A bill to be entitled

An act relating to the protection of specified persons against the fraudulent and exploitative conveyance of property interests; amending s. 415.1034, F.S.; revising the list of persons who must report abuse, neglect, or exploitation of vulnerable adults to include the clerk of the court; creating s. 415.1104, F.S.; providing definitions; requiring that any quitclaim deed purporting to convey real property or an interest therein from a specified adult be executed in the presence of a specified number of subscribing witnesses; prohibiting the recording of such deeds with the clerk until after a specified cooling-off period has elapsed; authorizing a specified adult to designate a certain person through a power of attorney recorded with the clerk; requiring the clerk to contact the person designated in the power of attorney before the cooling-off period elapses; authorizing such person to object in writing to the quitclaim deed being recorded; requiring the clerk to notify specified persons of their right to file a recission of the quitclaim deed; requiring the clerk to provide instructions on how to file such recission; requiring the clerk to enroll the specified adult in the statewide Property Alert Service if an objection is

made; requiring the clerk to conduct a preliminary investigation and provide notification on the status of the investigation; requiring the clerk to refer an objection to a not-for-profit legal aid organization if further investigation is needed; authorizing the not-for-profit legal aid organization to request additional time to investigate the matter; prohibiting the clerk from recording the quitclaim deed until after the not-for-profit legal aid organization has concluded the quitclaim deed was not obtained through fraudulent or exploitative means; requiring the clerk to record the quitclaim deed if no fraud or exploitation of a specified adult is suspected; requiring a clerk or not-for-profit legal aid organization that suspects a quitclaim deed was obtained through fraudulent or exploitative means to refer the matter to the state attorney for further investigation and prosecution; requiring the clerks, by a specified date, to provide in their offices certain materials written in plain language; reenacting s. 415.1105(2), F.S., relating to training programs, to incorporate the amendment made to s. 415.1034, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of vulnerable adults; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) A ~~Any~~ person, including, but not limited to, a ~~any~~:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in the admission, examination, care, or treatment of vulnerable adults;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032;

7. Florida advocacy council or Disability Rights Florida member or a representative of the State Long-Term Care Ombudsman Program;

8. Bank, savings and loan, or credit union officer, trustee, or employee; ~~or~~

9. Dealer, investment adviser, or associated person under chapter 517; or

10. Clerk of the court,

who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited must immediately report such knowledge or suspicion to the central abuse hotline.

Section 2. Section 415.1104, Florida Statutes, is created to read:

415.1104 Title fraud prevention for specified adults.—

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

(a) "Clerk" means any of the clerks of the circuit courts of this state.

(b) "Not-for-profit legal aid organization" means a not-for-profit organization operated in this state which provides as its primary purpose civil legal services without charge to eligible clients in its judicial circuit.

(c) "Quitclaim deed" means a legal document used to transfer a person's property interest to another party without

any guarantees regarding the validity of the title. A quitclaim deed does not make any warranties or guarantees regarding the property's ownership history and simply transfers any ownership interest the seller may have to the buyer.

(d) "Specified adult" means a natural person 65 years of age or older or a vulnerable adult as defined in s. 415.102.

(e) "Subscribing witness" means a natural person who physically witnesses the signing of a deed or other instrument purporting to convey real property or an interest therein and who meets all of the following requirements:

1. Is 18 years of age or older.

2. Is of sound mind.

3. Is not a party to the conveyance.

4. Has no financial interest in the conveyance.

(2) Any quitclaim deed purporting to convey real property or an interest therein from a specified adult must be executed in the presence of two subscribing witnesses.

(3) Any quitclaim deed described in subsection (2) which is presented to the clerk may not be recorded until a 72-hour cooling-off period has elapsed after the quitclaim deed is presented to the clerk for recording.

(4)(a) A specified adult may designate a person who may be contacted about any quitclaim deed purporting to convey real property or an interest therein through a power of attorney to be recorded with the clerk's office.

(b) The clerk shall contact the person designated in the power of attorney before the 72-hour cooling-off period elapses.

(c) The person designated in the power of attorney may object to the quitclaim deed described in subsection (2) being recorded. An objection made by such person must be in writing.

(d) After an objection from the person designated in the power of attorney is made, the clerk's office must notify both the person who made the objection and the specified adult of their right to file a rescission of the quitclaim deed. The clerk shall provide the specified adult and person designated in the power of attorney with instructions on how to file the recission.

(e) Once an objection is made in writing to the clerk's office, the clerk must automatically enroll the specified adult in the statewide Property Alert Service. The clerk's office must perform a preliminary investigation to determine whether the quitclaim deed was fraudulently conveyed. During this time, the clerk must notify the person designated in the power of attorney and the specified adult of the status of the investigation.

(f) If further investigation into fraudulent activity is needed after the clerk's preliminary investigation, the case must be referred to a not-for-profit legal aid organization.

(g) The not-for-profit legal aid organization may request additional time to investigate the matter. The clerk may not record the quitclaim deed described in subsection (2) until the

not-for-profit legal aid organization makes a finding that the quitclaim deed was not obtained through fraudulent or exploitative means.

(5) If there is no suspicion that the quitclaim deed has been obtained through fraudulent or exploitative means, the clerk must record the quitclaim deed described in subsection (2).

(6) Notwithstanding the cooling-off period described in subsection (3), if the clerk or the not-for-profit legal aid organization suspects the quitclaim deed described in subsection (2) was obtained through fraudulent or exploitative means, the clerk or not-for-profit legal aid organization must refer the matter to the state attorney for further investigation and prosecution.

(7) By October 1, 2027, the clerks shall provide materials in their respective offices which contain information written in plain language on the risks of conveying real property or an interest therein to another person, with an emphasis on protecting specified adults against fraud and exploitation.

Section 3. For the purpose of incorporating the amendment made by this act to section 415.1034, Florida Statutes, in a reference thereto, subsection (2) of section 415.1105, Florida Statutes, is reenacted to read:

415.1105 Training programs.—

(2) Within available resources, the department shall

cooperate with other appropriate agencies in developing and providing preservice and inservice training programs for those persons specified in s. 415.1034(1)(a).

Section 4. This act shall take effect July 1, 2026.