A bill to be entitled
An act relating to correction of errors in deeds;
creating s. 694.18, F.S.; providing definitions;
providing that a deed that contains a single
scrivener's error in the description of real property
may convey title despite such an error if certain
requirements are met, including the filing of a
curative notice; specifying the form of such notice;
providing for the recording of such a notice;
providing for operation of the notice; providing
construction; providing an effective date.

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

Section 1. Section 694.18, Florida Statutes, is created to
read:

694.18  Curative procedure for certain description errors
in deeds.—
(1) DEFINITIONS.—As used in this section, the term:
(a) "Erroneous deed" means any deed, other than a
quitclaim deed, containing 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.

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

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 section,
   township, or range is considered one error.

(2) CONVEYANCE OF TITLE.—As limited by paragraphs (3)(a)–
(c) and if the requirement in paragraph (3)(d) is met, the
erroneous deed 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 identical scrivener's error.

(3) APPLICABILITY.—Subsection (2) applies only if:

(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 preceding the recording of the erroneous deed, the grantor of any erroneous deed held title to no other real property in either:

1. The same subdivision, condominium, or cooperative development; or
2. 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 in substantially the same form as set forth in subsection (4) is recorded in the official records of the county in which the intended real property is located, evidencing the intended real property to be conveyed by the grantor.

(e) This section only applies to a deed containing a single scrivener's error and will not correct multiple errors in the legal description of the intended real property.

(4) CURATIVE NOTICE.—A curative notice must be in substantially the following form:

Curative Notice Per Section 694.18, Florida Statutes
Scrivener's Error in Legal Description
The undersigned does hereby swear and affirm:

1. The deed which transferred title from
___________________, to ________________, dated
___________________, and recorded on______________________________, in Official Records____, Page____, and/or Instrument No.________________, of the Official Records of________________________, and recorded on _________________ in Official Records ____, Page _____, and/or Instrument No.________________, of the Official Records of________________________, of the Official Records of________________________, and recorded on _________________ in Official Records ____, Page _____, and/or Instrument No.________________, of the Official Records of________________________, of the Official Records of________________________, and recorded on _________________ in Official Records ____, Page _____, and/or Instrument No.________________, of the Official Records of________________________, of the Official Records of__ County, Florida (herein after referred to as "first erroneous deed"), contained the following erroneous legal description:

[insert incorrect legal description]

[insert and repeat paragraph 2 to include each subsequent erroneous deed in the chain of title containing the same erroneous legal description:]

2. The deed transferring title from___________________
to _______________ and recorded on______________________________, in Official Records____, Page____, and/or Instrument No.________________, of the Official Records of________________________, County, Florida, contains the same erroneous legal description described in the first erroneous deed.]

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 ___________________, and recorded on ____________________ in Official Records Book____, Page____ and/or Instrument Number________________, of the Official Records of________________________, Official Records of________________________, County, Florida, establishes that record

CODING: Words stricken are deletions; words underlined are additions.
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. The undersigned has examined or caused to be examined the Official Records of , County, Florida and certifies that:

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

   b. None of the grantor of the first erroneous deed or the grantors of any subsequent erroneous deeds listed above held record title to any property other than the intended real property in the same

      1. Subdivision, condominium or cooperative; or

      2. Section, township, and range, if described in this manner, at any time within 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 to have been conveyed in the
first erroneous deed [and all subsequent erroneous deeds].

Signature: ____________________

Printed Name: ____________________

STATE OF FLORIDA
COUNTY OF
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 ____________________

(5) RECORDING.—The clerk of the circuit court where the intended real property is located may accept and record a corrective notice in the form described in subsection (4) 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.

(6) OPERATION OF NOTICE.—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 which any of the erroneous deeds may have created as to any property other than the intended real property. The correction relates back to the date of recordation of the first erroneous deed.

(7) REMEDIES NOT EXCLUSIVE.—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 upon becoming a law.