196 (6) This section also applies to county property
 197 appraisers who have adopted an electronic land record
 198 notification service before July 1, 2023.
- 199 (a) The property appraiser may use a verification process
 200 for persons wishing to register for the electronic land record

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201 notification service to ensure integrity of the process.

202 (b) For purposes of this subsection only, and
 203 notwithstanding paragraph (1)(a) and subsection (3):

204 1. "Land record" means a deed or other document purporting
 205 to convey real property.

206 2. When a land record is recorded for a monitored
 207 identity, the property appraiser must send a recording
 208 notification to each registrant who is subscribed to receive
 209 recording notifications for that monitored identity within 24
 210 hours after the instrument being reflected on the county tax
 211 roll.

212 Section 3. Section 65.091, Florida Statutes, is created to
 213 read:

214 65.091 Quieting title; fraudulent conveyances.-

215 (1) An action to quiet title based on a fraudulent
 216 attempted conveyance allegation may be maintained under this
 217 chapter, and this remedy is cumulative to other existing
 218 remedies. A petitioner bringing an action to quiet title based
 219 on such allegations is entitled to summary procedure under s.
 220 51.011, and the court shall advance the cause on the calendar.

221 (2) In an action to quiet title, when the court determines
 222 that an attempt was made to fraudulently convey the land at
 223 issue away from a plaintiff who had legal title to the land
 224 before the conveyance, the court must quiet title in and award
 225 the plaintiff with the same title and rights to the land that

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226 | the plaintiff enjoyed before the attempted conveyance.

227 | (3) The clerk of the circuit court must provide a
 228 | simplified form for the filing of a complaint to quiet title
 229 | based on a fraudulent attempted conveyance allegation and
 230 | instructions for completing such form.

231 | Section 4. Section 689.025, Florida Statutes, is created
 232 | to read:

233 | 689.025 Form of quitclaim deed prescribed.-A quitclaim
 234 | deed of conveyance to real property or an interest therein must:

235 | (1) Be in substantially the following form:

236 |
 237 | This Quitclaim Deed, executed this (date) day of (month, year),
 238 | by first party, Grantor (name), whose post office address is
 239 | (address), to second party, Grantee (name), whose post office
 240 | address is (address).

241 |
 242 | Witnesseth, that the said first party, for the sum of \$(amount),
 243 | and other good and valuable consideration paid by the second
 244 | party, the receipt whereof is hereby acknowledged, does hereby
 245 | remise, release, and quitclaim unto the said second party
 246 | forever, all the right, title, interest, claim, and demand which
 247 | the said first party has in and to the following described
 248 | parcel of land, and all improvements and appurtenances thereto,
 249 | in (county), Florida:

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(Legal description)

(2) Include the legal description of the real property the instrument purports to convey, or in which the instrument purports to convey an interest, which description must be legibly printed, typewritten, or stamped thereon.

(3) Include a blank space for the parcel identification number assigned to the real property the instrument purports to convey, or in which the instrument purports to convey an interest, which number, if available, must be entered on the deed before it is presented for recording. The failure to include such blank space or the parcel identification number does not affect the validity of the conveyance or the recordability of the deed. Such parcel identification number is not a part of the legal description of the property otherwise set forth in the instrument and may not be used as a substitute for the legal description required by this section.

Section 5. Effective January 1, 2024, paragraph (c) of subsection (1) of section 695.26, Florida Statutes, is amended to read:

695.26 Requirements for recording instruments affecting real property.—

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the

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276 circuit court unless:

277 (c) The name of each witness to the instrument is legibly
278 printed, typewritten, or stamped upon such instrument
279 immediately beneath the signature of such witness and the post
280 office address of each such person is legibly printed,
281 typewritten, or stamped upon such instrument;

282 Section 6. Except as otherwise expressly provided in this
283 act, this act shall take effect July 1, 2023.