

CHAPTER 2010-104

Council Substitute for Committee Substitute for House Bill No. 435

An act relating to marketable record title; amending s. 712.03, F.S.; revising the exceptions to marketability by including any right, title, or interest held by the Board of Trustees of the Internal Improvement Trust Fund, any water management district, or the United States; amending s. 712.04, F.S.; conforming provisions to changes made by the act; amending s. 712.06, F.S.; providing requirements for a recorded notice to preserve a claim of right; providing an effective date.

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

Section 1. Subsection (9) is added to section 712.03, Florida Statutes, to read:

712.03 Exceptions to marketability.—Such marketable record title shall not affect or extinguish the following rights:

(9) Any right, title, or interest held by the Board of Trustees of the Internal Improvement Trust Fund, any water management district created under chapter 373, or the United States.

Section 2. Section 712.04, Florida Statutes, is amended to read:

712.04 Interests extinguished by marketable record title.—~~Subject to the matters stated in s. 712.03, a such marketable record title is shall be free and clear of all estates, interests, claims, or charges whatsoever, the existence of which depends upon any act, title transaction, event, or omission that occurred before prior to the effective date of the root of title. Except as provided in s. 712.03, all such estates, interests, claims, or charges, however denominated, whether they such estates, interests, claims, or charges are or appear to be held or asserted by a person sui juris or under a disability, whether such person is within or without the state, whether such person is natural or corporate, or is private or governmental, are hereby declared to be null and void. However, except that this chapter does shall not be deemed to affect any right, title, or interest of the United States, Florida, or any of its officers, boards, commissions, or other agencies reserved in the patent or deed by which the United States, Florida, or any of its agencies parted with title.~~

Section 3. Subsection (3) of section 712.06, Florida Statutes, is amended to read:

712.06 Contents of notice; recording and indexing.—

(3) The person providing the notice referred to in s. 712.05 shall:

(a) Cause the clerk of the circuit court ~~to shall, upon such filing,~~ mail by registered or certified mail to the purported owner of said property, as stated in such notice, a copy thereof and shall enter on the original, before recording the same, a certificate showing such mailing. For preparing the certificate, the claimant shall pay to the clerk the service charge as prescribed in s. 28.24(8) and the necessary costs of mailing, in addition to the recording charges as prescribed in s. 28.24(12). If the notice names purported owners having more than one address, the person filing the same shall furnish a true copy for each of the several addresses stated, and the clerk shall send one such copy to the purported owners named at each respective address. Such certificate shall be sufficient if the same reads substantially as follows:

I hereby certify that I did on this _____, mail by registered (or certified) mail a copy of the foregoing notice to each of the following at the address stated:

...(Clerk of the circuit court)...
of _____ County, Florida,
By ...(Deputy clerk)...

The clerk of the circuit court is not required to mail to the purported owner of such property any such notice that pertains solely to the preserving of any covenant or restriction or any portion of a covenant or restriction; or

(b) Publish once a week, for 2 consecutive weeks, the notice referred to in s. 712.05, with the official record book and page number in which such notice was recorded, in a newspaper as defined in chapter 50 in the county in which the property is located.

Section 4. This act shall take effect July 1, 2010.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.