

Insights

Protect Your Property: Register for Florida's Title Fraud Alert Service

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Title fraud in Florida has increased significantly in recent years. This type of fraud typically involves a person forging a deed to transfer someone else's real property to a shell company formed by the fraudster. The fraudster then records the forged deed at the County Recording Office.

Lack of Verification by County Recorders

County recorders are not required to verify the validity of a deed presented for recording. They only confirm that the deed qualifies on its face to be recorded. This means it contains the minimum information required by statute and is formatted to comply with statutory requirements. County recorders do not verify that the deed was actually signed by the person purporting to do so.

Vulnerability of Vacant Properties

Once the property is titled in the fraudster's name on the Recording Office's records, the fraudster can then mortgage or sell the property to an innocent third party and disappear with the proceeds. This scheme doesn't work well with occupied homes since a prospective lender or buyer can easily visit the home and verify that someone other than the fraudster occupies the home. However, vacant properties like second homes and investment properties are more susceptible to this type of fraud.

Notification Service Legislation

Recognizing this problem, the State of Florida enacted a new law in 2023 (Florida Statute, Section 28.47) requiring each Clerk of Circuit Court, responsible for the County Recording Office, to *"create, maintain and operate a free recording notification service which is open to all persons wishing to register for the service."*

Benefits of Notification Service

This service allows any interested person to register their e-mail address with the County Recording Office and receive e-mailed notices of any title transactions recorded involving their name. Each registrant can monitor up to 5 different names.

Implementation and Impact

The law requires this service to be established by July 1, 2024, in each County Recording Office, and many already exist. While this does not prevent title fraud, it alerts property owners if a potentially fraudulent title transaction occurred, enabling them to quickly investigate, file a police report, hire an attorney, notify the County Property Appraiser and Tax Collector about the fraudulent deed, and possibly institute a quiet title suit.

Action Steps and Resources for Property Owners

It is unlikely that the fraudster can be located or the illegal proceeds recovered to reimburse the owner's expenses. However, the prompt notification gives owners the opportunity to fix the problem sooner rather than later.

In the Central Florida area, the Clerks of the Circuit Courts in various counties have launched the following websites to allow registration for the title transaction notification service. If you own real property in any of these jurisdictions, it is worth taking a few minutes to visit the applicable website and register.

Brevard County (Note – This link is to an informational site only. As of the writing of this article, the County has not created a working website allowing registration.)

Lake County

Orange County

Osceola County

Polk County

Seminole County

Volusia County

If your property is impacted by title fraud, it is recommended that you notify the police and contact an experienced real estate attorney to discuss your options.

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