

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Robinson, W. offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 28.2225, F.S., is created to read:

7 28.2225 Title fraud prevention through identity

8 verification; pilot program.- Beginning on the effective date of

9 this act, the Title Fraud Prevention Through Identity

10 Verification Pilot Program is created for a period of two

11 calendar years.

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

14 (2) Notwithstanding any provision to the contrary within
 15 this chapter, when a deed or other instrument purporting to
 16 convey real property or an interest therein is presented to the

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17 clerk for recording, the clerk may require that the person
18 presenting the deed or instrument produce a government-issued
19 photographic identification card as follows:

20 (a) When a person presents a deed or instrument purporting
21 to convey real property or an interest therein to the clerk for
22 recording in person, the clerk may require the person to produce
23 a government-issued photographic identification card for
24 inspection by the clerk before recording the deed or instrument.
25 The clerk must record the name and address of such person, as
26 this information appears on the identification card, in a record
27 to be kept by the clerk, along with the official records book
28 and page number or instrument number of the deed or instrument
29 ultimately recorded in connection to the production of the
30 identification card. Such a record may not be made available for
31 viewing on the clerk's official public website but must be made
32 available for public inspection and copying as required by the
33 public records laws of this state.

34 (b) When a person presents a deed or instrument purporting
35 to convey real property or an interest therein to the clerk for
36 recording through an electronic recording service, the clerk may
37 require the person to also submit a photocopy of a government-
38 issued photographic identification card to the clerk before
39 recording the deed or instrument. The clerk must note on the
40 photocopy the official records book and page number or
41 instrument number assigned to the deed or instrument ultimately

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42 recorded in connection to the submission of the photocopy and
43 retain the photocopy in a record to be kept by the clerk. Such a
44 record may not be made available for viewing on the clerk's
45 official public website but must be made available for public
46 inspection and copying as required by the public records laws of
47 this state. However, the person submitting a photocopy as
48 required by this subparagraph may redact from the photocopy
49 prior to its submission all information he or she does not wish
50 to be made public, except for his or her name, address, and
51 photograph.

52
53 The clerk may refuse to record a deed or instrument purporting
54 to convey real property or an interest therein where the clerk
55 requires the production of an identification card as specified
56 in this subsection and the person presenting the deed or
57 instrument for recording does not produce the requested
58 identification card in compliance with this subsection.

59 (3) Where the clerk chooses to participate in the Title
60 Fraud Prevention Through Identity Verification Pilot Program,
61 the clerk must:

62 (a) Provide notice of the identification card requirement
63 on the clerk's official public website.

64 (b) Require the production of an identification card from
65 all persons presenting a deed or other qualifying instrument for
66 recording, whether in person or through an electronic recording

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67 service, until such time as the clerk chooses to cease
68 participating in the Title Fraud Prevention Through Identity
69 Verification Pilot Program and provides notice that the
70 production of an identification card is no longer required on
71 the clerk's official public website.

72 (c) By December 31, 2025, provide a report containing the
73 following information to the Governor, the President of the
74 Senate, and the Speaker of the House of Representatives:

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

77 a. In person.

78 b. Through an electronic recording service.

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

82 3. Feedback received from the community, if any, in
83 response to the clerk's implementation of the Title Fraud
84 Prevention Through Identity Verification Pilot Program.

85 4. Whether the Title Fraud Prevention Through Identity
86 Verification Pilot Program led to the identification of any
87 persons suspected or accused of fraudulently conveying, or
88 attempting to fraudulently convey, real property, and the
89 outcome of any criminal charges or civil actions brought against
90 such persons.

91 5. The clerk's recommendation as to whether the production

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92 of a government-issued photographic identification card in
93 connection with the presentation of a deed or other qualifying
94 instrument for recording is appropriate to require throughout
95 the state.

96 6. Any other information the clerk deems necessary.

97 (4) Nothing in this subsection may be construed to require
98 the clerk to provide or allow access to a record or information
99 which is confidential and exempt from s. 119.07(1) and s. 24(a),
100 Art. I of the State Constitution or to otherwise violate the
101 public records laws of this state.

102 Section 2. Section 28.47, Florida Statutes, is created to
103 read:

104 28.47 Recording notification service.—

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

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

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

115 (c) "Recording notification" means a notification sent by
116 electronic mail indicating to a registrant that a land record

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117 associated with the registrant's monitored identity has been
118 recorded in the public records of the county.

119 (d) "Recording notification service" means a service which
120 sends automated recording notifications.

121 (e) "Registrant" means a person who registers for a
122 recording notification service.

123 (2) The clerk must ensure that registration for the
124 recording notification service is possible through an electronic
125 registration portal, which portal must:

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

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

131 (c) Include a method by which a registrant may unsubscribe
132 from the service;

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

136 (e) Send an automated electronic mail message to a
137 registrant confirming his or her successful registration for or
138 action to unsubscribe from the service, which message must
139 identify each monitored identity for which a subscription was
140 received or canceled.

141 (3) When a land record is recorded for a monitored

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142 identity, a recording notification must be sent within 24 hours
143 after the recording to each registrant who is subscribed to
144 receive recording notifications for that monitored identity.

145 Such notification must contain, at a minimum:

146 (a) Information identifying the monitored identity for
147 which the land record was filed;

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

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

151 (d) Instructions for electronically searching for and
152 viewing the land record using the assigned official record book
153 and page number or instrument number; and

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

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

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

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

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167 appraisers that have adopted an electronic land record
168 notification service prior to the effective date of this act.

169 (a) The property appraiser may utilize a verification
170 process for persons wishing to register for the electronic land
171 records notification service to ensure integrity of the process.

172 (b) For purposes of this subsection only, and
173 notwithstanding the provisions in paragraph (1)(a) and
174 subsection (3):

175 (i) "Land record" means a deed or other document
176 purporting to convey real property.

177 (ii) When a land record is recorded for a monitored
178 identity, the property appraiser must send a recording
179 notification to each registrant who is subscribed to receive
180 recording notifications for that monitored identity within 24
181 hours of the instrument being reflected on the county tax roll.

182 Section 3. Section 65.091, Florida Statutes, is created to
183 read:

184 65.091 Quieting title; fraudulent conveyances.—

185 (1) An action to quiet title based on a fraudulent
186 attempted conveyance allegation may be maintained under this
187 chapter, and this remedy is cumulative to other existing
188 remedies. A petitioner bringing an action to quiet title based
189 on such allegations is entitled to summary procedure under s.
190 51.011, and the court shall advance the cause on the calendar.

191 (2) In an action to quiet title, when the court determines

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192 that an attempt was made to fraudulently convey the land at
193 issue away from a plaintiff who had legal title to the land
194 before the conveyance, the court must quiet title in and award
195 the plaintiff with the same title and rights to the land that
196 the plaintiff enjoyed before the attempted conveyance.

197 (3) The clerk of the circuit court must provide a
198 simplified form for the filing of a complaint to quiet title
199 based on a fraudulent attempted conveyance allegation and
200 instructions for completing such form.

201 Section 4. Section 689.025, Florida Statutes, is created
202 to read:

203 689.025 Form of quitclaim deed prescribed.-A quitclaim
204 deed of conveyance to real property or an interest therein must:

205 (1) Be in substantially the following form:

206
207 This Quitclaim Deed, executed this (date) day of (month, year),
208 by first party, Grantor (name), whose post-office address is
209 (address), to second party, Grantee (name), whose post-office
210 address is (address).

211
212 Witnesseth, that the said first party, for the sum of \$(amount),
213 and other good and valuable consideration paid by the second
214 party, the receipt whereof is hereby acknowledged, does hereby
215 remise, release, and quitclaim unto the said second party
216 forever, all the right, title, interest, claim, and demand which

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217 the said first party has in and to the following described
218 parcel of land, and all improvements and appurtenances thereto,
219 in (county), Florida:

220

221 (Legal description)

222

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

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

238 Section 5. Paragraph (c) of subsection (1) of section
239 695.26, Florida Statutes, is amended to read:

240 695.26 Requirements for recording instruments affecting
241 real property.—

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

246 (c) The name of each witness to the instrument is legibly
247 printed, typewritten, or stamped upon such instrument
248 immediately beneath the signature of such witness and the post-
249 office address of each such person is legibly printed,
250 typewritten, or stamped upon such instrument;

251 Section 6. The amendments made by this act to s. 695.26,
252 F.S., shall take effect January 1, 2024.

253 Section 7. Except as otherwise expressly provided within
254 this act, this act shall take effect July 1, 2023.

255

256 -----

257 **T I T L E A M E N D M E N T**

258 Remove everything before the enacting clause and insert:

259 An act relating to real property fraud; creating s.
260 28.2225, F.S.; creating the Title Fraud Prevention Through
261 Identity Verification Pilot Program; authorizing the clerk
262 of the circuit court for Lee County, Florida, to require
263 the production of a government-issued photographic
264 identification card before recording a deed in specified
265 circumstances; providing requirements for identification
266 card submission and the capture or retention of specified

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267 information contained therein; creating s. 28.47, F.S.;

268 requiring the clerk of the circuit court to create,

269 maintain, and operate an opt-in recording notification

270 service; providing definitions; requiring such clerk to

271 ensure that registration for such service is possible

272 through an electronic registration portal; specifying

273 portal and notification requirements; providing immunity

274 from liability for the clerk; providing construction;

275 providing for the applicability of the section to property

276 appraisers; creating s. 65.091, F.S.; clarifying that an

277 action may be brought under ch. 65, F.S., to quiet title

278 after a fraudulent attempted conveyance; requiring the

279 court to quiet title and award certain title and rights

280 under certain circumstances; directing the clerk of the

281 circuit court to provide a simplified complaint form;

282 creating s. 689.025, F.S.; prescribing the form for a

283 quitclaim deed; amending s. 695.26, F.S.; revising the

284 requirements for recording instruments affecting real

285 property; providing an effective date.