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A bill to be entitled
An act relating to the protection of specified persons against the fraudulent and exploitative conveyance of property interests; amending s. 415.1034, F.S.; revising the list of persons who must report abuse, neglect, or exploitation of vulnerable adults to include the clerk of the court; creating s. 415.1104, F.S.; providing definitions; requiring that any quitclaim deed purporting to convey real property or an interest therein from a specified adult be executed in the presence of a specified number of subscribing witnesses; prohibiting the recording of such deeds with the clerk until after a specified cooling-off period has elapsed; authorizing a specified adult to designate a certain person through a power of attorney recorded with the clerk; requiring the clerk to contact the person designated in the power of attorney before the cooling-off period elapses; authorizing such person to object in writing to the quitclaim deed being recorded; requiring the clerk to notify specified persons of their right to file a rescission of the quitclaim deed; requiring the clerk to provide instructions on how to file such rescission; requiring the clerk to enroll the specified adult in the statewide Property Alert Service if an objection is

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made; requiring the clerk to conduct a preliminary investigation and provide notification on the status of the investigation; requiring the clerk to refer an objection to a not-for-profit legal aid organization if further investigation is needed; authorizing the not-for-profit legal aid organization to request additional time to investigate the matter; prohibiting the clerk from recording the quitclaim deed until after the not-for-profit legal aid organization has concluded the quitclaim deed was not obtained through fraudulent or exploitative means; requiring the clerk to record the quitclaim deed if no fraud or exploitation of a specified adult is suspected; requiring a clerk or not-for-profit legal aid organization that suspects a quitclaim deed was obtained through fraudulent or exploitative means to refer the matter to the state attorney for further investigation and prosecution; requiring the clerks, by a specified date, to provide in their offices certain materials written in plain language; reenacting s. 415.1105(2), F.S., relating to training programs, to incorporate the amendment made to s. 415.1034, F.S., in a reference thereto; providing an effective date.

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51 Be It Enacted by the Legislature of the State of Florida:

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53 **Section 1. Paragraph (a) of subsection (1) of section**
54 **415.1034, Florida Statutes, is amended to read:**

55 415.1034 Mandatory reporting of abuse, neglect, or
56 exploitation of vulnerable adults; mandatory reports of death.—

57 (1) MANDATORY REPORTING.—

58 (a) A ~~Any~~ person, including, but not limited to, a ~~any~~:

59 1. Physician, osteopathic physician, medical examiner,
60 chiropractic physician, nurse, paramedic, emergency medical
61 technician, or hospital personnel engaged in the admission,
62 examination, care, or treatment of vulnerable adults;

63 2. Health professional or mental health professional other
64 than one listed in subparagraph 1.;

65 3. Practitioner who relies solely on spiritual means for
66 healing;

67 4. Nursing home staff; assisted living facility staff;
68 adult day care center staff; adult family-care home staff;
69 social worker; or other professional adult care, residential, or
70 institutional staff;

71 5. State, county, or municipal criminal justice employee
72 or law enforcement officer;

73 6. Employee of the Department of Business and Professional
74 Regulation conducting inspections of public lodging
75 establishments under s. 509.032;

76 7. Florida advocacy council or Disability Rights Florida
77 member or a representative of the State Long-Term Care Ombudsman
78 Program;

79 8. Bank, savings and loan, or credit union officer,
80 trustee, or employee; ~~or~~

81 9. Dealer, investment adviser, or associated person under
82 chapter 517; or

83 10. Clerk of the court,

84
85 who knows, or has reasonable cause to suspect, that a vulnerable
86 adult has been or is being abused, neglected, or exploited must
87 immediately report such knowledge or suspicion to the central
88 abuse hotline.

89 **Section 2. Section 415.1104, Florida Statutes, is created**
90 **to read:**

91 415.1104 Title fraud prevention for specified adults.—

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

93 (a) "Clerk" means any of the clerks of the circuit courts
94 of this state.

95 (b) "Not-for-profit legal aid organization" means a not-
96 for-profit organization operated in this state which provides as
97 its primary purpose civil legal services without charge to
98 eligible clients in its judicial circuit.

99 (c) "Quitclaim deed" means a legal document used to
100 transfer a person's property interest to another party without

101 any guarantees regarding the validity of the title. A quitclaim
102 deed does not make any warranties or guarantees regarding the
103 property's ownership history and simply transfers any ownership
104 interest the seller may have to the buyer.

105 (d) "Specified adult" means a natural person 65 years of
106 age or older or a vulnerable adult as defined in s. 415.102.

107 (e) "Subscribing witness" means a natural person who
108 physically witnesses the signing of a deed or other instrument
109 purporting to convey real property or an interest therein and
110 who meets all of the following requirements:

- 111 1. Is 18 years of age or older.
- 112 2. Is of sound mind.
- 113 3. Is not a party to the conveyance.
- 114 4. Has no financial interest in the conveyance.

115 (2) Any quitclaim deed purporting to convey real property
116 or an interest therein from a specified adult must be executed
117 in the presence of two subscribing witnesses.

118 (3) Any quitclaim deed described in subsection (2) which
119 is presented to the clerk may not be recorded until a 72-hour
120 cooling-off period has elapsed after the quitclaim deed is
121 presented to the clerk for recording.

122 (4) (a) A specified adult may designate a person who may be
123 contacted about any quitclaim deed purporting to convey real
124 property or an interest therein through a power of attorney to
125 be recorded with the clerk's office.

126 (b) The clerk shall contact the person designated in the
127 power of attorney before the 72-hour cooling-off period elapses.

128 (c) The person designated in the power of attorney may
129 object to the quitclaim deed described in subsection (2) being
130 recorded. An objection made by such person must be in writing.

131 (d) After an objection from the person designated in the
132 power of attorney is made, the clerk's office must notify both
133 the person who made the objection and the specified adult of
134 their right to file a rescission of the quitclaim deed. The
135 clerk shall provide the specified adult and person designated in
136 the power of attorney with instructions on how to file the
137 rescission.

138 (e) Once an objection is made in writing to the clerk's
139 office, the clerk must automatically enroll the specified adult
140 in the statewide Property Alert Service. The clerk's office must
141 perform a preliminary investigation to determine whether the
142 quitclaim deed was fraudulently conveyed. During this time, the
143 clerk must notify the person designated in the power of attorney
144 and the specified adult of the status of the investigation.

145 (f) If further investigation into fraudulent activity is
146 needed after the clerk's preliminary investigation, the case
147 must be referred to a not-for-profit legal aid organization.

148 (g) The not-for-profit legal aid organization may request
149 additional time to investigate the matter. The clerk may not
150 record the quitclaim deed described in subsection (2) until the

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151 not-for-profit legal aid organization makes a finding that the
152 quitclaim deed was not obtained through fraudulent or
153 exploitative means.

154 (5) If there is no suspicion that the quitclaim deed has
155 been obtained through fraudulent or exploitative means, the
156 clerk must record the quitclaim deed described in subsection
157 (2).

158 (6) Notwithstanding the cooling-off period described in
159 subsection (3), if the clerk or the not-for-profit legal aid
160 organization suspects the quitclaim deed described in subsection
161 (2) was obtained through fraudulent or exploitative means, the
162 clerk or not-for-profit legal aid organization must refer the
163 matter to the state attorney for further investigation and
164 prosecution.

165 (7) By October 1, 2027, the clerks shall provide materials
166 in their respective offices which contain information written in
167 plain language on the risks of conveying real property or an
168 interest therein to another person, with an emphasis on
169 protecting specified adults against fraud and exploitation.

170 **Section 3. For the purpose of incorporating the amendment**
171 **made by this act to section 415.1034, Florida Statutes, in a**
172 **reference thereto, subsection (2) of section 415.1105, Florida**
173 **Statutes, is reenacted to read:**

174 415.1105 Training programs.—

175 (2) Within available resources, the department shall

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176 cooperate with other appropriate agencies in developing and
177 providing preservice and inservice training programs for those
178 persons specified in s. 415.1034(1)(a).

179 **Section 4.** This act shall take effect July 1, 2026.