

A photograph of a business meeting in progress. Several people in business attire are seated around a large wooden conference table. The table is cluttered with various items including tablets, papers, and pens. The lighting is bright and professional, creating a formal atmosphere.

2019 Law Update

Legislation & Regulations Affecting Title And Title Insurance

2019 Law Update

Legislation & Regulations Affecting Title and Title Insurance

Approved by DFS - 1 Hour CE

- Course No.: 110525

Florida Bar - 1 Hour CLE

- Course No.: 1908022N

Legislation



RON

“RON”



Remote Online Notary Bill

Remote Online Notary Bill ("RON")

Introduction

CS/CS/HB 409

Effective Jan. 1, 2020



RON

DOS

1. Establish Registration System
2. To Adopt Rules Establishing Standards

RON

Registration as an Online Notary

RON

Registration as an Online Notary

1. Current Florida Notary

RON

Registration as an Online Notary

1. Current Florida Notary
2. Complete 2-Hour Course

RON

Registration as an Online Notary

1. Current Florida Notary
2. Complete 2-Hour Course
3. Identify RON Service Provider

RON

Registration as an Online Notary

1. Current Florida Notary
2. Complete 2-Hour Course
3. Identify RON Service Provider
4. Obtain Surety Bond in amount of \$25,000

RON

Registration as an Online Notary

1. Current Florida Notary
2. Complete 2-Hour Course
3. Identify RON Service Provider
4. Obtain Surety Bond in amount of \$25,000
5. Obtain E&O coverage in the amount of \$25,000

RON

Online Notary Must:

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Online Notary Must:

1. Keep journal of all online notarizations and a backup copy

RON

Online Notary Must:

1. Keep journal of all online notarizations and a backup copy
2. Keep uninterrupted & unedited copies of online videos

RON

Online Notary Must:

1. Keep journal of all online notarizations and a backup copy
2. Keep uninterrupted & unedited copies of online videos
3. Keep journal and video for 10 years after notarial act

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Online Notarization Procedures:



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Online Notarization Procedures

Online Notary must be located in Florida, and:

RON

Online Notarization Procedures

Online Notary must:

1. Use audio-video technology

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Online Notarization Procedures

Online Notary must:

1. Use audio-video technology
2. Record the two-way audio-video session

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Online Notarization Procedures

Online Notary must:

1. Use audio-video technology
2. Record the two-way audio-video session
3. Confirm the identity of the principal by:

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Online Notarization Procedures

Online Notary must:

1. Use audio-video technology
2. Record the two-way audio-video session
3. Confirm the identity of the principal by:
 - a. Personal knowledge

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Online Notarization Procedures

Online Notary must:

1. Use audio-video technology
2. Record the two-way audio-video session
3. Confirm the identity of the principal by:
 - a. Personal knowledge
 - b. Remote presentation of credential

RON

Online Notarization Procedures

Online Notary must:

1. Use audio-video technology
2. Record the two-way audio-video session
3. Confirm the identity of the principal by:
 - a. Personal knowledge
 - b. Remote presentation of credential
 - c. Credential analysis of driver's license

RON

Online Notarization Procedures

Online Notary must:

1. Use audio-video technology
2. Record the two-way audio-video session
3. Confirm the identity of the principal by:
 - a. Personal knowledge
 - b. Remote presentation of credential
 - c. Credential analysis of driver's license
 - d. Identity proofing

RON

Credential Analysis:

RON Service Provider

RON

Identity Proofing

Knowledge-based authentication questions:

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Identity Proofing

Knowledge-based authentication questions:

1. Five or more questions

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Identity Proofing

Knowledge-based authentication questions:

1. Five or more questions
2. Responses in 2 minutes

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Identity Proofing

Knowledge-based authentication questions:

1. Five or more questions
2. Responses in 2 minutes
3. Get 80% correct

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Identity Proofing

Knowledge-based authentication questions:

1. Five or more questions
2. Responses in 2 minutes
3. Get 80% correct
4. On 2d attempt – no more than 3 questions from 1st attempt

RON

RON Service Provider

RON

RON Service Provider

1. E&O Insurance Coverage \$250,000

RON

RON Service Provider

1. E&O Insurance Coverage \$250,000
2. Provide audio-video technology

RON

RON Service Provider

1. E&O Insurance Coverage \$250,000
2. Provide audio-video technology
3. Provide software and hardware: credential analysis

RON

RON Service Provider

1. E&O Insurance Coverage \$250,000
2. Provide audio-video technology
3. Provide software and hardware: credential analysis
4. Provide software and hardware: knowledge-based

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Additional Items:



RON

Additional Items:

The notarial certificate must include a notation that the signor appeared by physical presence or by means of audio-video communication technology.

RON

Additional Items:

The notarial certificate must include a notation that the signor appeared by physical presence or by means of audio-video communication technology.

F.S. 117.05(4)(c)

RON

Additional Items:

Forms of Acknowledgment

F.S. 117.05(13)

RON

Forms of Acknowledgment:

STATE OF FLORIDA

COUNTY OF

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this day of , (year) , by (name of person acknowledging) .

 (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

RON

Forms of Acknowledgment:

STATE OF FLORIDA

COUNTY OF

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this day of , (year) , by (name of person) as (type of authority, e.g. officer, trustee, attorney in fact) for (name of party on behalf of whom instrument was executed) .

 (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

RON

Additional Items:

Notary may supervise the making of a physical copy of an original electronic document

RON

Additional Items:

Notary may supervise the making of a physical copy of an original electronic document

FS 117.05(12)(a)

RON

Additional Items:

Notary may supervise the making of a physical copy of an original electronic document

FS 117.05(12)(a)

FS 117.05(12)(b)&(c)

STATE OF FLORIDA
COUNTY OF

On this day of , (year), I attest that the preceding or attached document is a true, exact, complete, and unaltered (copy of a tangible or an electronic record presented to me by the document's custodian) or a (printout made by me from such record). If a printout, I further attest that, at the time of printing, no security features, if any, present on the electronic record, indicated that the record had been altered since execution.

(Signature of Notary Public - State of Florida)

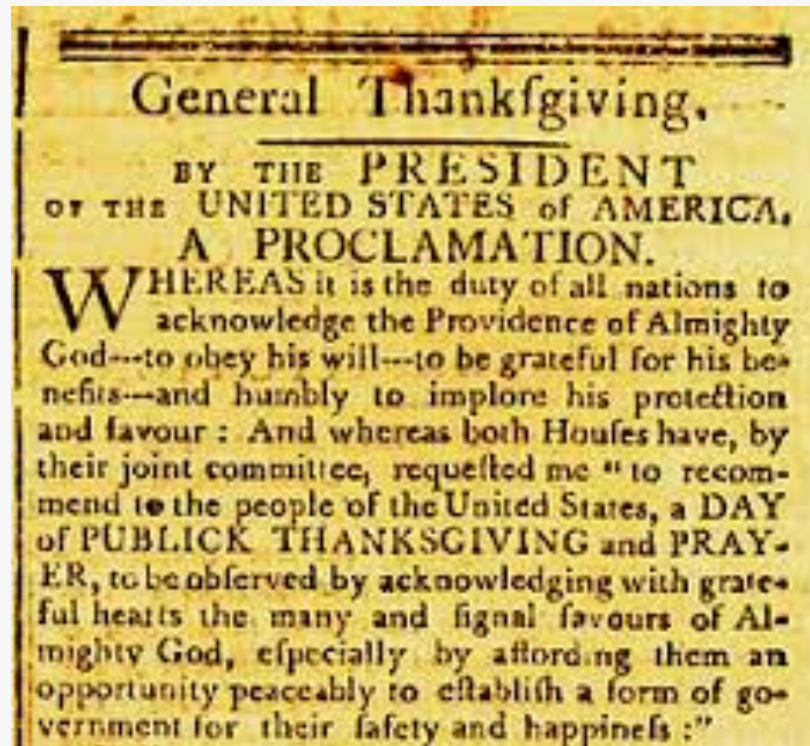
(Print, Type, or Stamp Commissioned Name of Notary Public)

Poll Question #1



Answer To Poll Question #1

GEORGE WASHINGTON



Other Statutes Revised by RON Bill



Other Statutes Revised by RON Bill

FS 95.231(1) and 694.08(1):

1. Revisions effective Jan. 1, 2020.

Other Statutes Revised by RON Bill

FS 695.03:

Revised to add subparagraph (4)

Other Statutes Revised by RON Bill

FS 695.28(1)

Other Statutes Revised by RON Bill

FS 695.28(1)

A document submitted to the Clerk by electronic or other means and recorded is deemed validly recorded and provides notice to all persons notwithstanding:

Other Statutes Revised by RON Bill

FS 695.28(1)

A document submitted to the Clerk by electronic or other means and recorded is deemed validly recorded and provides notice to all persons notwithstanding:

1. Document was recorded before DOS adopted standards

Other Statutes Revised by RON Bill

FS 695.28(1)

A document submitted to the Clerk by electronic or other means and recorded is deemed validly recorded and provides notice to all persons notwithstanding:

1. Document was recorded before DOS adopted standards
2. Any defect in, deviations from, or inability to show strict compliance with any statute, rule or procedure relating to electronic signatures, electronic witnesses, electronic notarization, online notarization, or for submitting or recording an electronic document

Other Statutes Revised by RON Bill

FS 695.28(1)

A document submitted to the Clerk by electronic or other means and recorded is deemed validly recorded and provides notice to all persons notwithstanding:

1. Document was recorded before DOS adopted standards
2. Any defect in, deviations from, or inability to show strict compliance with any statute, rule or procedure relating to electronic signatures, electronic witnesses, electronic notarization, online notarization, or for submitting or recording an electronic document
3. Document was signed, witnessed, or notarized electronically, or was notarized by an online notary public outside physical presence of signor

Other Statutes Revised by RON Bill

FS 695.28(1)

A document submitted to the Clerk by electronic or other means and recorded is deemed validly recorded and provides notice to all persons notwithstanding:

1. Document was recorded before DOS adopted standards
2. Any defect in, deviations from, or inability to show strict compliance with any statute, rule or procedure relating to electronic signatures, electronic witnesses, electronic notarization, online notarization, or for submitting or recording an electronic document
3. Document was signed, witnessed, or notarized electronically, or was notarized by an online notary public outside physical presence of signor
4. Document recorded was a certified printout of an electronic document

Other Statutes Revised by RON Bill

FS 28.222(3)(h):



Other Statutes Revised by RON Bill

FS 28.222(3)(h):

Requires the Clerk to record copies of electronic documents certified by the online notary to be a true and correct paper printout of the electronic document.

Done With RON Bill



Lis Pendens Bill



Lis Pendens Bill

CS/CS/HB 91

Lis Pendens

Lis Pendens Bill

CS/CS/HB 91

Ober v. Town of Lauderdale-By-The-Sea,
218 So.3d 952 (4th DCA 2017)

Lis Pendens Bill

CS/CS/HB 91

Ober v. Town of Lauderdale-By-The-Sea,
218 So.3d 952 (4th DCA 2017)

FS 48.23(1)(d) revised

Exemption From Transfer Taxes on Conveyances of Homestead Between Spouses

CS/HB 7123

Effective Date 7-1-19

Exemption From Transfer Taxes on Conveyances of Homestead Between Spouses

CS/HB 7123

Effective Date 7-1-19

Revised FS 201.02(7)(b).

Exemption From Transfer Taxes

F.S. 201.02(7)(b) – Conditions:

1. Homestead
2. Between Spouses
3. No Consideration

Poll Question #2



Answer To Poll Question #2

November 26, 1789

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favor, able interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquillity, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

Open And Expired Permits



Open And Expired Permits

CS/CS/HB 447

Effective July 1, 2019

Open And Expired Permits

FS 553.79(1)(c):

Notice to owner of expiration of permit.

Open And Expired Permits

FS 553.79(15)(a):

Owner may close permit

Open And Expired Permits

FS 553.79(15)(a):

If permit is expired and requirements substantially completed.

Open And Expired Permits

FS 553.79(15)(c):

A building permit may be closed 6 years after issuance.

Open And Expired Permits

FS 553.79(16)(a):

A local enforcement agency may not deny issuance of a building permit to a new owner.

Open And Expired Permits

FS 553.79(16)(b):

Denial of the issuance of a building permit solely because the contractor is listed on permits that were not closed.

Public Records Exemption

CS/CS/CS/SB 248

Effective 10-1-19

Public Records Exemption

F.S. 119.07(1)(a)-(c):

Custodian of public record shall permit the record to be inspected and copied unless exemption asserted under F.S. 119.07(1)(d)-(f).

Public Records Exemption

F.S. 119.071(4)(d)1a:

Definition of “home address” was expanded to include:

Public Records Exemption

F.S. 119.071(4)(d)1a:

Definition of “home address” was expanded to include:

1. legal description
2. Mailing address
3. Parcel ID #
4. Plot #
5. Neighborhood name
6. Lot #
7. GPS coordinates
8. Any other Information that would reveal the home address.

Public Records Exemption

F.S. 119.071(4)(d)4:

The exemption can later be waived.

Rights of Entry

CS/CS/HB 767

Effective July 1, 2019

Rights of Entry

F.S. 270.11(1):

In a sale by TILF, any local government, water management district, other agency of state $\frac{3}{4}$ interest and title in phosphate, minerals, metals and $\frac{1}{2}$ interest in all petroleum is reserved

Rights of Entry

F.S. 270.11(3):

Rights of entry automatically released for any property that is or has been a continuous tract of less than 20 acres of land under the same ownership.

Rights of Entry

F.S. 270.11(3):

The automatic release of rights of entry had previously only applied to TIF and the Board of Education.

Poll Question #3



Answer To Poll Question #3

1621



County Court Jurisdiction

CS/CS/HB 337

Effective July 1, 2019

County Court Jurisdiction

F.S. 34.01:

Jurisdiction of County Courts increased:

- a. \$30,000 on Jan. 1, 2020
- b. \$50,000 on Jan. 1, 2023

County Court Jurisdiction

F.S. 26.012(1)(a):

If the amount in controversy exceeds \$15,000, the appeal is to the DCA and not the Circuit Court.

Construction Bonds

CS/CS/HB 1247

Effective October 1, 2019

Construction Bonds

Notice of Nonpayment

F.S. 713.23(1)(d) and F.S. 255.05(2)(a)2:

Construction Bonds

Notice of Nonpayment

Fraudulent Notice

Construction Bonds

Notice of Nonpayment

Fraudulent Notice if:

1. Lienor willfully exaggerated amount due

Construction Bonds

Notice of Nonpayment

Fraudulent Notice if:

1. Lienor willfully exaggerated amount due
2. Willfully included a claim for work not performed

Construction Bonds

Notice of Nonpayment

Fraudulent Notice if:

1. Lienor willfully exaggerated amount due
2. Willfully included a claim for work not performed
3. Prepared the notice with such gross negligence as to amount to a willful exaggeration.

Uniform Interstate Deposition & Discovery Act

CS/HB 7006

Effective July 1, 2019

Uniform Interstate Deposition & Discovery Act

F.S. 92.251(3)(a):

To request a subpoena, a party from foreign jurisdiction another state, DC, Puerto Rico, and US Virgin Islands must submit a foreign subpoena to Clerk in County of Florida where discovery is sought.

Regulations



Miami-Dade Ordinance – Special Taxing District



Miami-Dade Ordinance – Special Taxing District

Miami-Dade Ordinance 18-12 amended section 18-20.2

= Passed on Feb. 6, 2018

= Property located in special taxing districts

- Requires Sellers to include notice in deed
- Requires Sellers to record buyer's notarized acknowledgment

Miami-Dade Ordinance – Special Taxing District

Miami-Dade Ordinance 18-12.

Notice to Purchasers, Section 18-20.2

~Happy Thanksgiving~

