



123268

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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The Committee on Judiciary (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 28.47, Florida Statutes, is created to  
read:

28.47 Recording notification service.-

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



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12 term:

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

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

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

22 (d) "Recording notification service" means a service which  
23 sends automated recording notifications.

24 (e) "Registrant" means a person who registers for a  
25 recording notification service.

26 (2) The clerk must ensure that registration for the  
27 recording notification service is possible through an electronic  
28 registration portal, which portal must:

29 (a) Be accessible through a direct link on the home page of  
30 the clerk's official public website;

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

34 (c) Include a method by which a registrant may unsubscribe  
35 from the service;

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

39 (e) Send an automated electronic mail message to a  
40 registrant confirming his or her successful registration for or



41 action to unsubscribe from the service, which message must  
42 identify each monitored identity for which a subscription was  
43 received or canceled.

44 (3) When a land record is recorded for a monitored  
45 identity, a recording notification must be sent within 24 hours  
46 after the recording to each registrant who is subscribed to  
47 receive recording notifications for that monitored identity.

48 Such notification must contain, at a minimum:

49 (a) Information identifying the monitored identity for  
50 which the land record was filed;

51 (b) The land record's recording date;

52 (c) The official record book and page number or instrument  
53 number assigned to the land record by the clerk;

54 (d) Instructions for electronically searching for and  
55 viewing the land record using the assigned official record book  
56 and page number or instrument number; and

57 (e) A phone number at which the clerk's office may be  
58 contacted during normal business hours with questions related to  
59 the recording notification.

60 (4) There is no right or cause of action against, and no  
61 civil liability on the part of, the clerk with respect to the  
62 creation, maintenance, or operation of a recording notification  
63 service as required by this section.

64 (5) Nothing in this section may be construed to require the  
65 clerk to provide or allow access to a record or information  
66 which is confidential and exempt from s. 119.07(1) and s. 24(a),  
67 Art. I of the State Constitution or to otherwise violate the  
68 public records laws of this state.

69 (6) This section shall also apply to county property



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70 appraisers that adopt an electronic land record notification  
71 service.

72 (a) The property appraiser may adopt a verification process  
73 for persons wishing to register for the electronic land records  
74 notification service to ensure integrity of the process.

75 (b) For purposes of this subsection only, and  
76 notwithstanding the provisions in paragraph (1) (a) and  
77 subsection (3):

78 (i) "Land record" means a deed or other document,  
79 purporting to convey real property.

80 (ii) When a land record is recorded for a monitored  
81 identity, a recording notification must be sent to each  
82 registrant who is subscribed to receive recording notifications  
83 for that monitored identity within 24 hours of the instrument  
84 being reflected on the county tax roll by the property  
85 appraiser.

86 Section 2. Section 65.091, Florida Statutes, is created to  
87 read:

88 65.091 Quieting title; fraudulent conveyances.-

89 (1) An action to quiet title based on a fraudulent  
90 attempted conveyance allegation may be maintained under this  
91 chapter, and this remedy is cumulative to other existing  
92 remedies. A petitioner bringing an action to quiet title based  
93 on such allegations is entitled to summary procedure under s.  
94 51.011, and the court shall advance the cause on the calendar.

95 (2) In an action to quiet title, when the court determines  
96 that an attempt was made to fraudulently convey the land at  
97 issue away from a plaintiff who had legal title to the land  
98 before the conveyance, the court must quiet title in and award



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99 the plaintiff with the same title and rights to the land that  
100 the plaintiff enjoyed before the attempted conveyance.

101 (3) The clerk of the circuit court must provide a  
102 simplified form for the filing of a complaint to quiet title  
103 based on a fraudulent attempted conveyance allegation and  
104 instructions for completing such form.

105 Section 3. Section 475.5025, Florida Statutes, is created  
106 to read:

107 475.5025 Fraud prevention notice on listing.-

108 (1) (a) To help prevent real estate fraud and identity  
109 theft, within 5 business days after entering into a brokerage  
110 relationship with the potential seller of property, the real  
111 estate licensee must cause a notice to be sent by first-class  
112 mail to the potential seller at the mailing address of the owner  
113 shown in the online records of the tax collector. Such notice  
114 must be in substantially the following form:

115  
116 (Brokerage letterhead)

117  
118 To help prevent real estate fraud and identity theft, the State  
119 of Florida requires us to notify you that (name of real estate  
120 broker) has been engaged by (potential seller) to market and  
121 sell the property at (address, city, and state). If you believe  
122 this is in error, please notify us immediately at (phone number  
123 and e-mail).

124  
125 The notice may include a letter thanking the potential seller  
126 for the listing and such other additional information as the  
127 licensee may deem appropriate.



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128       (b) When the records of the tax collector show a different  
129 owner of the property in the preceding year's tax bill, the real  
130 estate licensee must, within 5 business days after entering into  
131 a brokerage relationship with the potential seller of property,  
132 additionally cause a notice to be sent by first-class mail to  
133 the prior owner at the mailing address of the prior owner shown  
134 in the online records of the tax collector. Such notice must be  
135 in substantially the following form:

136  
137 (Brokerage letterhead)

138  
139 To help prevent real estate fraud and identity theft, the State  
140 of Florida requires us to notify you that (name of real estate  
141 broker) has been engaged by (potential seller) to market and  
142 sell the property you formerly owned at (address, city, and  
143 state). If you believe this is in error, or still claim an  
144 interest in this property, please notify us immediately at  
145 (phone number and e-mail).

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147       (2) (a) Failure to comply with this section does not impair  
148 the validity or enforceability of any listing agreement,  
149 purchase and sale agreement, deed, mortgage, or other instrument  
150 or agreement made or delivered in connection with a real estate  
151 sale transaction.

152       (b) A real estate licensee has no liability to the actual  
153 or claimed owner of a property or a putative purchaser thereof  
154 solely because of his or her failure to comply with this  
155 section. However, any such noncompliance may be introduced as  
156 evidence to establish violations of this chapter or as an



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157 indication of possible fraud, forgery, impersonation, duress,  
158 incapacity, undue influence, illegality, or unconscionability,  
159 or for other evidentiary purposes.

160 (c) The failure of the actual property owner to respond to  
161 the mailing does not preclude or limit the ability of such owner  
162 to establish possible fraud, forgery, impersonation, duress,  
163 incapacity, undue influence, minority, illegality, or  
164 unconscionability, or any other challenges or defenses to any  
165 real estate transaction, or to limit such owner's remedy in any  
166 quiet title or declaratory judgment action.

167 Section 4. Subsection (3) is added to section 626.8411,  
168 Florida Statutes, to read:

169 626.8411 Application of Florida Insurance Code provisions  
170 to title insurance agents or agencies.-

171 (3) Section 627.799 applies to title insurance agents and  
172 agencies and to title insurers only to the extent any of the  
173 foregoing are actually engaged in providing closing services for  
174 a particular transaction.

175 Section 5. Section 627.799, Florida Statutes, is created to  
176 read:

177 627.799 Fraud prevention notice upon opening order.-

178 (1) (a) To help prevent real estate fraud and identity  
179 theft, within 5 business days after opening an order to ensure a  
180 sale of real property or refinance of a mortgage encumbering  
181 real property, the party scheduled to provide closing services  
182 must cause a notice to be sent by first-class mail to the seller  
183 or borrower at the mailing address of the owner shown in the  
184 online records of the tax collector. Such notice must be in  
185 substantially the following form:



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(Letterhead of closing service provider)

To help prevent real estate fraud and identity theft, the State of Florida requires us to notify you that (name of closing service provider) has been engaged to (handle the sale of (coordinate the closing of a mortgage in favor of (name of lender) secured by) the property located at (address, city, and state). If you believe this is in error, please notify us immediately at (phone number and e-mail).

The mailing may include a letter thanking the seller or borrower for selecting the sender and such other additional information as the sender may deem appropriate.

(b) When the records of the tax collector show a different owner of the property in the preceding year's tax bill, the party to provide closing services must, within 5 business days after opening an order to ensure a sale of real property or refinance of a mortgage encumbering real property, additionally cause a notice to be mailed by first-class mail to the prior owner at the mailing address of the prior owner shown in the online records of the tax collector, which notice must be in substantially the following form:

(Letterhead of closing service provider)

To help prevent real estate fraud and identity theft, the State of Florida requires us to notify you that (name of closing service provider) has been engaged to (handle the sale of





215 property) (coordinate the closing of a mortgage against  
216 property) you formerly owned at (address, city, and state). If  
217 you believe this is in error, or still claim an interest in this  
218 property, please notify us immediately at (phone number and e-  
219 mail).

220  
221 (c) Separate notice is not required to a borrower who is  
222 acquiring the property and placing the mortgage in the same  
223 closing.

224 (2) (a) Failure to comply with this section does not impair  
225 the validity or enforceability of any escrow instructions,  
226 purchase and sale agreement, deed, mortgage, or other instrument  
227 or agreement made or delivered in connection with a real estate  
228 transaction.

229 (b) The closing service provider does not have any  
230 liability to the actual or claimed owner of a property or a  
231 putative purchaser thereof solely because of the failure to  
232 comply with this section. However, any noncompliance may be  
233 introduced as evidence to establish violations of this chapter  
234 or as an indication of possible fraud, forgery, impersonation,  
235 duress, incapacity, undue influence, illegality, or  
236 unconscionability, or for other evidentiary purposes.

237 (c) The failure of the actual property owner to respond to  
238 the mailing does not preclude or limit the ability of such owner  
239 to establish possible fraud, forgery, impersonation, duress,  
240 incapacity, undue influence, minority, illegality, or  
241 unconscionability or any other challenges or defenses to any  
242 real estate transaction, or to limit such owner's remedy in any  
243 quiet title or declaratory judgment action.



244 (d) This section does not alter or limit the obligations of  
245 the title insurer under any title insurance policy issued in  
246 connection with a real estate transaction.

247 Section 6. Section 689.025, Florida Statutes, is created to  
248 read:

249 689.025 Form of quitclaim deed prescribed.-A quitclaim deed  
250 of conveyance to real property or an interest therein must:

251 (1) Be in substantially the following form:

252  
253 This Quitclaim Deed, executed this (date) day of (month, year),  
254 by first party, Grantor (name), whose post-office address is  
255 (address), to second party, Grantee (name), whose post-office  
256 address is (address).

257  
258 Witnesseth, that the said first party, for the sum of \$(amount),  
259 and other good and valuable consideration paid by the second  
260 party, the receipt whereof is hereby acknowledged, does hereby  
261 remise, release, and quitclaim unto the said second party  
262 forever, all the right, title, interest, claim, and demand which  
263 the said first party has in and to the following described  
264 parcel of land, and all improvements and appurtenances thereto,  
265 in (county), Florida:

266  
267 (Legal description)

268  
269 (2) Include the legal description of the real property the  
270 instrument purports to convey, or in which the instrument  
271 purports to convey an interest, which description must be  
272 legibly printed, typewritten, or stamped thereon.



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

284       Section 7. Paragraph (c) of subsection (1) of section  
285 695.26, Florida Statutes, is amended to read:

286       695.26 Requirements for recording instruments affecting  
287 real property.—

288       (1) No instrument by which the title to real property or  
289 any interest therein is conveyed, assigned, encumbered, or  
290 otherwise disposed of shall be recorded by the clerk of the  
291 circuit court unless:

292       (c) The name of each witness to the instrument is legibly  
293 printed, typewritten, or stamped upon such instrument  
294 immediately beneath the signature of such witness and the post-  
295 office address of each such person is legibly printed,  
296 typewritten, or stamped upon such instrument;

297 Section 8. This act shall take effect July 1, 2023.

298  
299 ===== T I T L E   A M E N D M E N T =====

300 And the title is amended as follows:

301       Delete everything before the enacting clause



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302 and insert:

303                   A bill to be entitled  
304           An act relating to real property fraud; creating s.  
305           28.47, F.S.; requiring the clerk of the circuit court  
306           to create, maintain, and operate an opt-in recording  
307           notification service; providing definitions; requiring  
308           such clerk to ensure that registration for such  
309           service is possible through an electronic registration  
310           portal; specifying portal and notification  
311           requirements; providing immunity from liability for  
312           the clerk; providing construction; providing for  
313           applicability of the section to property appraisers;  
314           creating s. 65.091, F.S.; clarifying that an action  
315           may be brought under ch. 65, F.S., to quiet title  
316           after a fraudulent attempted conveyance; requiring the  
317           court to quiet title and award certain title and  
318           rights under certain circumstances; directing the  
319           clerk of the circuit court to provide a simplified  
320           complaint form; creating s. 475.5025, F.S.; requiring  
321           a real estate licensee to send a fraud prevention  
322           notice under specified circumstances; providing form  
323           language for such notice; providing for applicability;  
324           limiting the liability of a real estate licensee for  
325           noncompliance but providing that such noncompliance  
326           may be introduced as evidence for certain violations;  
327           providing that the failure of a property owner to  
328           respond to the notice does not preclude or limit the  
329           ability to establish certain challenges or defenses or  
330           limit his or her remedy in any quiet title or



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331 declaratory judgment action; amending s. 626.8411,  
332 F.S.; providing for applicability relating to title  
333 insurance agents and agencies and title insurers;  
334 creating s. 627.799, F.S.; requiring parties providing  
335 real estate transaction closing services to send a  
336 fraud prevention notice under specified circumstances;  
337 providing form language for such notice; providing for  
338 applicability; limiting a closing service provider's  
339 liability for noncompliance but permitting such  
340 noncompliance to be introduced as evidence establish  
341 certain violations; providing that the failure of a  
342 property owner to respond to the notice does not  
343 preclude or limit the ability to establish certain  
344 challenges or defenses or limit his or her remedy in  
345 any quiet title or declaratory judgment action;  
346 providing applicability relating to the title  
347 insurer's obligations; creating s. 689.025, F.S.;  
348 prescribing the form for a quitclaim deed; amending s.  
349 695.26, F.S.; revising the requirements for recording  
350 instruments affecting real property; providing an  
351 effective date.