

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WITHDRAWN	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: Civil Justice Subcommittee
2 Representative Robinson, W. offered the following:

Amendment (with title amendment)

Remove lines 55-231 and insert:

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

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

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

16 (c) "Recording notification" means a notification sent by

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17 electronic mail indicating to a registrant that a land record
18 associated with the registrant's monitored identity has been
19 recorded in the public records of the county.

20 (d) "Recording notification service" means a service which
21 sends automated recording notifications.

22 (e) "Registrant" means a person who registers for a
23 recording notification service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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67 (6) This section shall also apply to county property
68 appraisers that adopt an electronic land record notification
69 service.

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

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

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

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

84 Section 2. Section 65.091, Florida Statutes, is created to
85 read:

86 65.091 Quieting title; fraudulent conveyances.-

87 (1) An action to quiet title based on a fraudulent
88 attempted conveyance allegation may be maintained under this
89 chapter, and this remedy is cumulative to other existing
90 remedies. A petitioner bringing an action to quiet title based
91 on such allegations is entitled to summary procedure under s.

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92 51.011, and the court shall advance the cause on the calendar.

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

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

103 Section 3. Section 475.5025, Florida Statutes, is created
104 to read:

105 475.5025 Fraud prevention notice on listing.-

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

113
114 (Brokerage letterhead)

115
116 To help prevent real estate fraud and identity theft, the State

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

122
123 The notice may include a letter thanking the potential seller
124 for the listing and such other additional information as the
125 licensee may deem appropriate.

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

134
135 (Brokerage letterhead)

136
137 To help prevent real estate fraud and identity theft, the State
138 of Florida requires us to notify you that (name of real estate
139 broker) has been engaged by (potential seller) to market and
140 sell the property you formerly owned at (address, city, and
141 state). If you believe this is in error, or still claim an

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142 interest in this property, please notify us immediately at
143 (phone number and e-mail).

144
145 (2) (a) Failure to comply with this section does not impair
146 the validity or enforceability of any listing agreement,
147 purchase and sale agreement, deed, mortgage, or other instrument
148 or agreement made or delivered in connection with a real estate
149 sale transaction.

150 (b) A real estate licensee has no liability to the actual
151 or claimed owner of a property or a putative purchaser thereof
152 solely because of his or her failure to comply with this
153 section. However, any such noncompliance may be introduced as
154 evidence to establish violations of this chapter or as an
155 indication of possible fraud, forgery, impersonation, duress,
156 incapacity, undue influence, illegality, or unconscionability,
157 or for other evidentiary purposes.

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

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

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167 626.8411 Application of Florida Insurance Code provisions
168 to title insurance agents or agencies.—

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

173 Section 5. Section 627.799, Florida Statutes, is created
174 to read:

175 627.799 Fraud prevention notice upon opening order.—

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

184
185 (Letterhead of closing service provider)

186
187 To help prevent real estate fraud and identity theft, the State
188 of Florida requires us to notify you that (name of closing
189 service provider) has been engaged to (handle the sale of)
190 (coordinate the closing of a mortgage in favor of (name of
191 lender) secured by) the property located at (address, city, and

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192 state). If you believe this is in error, please notify us
193 immediately at (phone number and e-mail).

194
195 The mailing may include a letter thanking the seller or borrower
196 for selecting the sender and such other additional information
197 as the sender may deem appropriate.

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

207
208 (Letterhead of closing service provider)

209
210 To help prevent real estate fraud and identity theft, the State
211 of Florida requires us to notify you that

212
213 -----

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

215 Remove line 10 and insert:

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Bill No. HB 1419 (2023)

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216 | the clerk; providing construction; providing for applicability
217 | of the section to property appraisers; creating s. 65.091,