

By Senator Bradley

6-01863B-23

20231436\_\_

1                   A bill to be entitled  
2       An act relating to real property fraud; creating s.  
3       28.51, F.S.; requiring the clerk of the circuit court  
4       to create, maintain, and operate a specified recording  
5       notification service; defining terms; requiring the  
6       clerk to ensure that registration for such service is  
7       possible through an electronic registration portal;  
8       providing requirements for such portal; requiring that  
9       certain recording notifications be sent to certain  
10      registrants within a specified timeframe; providing  
11      limitations on liability; providing construction;  
12      creating s. 65.091, F.S.; authorizing an action to  
13      quiet title based on a fraudulent attempted conveyance  
14      allegation to be maintained under ch. 65, F.S.;

15      specifying that a petitioner bringing such action is  
16      entitled to summary procedure; providing requirements  
17      for the court relating to such actions; requiring the  
18      clerk of the circuit court to provide a simplified  
19      form for a certain purpose and instructions for  
20      completing the form; creating s. 475.5025, F.S.;

21      requiring real estate licensees to send, or cause to  
22      be sent, copies of signed listing agreements and  
23      specified notices to certain persons; specifying that  
24      the failure to send such agreements or notices does  
25      not impair the validity or enforceability of certain  
26      documents and agreements; specifying that real estate  
27      licensees do not have liability to certain persons for  
28      failing to send such agreement or notices; authorizing  
29      such failures to be used for certain evidentiary

6-01863B-23

20231436\_\_

30 purposes; specifying that an actual owner's failure to  
31 reply to certain mailings does not preclude or limit  
32 the ability of an owner to take certain actions or  
33 limit certain remedies; amending s. 626.8411, F.S.;  
34 providing for the applicability of s. 627.799, F.S.,  
35 to title insurance agents and agencies and title  
36 insurers; creating s. 627.799, F.S.; requiring parties  
37 scheduled to provide real estate transaction closing  
38 services to send, or cause to be sent, specified  
39 notices to certain persons within a specified  
40 timeframe; specifying that the failure to send such  
41 notices does not impair the validity or enforceability  
42 of certain documents and agreements; specifying that  
43 scheduled closing service providers do not have  
44 liability to certain persons for failing to send such  
45 notices; authorizing such failures to be used for  
46 certain evidentiary purposes; specifying that an  
47 actual owner's failure to reply to certain mailings  
48 does not preclude or limit the ability of an owner to  
49 take certain actions or limit certain remedies;  
50 providing construction; creating s. 689.025, F.S.;  
51 providing a form and requirements for quitclaim deeds;  
52 amending s. 695.26, F.S.; revising requirements for  
53 recording instruments affecting real property;  
54 providing an effective date.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. Section 28.51, Florida Statutes, is created to

6-01863B-23

20231436\_\_

59 read:

60 28.51 Recording notification service.—The clerk of the  
61 circuit court must create, maintain, and operate a free  
62 recording notification service which is open to all persons  
63 wishing to register for the service.

64 (1) For the purposes of this section, the term:

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

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

70 (c) "Recording notification" means a notification sent by  
71 e-mail indicating to a registrant that a land record associated  
72 with the registrant's monitored identity has been recorded in  
73 the public records of a county.

74 (d) "Recording notification service" means a service which  
75 sends automated recording notifications.

76 (e) "Registrant" means a person who registers for a  
77 recording notification service.

78 (2) The clerk must ensure that registration for the  
79 recording notification service is possible through an electronic  
80 registration portal, which portal must:

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

83 (b) Allow a registrant to subscribe to receive recording  
84 notifications for at least five monitored identities per valid  
85 e-mail address provided;

86 (c) Include a method by which a registrant may unsubscribe  
87 from the service;

6-01863B-23

20231436\_\_

88 (d) List a phone number at which the clerk's office may be  
89 reached for questions related to the service during normal  
90 business hours; and

91 (e) Send an automated e-mail message to a registrant  
92 confirming his or her successful registration for or action to  
93 unsubscribe from the service, which message must identify each  
94 monitored identity for which a subscription was received or  
95 canceled.

96 (3) When a land record is recorded for a monitored  
97 identity, a recording notification must be sent within 24 hours  
98 of the recording to each registrant who is subscribed to receive  
99 recording notifications for that monitored identity. Such  
100 notification must contain, at a minimum:

101 (a) Information identifying the monitored identity for  
102 which the land record was filed;

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

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

106 (d) Instructions for electronically searching for and  
107 viewing the land record using the assigned official record book  
108 and page number or instrument number; and

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

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

116 (5) This section may not be construed to require the clerk

6-01863B-23

20231436\_\_

117 to provide or allow access to a record or information which is  
118 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
119 of the State Constitution or to otherwise violate the public  
120 records laws of this state.

121 Section 2. Section 65.091, Florida Statutes, is created to  
122 read:

123 65.091 Quieting title; fraudulent conveyances.-

124 (1) An action to quiet title based on a fraudulent  
125 attempted conveyance allegation may be maintained under this  
126 chapter, and this remedy is cumulative to other existing  
127 remedies. A petitioner bringing an action to quiet title based  
128 on such allegations is entitled to summary procedure under s.  
129 51.011, and the court shall advance the cause on the calendar.

130 (2) In an action to quiet title where the court determines  
131 that an attempt was made to fraudulently convey the land at  
132 issue away from a plaintiff who had legal title to the land  
133 before the conveyance, the court must quiet title in and award  
134 the plaintiff with the same title and rights to the land that  
135 the plaintiff enjoyed before the attempted conveyance.

136 (3) The clerk of the circuit court must provide a  
137 simplified form for the filing of a complaint to quiet title  
138 based on a fraudulent attempted conveyance allegation and  
139 instructions for completion of such form.

140 Section 3. Section 475.5025, Florida Statutes, is created  
141 to read:

142 475.5025 Fraud prevention notice on listing.-

143 (1) (a) To help prevent real estate fraud and identity  
144 theft, within 5 business days after entering into a brokerage  
145 relationship with the potential seller of property, a real

6-01863B-23

20231436\_\_

146 estate licensee must send, or cause to be sent, a copy of the  
147 signed listing agreement by first-class mail to the potential  
148 seller at the mailing address of the owner of the property shown  
149 in the online records of the tax collector. The mailing may  
150 include a letter thanking the potential seller for the listing  
151 and other additional information as the licensee may deem  
152 appropriate.

153 (b) If the tax collector's records show a different owner  
154 of the property in the preceding year's tax bill, the real  
155 estate licensee must, within 5 business days after entering into  
156 a brokerage relationship with the potential seller of property,  
157 send, or cause to be sent, an additional notice by first-class  
158 mail to the prior owner at the mailing address of the prior  
159 owner shown in the online records of the tax collector. Such  
160 notice must be substantially in the following form:

161 ... (Brokerage Letterhead) ...  
162 To help prevent real estate fraud and identity theft,  
163 the State of Florida requires us to notify you that  
164 ... (Name of Real Estate Brokerage) ... has been engaged  
165 by ... (Potential Seller) ... to market and sell the  
166 property you formerly owned at ... (Address and City,  
167 State).... If you believe this is in error, or you  
168 still claim an interest in this property, please  
169 notify us immediately at ... (Phone Number and E-  
170 mail)....

171  
172  
173 (2) (a) Failure to comply with this section does not impair  
174 the validity or enforceability of any listing agreement,

6-01863B-23

20231436\_\_

175 purchase and sale agreement, deed, mortgage, or other instrument  
176 or agreement made or delivered in connection with a real estate  
177 sale transaction.

178 (b) A real estate licensee does not have any liability to  
179 the actual or claimed owner of a property or a putative  
180 purchaser thereof solely because of his or her failure to comply  
181 with this section. However, any such noncompliance may be  
182 introduced as evidence to establish violations of this chapter;  
183 as an indication of possible fraud, forgery, impersonation,  
184 duress, incapacity, undue influence, illegality, or  
185 unconscionability; or for other evidentiary purposes.

186 (c) The failure of the actual owner of a property to  
187 respond to the mailing does not preclude or limit the ability of  
188 such owner to establish possible fraud, forgery, impersonation,  
189 duress, incapacity, undue influence, minority, illegality, or  
190 unconscionability, or any other challenges or defenses to any  
191 real estate transaction, or to limit such owner's remedy in any  
192 quiet title or declaratory judgment action.

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

195 626.8411 Application of Florida Insurance Code provisions  
196 to title insurance agents or agencies.—

197 (3) Section 627.799 applies to title insurance agents and  
198 agencies and to title insurers only to the extent any of the  
199 foregoing are actually engaged in providing closing services for  
200 a particular transaction.

201 Section 5. Section 627.799, Florida Statutes, is created to  
202 read:

203 627.799 Fraud prevention notice upon opening order.—

6-01863B-23

20231436\_\_

204       (1) (a) To help prevent real estate fraud and identity  
205 theft, within 5 business days after opening an order to ensure a  
206 sale of real property or refinance of a mortgage encumbering  
207 real property, the party scheduled to provide closing services  
208 must send, or cause to be sent, a notice by first-class mail to  
209 the seller or borrower at the mailing address of the owner shown  
210 in the online records of the tax collector. Such notice must be  
211 in substantially the following form:

212  
213       ...(Letterhead of Closing Service Provider)...  
214 To help prevent real estate fraud and identity theft,  
215 the State of Florida requires us to notify you that  
216 ...(Name of Closing Service Provider)... has been  
217 engaged to handle the sale of, or coordinate the  
218 closing of a mortgage in favor of ...(Name of  
219 Lender)... secured by, the property located at  
220 ...(Address and City, State).... If you believe this  
221 is in error, please notify us immediately at ...(Phone  
222 Number and E-mail)....

223  
224 The mailing may include a letter thanking the seller or borrower  
225 for selecting the sender and such other additional information  
226 as the sender may deem appropriate.

227       (b) When the records of the tax collector show a different  
228 owner of the property in the preceding year's tax bill, the  
229 party scheduled to provide closing services must, within 5  
230 business days after opening an order to ensure a sale of real  
231 property or refinance of a mortgage encumbering real property,  
232 send, or cause to be sent, an additional notice by first-class



6-01863B-23

20231436\_\_

233 mail to the prior owner at the mailing address of the prior  
234 owner shown in the online records of the tax collector. Such  
235 notice must be in substantially the following form:

236  
237 ...(Letterhead of Closing Service Provider)...  
238 In order to help prevent real estate fraud and  
239 identity theft, the State of Florida requires us to  
240 notify you that ...(Name of Closing Service  
241 Provider)... has been engaged to handle the sale of,  
242 or coordinate the closing of a mortgage against, the  
243 property you formerly owned at ...(Address and City,  
244 State).... If you believe this is in error, or you  
245 still claim an interest in this property, please  
246 notify us immediately at ...(Phone Number and E-  
247 mail)....

248  
249 (c) A separate notice is not required to a borrower who is  
250 acquiring the property and placing the mortgage in the same  
251 closing.

252 (2) (a) A failure to comply with this section does not  
253 impair the validity or enforceability of any escrow  
254 instructions, purchase and sale agreement, deed, mortgage, or  
255 other instrument or agreement made or delivered in connection  
256 with a real estate transaction.

257 (b) The closing service provider does not have any  
258 liability to the actual or claimed owner of a property or a  
259 putative purchaser thereof solely because of the failure to  
260 comply with this section. However, any noncompliance may be  
261 introduced as evidence to establish violations of this chapter;

6-01863B-23

20231436\_\_

262 as an indication of possible fraud, forgery, impersonation,  
263 duress, incapacity, undue influence, illegality, or  
264 unconscionability; or for other evidentiary purposes.

265 (c) The failure of the actual owner of a property to  
266 respond to the mailing does not preclude or limit the ability of  
267 such owner to establish possible fraud, forgery, impersonation,  
268 duress, incapacity, undue influence, minority, illegality, or  
269 unconscionability or any other challenges or defenses to any  
270 real estate transaction, or to limit such owner's remedy in any  
271 quiet title or declaratory judgment action.

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

275 Section 6. Section 689.025, Florida Statutes, is created to  
276 read:

277 689.025 Form of quitclaim deed prescribed.—A quitclaim deed  
278 of conveyance to real property or an interest therein must:

279 (1) Be in substantially the following form:

280  
281 This Quitclaim Deed, executed this .... day of  
282 ...(Month, Year)..., by first party, Grantor  
283 ...(Name)..., whose post-office address is  
284 ...(Address)..., to second party, Grantee  
285 ...(Name)..., whose post-office address is  
286 ...(Address)... witnesseth:

287  
288 That the said first party, for the sum of \$...., and  
289 other good and valuable consideration paid by the  
290 second party, the receipt whereof is hereby

6-01863B-23

20231436\_\_

291 acknowledged, does hereby remise, release, and  
 292 quitclaim unto the said second party forever, all the  
 293 right, title, interest, claim, and demand which the  
 294 said first party has in and to the following described  
 295 parcel of land, and all improvements and appurtenances  
 296 thereto, in ...(County)..., Florida, to wit: ...(legal  
 297 description)....  
 298

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

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

314 Section 7. Subsection (1) of section 695.26, Florida  
 315 Statutes, is amended to read:

316 695.26 Requirements for recording instruments affecting  
 317 real property.—

318 (1) No instrument by which the title to real property or  
 319 any interest therein is conveyed, assigned, encumbered, or

6-01863B-23

20231436\_\_

320 otherwise disposed of shall be recorded by the clerk of the  
321 circuit court unless:

322 (a) The name of each person who executed such instrument is  
323 legibly printed, typewritten, or stamped upon such instrument  
324 immediately beneath the signature of such person and the post-  
325 office address of each such person is legibly printed,  
326 typewritten, or stamped upon such instrument;

327 (b) The name and post-office address of the natural person  
328 who prepared the instrument or under whose supervision it was  
329 prepared are legibly printed, typewritten, or stamped upon such  
330 instrument;

331 (c) The name of each witness to the instrument is legibly  
332 printed, typewritten, or stamped upon such instrument  
333 immediately beneath the signature of such witness and the post-  
334 office address of each such person is legibly printed,  
335 typewritten, or stamped upon such instrument;

336 (d) The name of any notary public or other officer  
337 authorized to take acknowledgments or proofs whose signature  
338 appears upon the instrument is legibly printed, typewritten, or  
339 stamped upon such instrument immediately beneath the signature  
340 of such notary public or other officer authorized to take  
341 acknowledgment or proofs;

342 (e) A 3-inch by 3-inch space at the top right-hand corner  
343 on the first page and a 1-inch by 3-inch space at the top right-  
344 hand corner on each subsequent page are reserved for use by the  
345 clerk of the court; and

346 (f) In any instrument other than a mortgage conveying or  
347 purporting to convey any interest in real property, the name and  
348 post-office address of each grantee in such instrument are

6-01863B-23

20231436\_\_

349 legibly printed, typewritten, or stamped upon such instrument.

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