



913364

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2010	.	
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The Committee on Judiciary (Fasano) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 40 and 41  
insert:

Section 3. Subsections (3) and (4) of section 712.06, Florida Statutes, are amended, and a new subsection (4) is added to that section, to read:

712.06 Contents of notice; recording and indexing.—

(3) The person providing the notice referred to in s. 712.05 shall cause the clerk of the circuit court to ~~shall, upon such filing,~~ mail by registered or certified mail to the purported owner of said property, as stated in such notice, a copy thereof and shall enter on the original, before recording



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14 the same, a certificate showing such mailing. For preparing the  
15 certificate, the claimant shall pay to the clerk the service  
16 charge as prescribed in s. 28.24(8) and the necessary costs of  
17 mailing, in addition to the recording charges as prescribed in  
18 s. 28.24(12). If the notice names purported owners having more  
19 than one address, the person filing the same shall furnish a  
20 true copy for each of the several addresses stated, and the  
21 clerk shall send one such copy to the purported owners named at  
22 each respective address. Such certificate shall be sufficient if  
23 the same reads substantially as follows:

24  
25 I hereby certify that I did on this ....., mail by  
26 registered (or certified) mail a copy of the foregoing notice to  
27 each of the following at the address stated:

28 ... (Clerk of the circuit court) ...  
29 of .... County, Florida,  
30 By ... (Deputy clerk) ...

31  
32 The clerk of the circuit court is not required to mail to the  
33 purported owner of such property any such notice that pertains  
34 solely to the preserving of any covenant or restriction or any  
35 portion of a covenant or restriction.

36 (4) In lieu of providing notice through the clerk of the  
37 circuit court as provided in subsection (3), the person may  
38 publish the notice in a newspaper as provided in chapter 50.  
39 Such notice must be published once a week for 2 consecutive  
40 weeks in the manner provided in s. 712.05 and must include the  
41 book and page number where the notice is recorded in the  
42 official records and the name of the county where the property



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43 is located.

44 (5)~~(4)~~ Failure of any purported owner to receive the mailed  
45 notice shall not affect the validity of the notice or vitiate  
46 the effect of the filing of such notice.

47

48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Between lines 8 and 9

51 insert:

52 amending s. 712.06, F.S.; revising the noticing  
53 requirements for a statement of marketable title  
54 action;