



To: All Florida Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: July 7, 2023  
Bulletin No.: FL 2023-27  
Subject: Real Property Fraud HB 1419

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On June 14, 2023, Governor DeSantis signed [House Bill 1419](#) in to law (“Bill”). The purpose of the Bill is to help detect and prevent real property fraud. There are three effective dates contained in the Bill: July 1, 2023, January 1, 2024, and July 1, 2024. The Bill creates or revises the following statutes F.S. 695.26, F.S. 28.47, F.S. 65.091, and F.S. 689.025. The most significant change that will impact you is the new requirement for deeds to contain the addresses for the witnesses on the deed.

#### **I. Witness Addresses on Deeds**

The Bill revised F.S. 695.26 to require that a deed include the post office address for each witness on the deed. If the witness addresses are not included on the deed, the Clerk will not record the deed. Specifically, the Bill requires the post office address for each witness be “legibly printed, typewritten, or stamped” on the deed. This revision is not **effective until January 1, 2024**. However, we have heard that Broward County has already started refusing to record deeds based on the deed not containing addresses for the witnesses.

#### **II. Recording Notification Service**

The Bill created new F.S. 28.47 titled “Recording Notification Service”. New F.S. 28.47 requires that, on or before July 1, 2024, each Clerk of Circuit Court create and operate a free recording notification service open to all persons who register for the Service. For those who register for the Service, the Clerk will send the registrant an electronic notice when a deed, mortgage, or other document purporting to convey or encumber (“Land Record”) the subject real property is recorded. When a Land Record is recorded against the subject property, an electronic notification must be sent to the registrant within 24 hours.

#### **III. Quiet Title – Fraudulent Conveyances**

The Bill created new F.S. 695.091. A lawsuit to quiet title based on a fraudulent conveyance or fraudulent mortgage may be brought under new F.S. 65.091 against the alleged fraudster(s). The person filing the lawsuit (“plaintiff”) is authorized to use the shorter summary procedures provided for under F.S. 51.011. The court is required to advance the case on its calendar. If the court determines that an attempt was made to fraudulently convey real property of the plaintiff, who had legal title before the attempted fraudulent conveyance, the court must quiet title in favor of the plaintiff. Under the Bill, the Clerk is required to provide a simplified complaint form that can be used to file a quiet title lawsuit based on an alleged fraudulent conveyance.

#### **IV. Quitclaim Deed Form**

The Bill created F.S. 689.025 to create a form for a Quitclaim deed.

[Click HB 1419 for a copy of the Bill](#)

*Information Bulletins are designed to provide our agents with information we think will help in managing their business or just being better title professionals, but which does not rise to the level of being an underwriting mandate and are not within the scope of the agency agreement.*