

CHAPTER 2023-238

Committee Substitute for Committee Substitute for House Bill No. 1419

An act relating to real property fraud; creating s. 28.2225, F.S.; creating the Title Fraud Prevention Through Identity Verification Pilot Program in Lee County; authorizing the clerk of the circuit court for Lee County to require the production of a government-issued photographic identification card before recording a deed or other instrument in specified circumstances and providing requirements therefor; providing requirements for the clerk, including submitting a certain report to the Governor and Legislature by a specified date; providing that the clerk is not required to allow access to a record or other information that is confidential and exempt; providing for prospective repeal; creating s. 28.47, F.S.; requiring the clerk to create, maintain, and operate an opt-in recording notification service; providing definitions; requiring the clerk to ensure that registration for such service is possible through an electronic registration portal; providing portal and notification requirements; providing immunity from liability for the clerk; providing construction; providing applicability for certain property appraisers; creating s. 65.091, F.S.; providing that an action may be brought under ch. 65, F.S., to quiet title after a fraudulent attempted conveyance; requiring the court to quiet title and award certain title and rights under certain circumstances; requiring the clerk to provide a simplified complaint form; creating s. 689.025, F.S.; requiring a quitclaim deed to be in a specified form; amending s. 695.26, F.S.; revising requirements for recording instruments affecting real property; providing effective dates.

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

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

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

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

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

(a) If a person presents a deed or other instrument purporting to convey real property or an interest therein to the clerk for recording in person, the clerk may require the person to produce a government-issued photographic

identification card for inspection by the clerk before recording the deed or other instrument. The clerk must record the name and address of such person, as the information appears on the identification card, in a record to be kept by the clerk, along with the official records book and page number or instrument number of the deed or other instrument recorded in connection to the production of the identification card. Such a record may not be made available for viewing on the clerk's official public website but shall be made available for public inspection and copying as required by the public records laws of this state.

(b) If a person presents a deed or other instrument purporting to convey real property or an interest therein to the clerk for recording through an electronic recording service, the clerk may require the person to submit a photocopy of a government-issued photographic identification card before recording the deed or other instrument. The clerk must note on the photocopy of the identification card the official records book and page number or instrument number assigned to the deed or other instrument recorded in connection to the submission of the photocopy of the identification card and retain the photocopy of such identification card in a record to be kept by the clerk. Such a record may not be made available for viewing on the clerk's official public website but shall be made available for public inspection and copying as required by the public records laws of this state. However, a person who submits a photocopy of his or her identification card under this paragraph may redact from the photocopy of such identification card before submission all of the information he or she does not wish to be made public, except for his or her name, address, and photograph.

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

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

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

(b) Require the production of a government-issued photographic identification card from all persons presenting a deed or other qualifying instrument for recording, whether in person or through an electronic recording service, until the clerk no longer participates in the pilot program and provides notice that the production of such an identification card is no longer required on the clerk's official public website.

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

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

a. In person.

b. Through an electronic recording service.

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

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

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

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

6. Any other information the clerk deems necessary.

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

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

Section 2. 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 term:

(a) “Land record” means a deed, mortgage, or other document purporting to convey or encumber real property.

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

(c) “Recording notification” means a notification sent by electronic mail indicating to a registrant that a land record associated with the registrant’s monitored identity has been recorded in the public records of the county.

(d) “Recording notification service” means a service which sends automated recording notifications.

(e) “Registrant” means a person who registers for a recording notification service.

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

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

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

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

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

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

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

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

(b) The land record’s recording date;

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

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

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

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

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

(6) This section also applies to county property appraisers who have adopted an electronic land record notification service before July 1, 2023.

(a) The property appraiser may use a verification process for persons wishing to register for the electronic land record notification service to ensure integrity of the process.

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

1. “Land record” means a deed or other document purporting to convey real property.

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

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

65.091 Quieting title; fraudulent conveyances.—

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

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

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

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

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

(1) Be in substantially the following form:

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

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

(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 circuit court unless:

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

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

Approved by the Governor June 14, 2023.

Filed in Office Secretary of State June 14, 2023.