

CHAPTER 2020-33

Senate Bill No. 886

An act relating to errors in deeds; creating s. 689.041, F.S.; defining terms; providing that a deed containing a scrivener's error conveys title as if there had been no such error if certain requirements are met; providing a form for a curative notice; requiring the clerks of the circuit court to accept and record curative notices; providing for the operation of a curative notice; providing construction; providing an effective date.

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

Section 1. Section 689.041, Florida Statutes, is created to read:

689.041 Curative procedure for scrivener's errors in deeds.—

(1) As used in this section, the term:

(a) “Erroneous deed” means any deed, other than a quitclaim deed, which contains a scrivener's error.

(b) “Intended real property” means the real property vested in the grantor and intended to be conveyed by the grantor in the erroneous deed.

(c) “Scrivener's error” means a single error or omission in the legal description of the intended real property in no more than one of the following categories:

1. An error or omission in no more than one of the lot or block identifications of a recorded platted lot; however, the transposition of the lot and block identifications is considered one error for the purposes of this subparagraph;

2. An error or omission in no more than one of the unit, building, or phase identifications of a condominium or cooperative unit; or

3. An error or omission in no more than one directional designation or numerical fraction of a tract of land that is described as a fractional portion of a section, township, or range; however, an error or omission in the directional description and numerical fraction of the same call is considered one error for the purposes of this subparagraph.

The term “scrivener's error” does not include any error in a document that contains multiple errors.

(2) A deed that contains a scrivener's error conveys title to the intended real property as if there had been no scrivener's error, and, likewise, each subsequent erroneous deed containing the identical scrivener's error

conveys title to the intended real property as if there had been no such error if all of the following apply:

(a) Record title to the intended real property was held by the grantor of the first erroneous deed at the time the first erroneous deed was executed.

(b) Within the 5 years before the record date of the erroneous deed, the grantor of any erroneous deed did not hold title to any other real property in the same subdivision, condominium, or cooperative development or in the same section, township, and range, described in the erroneous deed.

(c) The intended real property is not described exclusively by a metes and bounds legal description.

(d) A curative notice is recorded in the official records of the county in which the intended real property is located which evidences the intended real property to be conveyed by the grantor.

(3) A curative notice must be in substantially the following form:

Curative Notice, Per Sec. 689.041, F.S.

Scrivener’s Error in Legal Description

The undersigned does hereby swear and affirm:

1. The deed which transferred title from ...(Insert Name)... to ...(Insert Name)... on ...(Date)... and recorded on ...(Record Date)... in O.R. Book, Page, and/or Instrument No., of the official records of ...(Name of County)..., Florida, (hereinafter referred to as “first erroneous deed”) contained the following erroneous legal description:

...(Insert Erroneous Legal Description)...

2. The deed transferring title from ...(Insert Name)... to ...(Insert Name) ... and recorded on ...(Record Date)... in O.R. Book, Page, and/or Instrument No., of the official records of ...(Name of County)..., Florida, contains the same erroneous legal description described in the first erroneous deed.

...(Insert and repeat paragraph 2. as necessary to include each subsequent erroneous deed in the chain of title containing the same erroneous legal description)...

3. I have examined the official records of the county in which the intended real property is located and have determined that the deed dated ...

(Date)..., and recorded on ...(Record Date)... in O.R. Book, Page and/
or Instrument No., official records of ...(Name of County)..., Florida,
establishes that record title to the intended real property was held by the
grantor of the first erroneous deed at the time the first erroneous deed was
executed.

4. I have examined or have had someone else examine the official records
of...(Name of County)..., Florida, and certify that:

a. Record title to the intended real property was held by the grantor of
the first erroneous deed, ...(Insert Name)..., at the time that deed was
executed.

b. The grantor of the first erroneous deed and the grantors of any
subsequent erroneous deeds listed above did not hold record title to any
property other than the intended real property in either the same
subdivision, condominium or cooperative or the same section, township
and range, if described in this manner, at any time within the 5 years before
the date that the erroneous deed was executed.

c. The intended real property is not described by a metes and bounds
legal description.

5. This notice is made to establish that the real property described as ...
(insert legal description of the intended real property)... (hereinafter
referred to as the “intended real property”) was the real property that
was intended to be conveyed in the first erroneous deed and all subsequent
erroneous deeds.

...(Signature)...

...(Printed Name)...

Sworn to (or affirmed) and subscribed before me this day of, ...
(year)..., by ...(name of person making statement)...

...(Signature of Notary Public - State of Florida)...

...(Print, Type, or Stamp Commissioned Name of Notary Public)...

Personally Known OR Produced Identification

Type of Identification Produced.....

(4) The clerk of the circuit court where the intended real property is
located shall accept and record curative notices in the form described in

subsection (3) as evidence of the intent of the grantor in the erroneous deed to convey the intended real property to the grantee in the erroneous deed.

(5) A curative notice recorded pursuant to this section operates as a correction of the first erroneous deed and all subsequent erroneous deeds containing the same scrivener’s error described in the curative notice and releases any cloud or encumbrance that any of the erroneous deeds may have created as to any property other than the intended real property. The correction relates back to the record date of the first erroneous deed.

(6) The remedies under this section are not exclusive and do not abrogate any right or remedy under the laws of this state other than this section.

Section 2. This act shall take effect July 1, 2020.

Approved by the Governor June 18, 2020.

Filed in Office Secretary of State June 18, 2020.