

By Senator Jones

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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.; defining terms; requiring that any deed or instrument purporting to convey real property or an interest therein be executed in the presence of a specified number of independent witnesses; prohibiting the recording of such deeds or instruments with the clerk until after a specified cooling-off period has elapsed; authorizing a specified adult to file with the clerk the contact information of a trusted person; requiring the clerk to contact the trusted person before the cooling-off period elapses; authorizing the trusted person to object in writing to the deed or instrument being recorded; providing that an objection from a trusted person triggers another specified cooling-off period; requiring the clerk to refer an objection to a not-for-profit legal aid organization to investigate whether the deed or instrument was obtained through fraudulent or exploitative means; authorizing the not-for-profit legal aid organization to request additional time to investigate the matter; prohibiting the clerk from recording the deed or instrument until after the not-for-profit legal aid organization has concluded the deed or instrument was

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not obtained through fraudulent or exploitative means;
requiring the clerk to record the deed or instrument
if no fraud or exploitation of a vulnerable adult is
suspected; requiring a clerk or not-for-profit legal
aid organization that suspects a deed or instrument
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.;

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

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

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

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

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

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

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

77 10. Clerk of the court,
78
79 who knows, or has reasonable cause to suspect, that a vulnerable
80 adult has been or is being abused, neglected, or exploited must
81 immediately report such knowledge or suspicion to the central
82 abuse hotline.

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

85 415.1104 Title fraud prevention for specified adults.-

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

87 (a) "Clerk" means any of the clerks of the circuit courts

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88 of this state.

89 (b) "Independent witness" means a natural person who
90 physically witnesses the signing of a deed or other instrument
91 purporting to convey real property or an interest therein, and
92 who:

- 93 1. Is 18 years of age or older;
94 2. Is of sound mind;
95 3. Is not a party to the conveyance; and
96 4. Has no financial interest in the conveyance.

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

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

103 (e) "Trusted person" means a natural person 18 years of age
104 or older whom the specified adult has expressly identified and
105 recorded with the clerk as a person who may be contacted about
106 any deed or other instrument purporting to convey real property
107 or an interest therein.

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

111 (3) Any deed or instrument described in subsection (2)
112 which is presented to the clerk may not be recorded until after
113 a 72-hour cooling-off period has elapsed.

114 (4) (a) A specified adult may file with the clerk the name,
115 address, telephone number, and e-mail address of a trusted
116 person.

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117 (b) The clerk shall contact the trusted person before the
118 72-hour cooling-off period elapses.

119 (c) The trusted person may object to the deed or instrument
120 described in subsection (2) being recorded. An objection made by
121 the trusted person must be in writing.

122 (d) An objection from the trusted person triggers another
123 72-hour cooling-off period, during which time the clerk shall
124 refer the matter to a not-for-profit legal aid organization to
125 investigate whether the deed or instrument described in
126 subsection (2) was obtained through fraudulent or exploitative
127 means.

128 (e) The not-for-profit legal aid organization may request
129 additional time to investigate the matter. The clerk may not
130 record the deed or instrument described in subsection (2) until
131 the not-for-profit legal aid organization makes a finding that
132 the deed or instrument was not obtained through fraudulent or
133 exploitative means.

134 (5) If, after the cooling-off periods described in
135 subsections (3) and (4) have elapsed and there is no suspicion
136 that the deed or instrument has been obtained through fraudulent
137 or exploitative means, the clerk must record the deed or
138 instrument described in subsection (2).

139 (6) Notwithstanding the cooling-off periods described in
140 subsections (3) and (4), if the clerk or the not-for-profit
141 legal aid organization suspects the deed or instrument described
142 in subsection (2) was obtained through fraudulent or
143 exploitative means, it must refer the matter to the state
144 attorney for further investigation and prosecution.

145 (7) By October 1, 2027, the clerks shall provide materials

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146 in their respective offices which contain information written in
147 plain language on the risks of conveying real property or an
148 interest therein to another person, with an emphasis on
149 protecting specified adults against fraud and exploitation.

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

154 415.1105 Training programs.—

155 (2) Within available resources, the department shall
156 cooperate with other appropriate agencies in developing and
157 providing preservice and inservice training programs for those
158 persons specified in s. 415.1034(1)(a).

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