



FCCC ADVISORY

HB 1419 QUIET TITLE FORM

NO. 23-044

DATE:	June 30, 2023	CONTACT:	Gary Cooney
PAGE:	1 of 1	PHONE:	(352) 742-4105
		EMAIL:	gcooney@lakeclerk.org
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House Bill 1419, now [Chapter 2023-238, Laws of Florida](#), created a new Section 65.091, Florida Statutes. Subsection 65.091(3) requires clerks of the circuit court to “*provide* a simplified form for the filing of a complaint to quiet title based on a fraudulent attempted conveyance allegation and instructions for completing such form” (emphasis added). This provision does not require Clerks to create the form to be provided. Section 454.18, Florida Statutes, prohibits clerks of court and their deputies from practicing law except for themselves. As the drafting of a complaint form may be considered the practice of law, Florida Court Clerks & Comptrollers (FCCC) reached out to the Chief Justice of the Florida Supreme Court and The Florida Bar for assistance in creating this form and the instructions therefor.

The Florida Bar, and particularly Sarah Butters, the Chair of the Real Property, Probate and Trust Law Section of The Bar, immediately began working on a solution. Ms. Butters asked two well-respected attorneys, Manny Farach and Shawn Brown, to draft the forms and instructions to be provided. Thanks to their prompt attention to this matter, we now have those forms and instructions.

With the above in mind, it is recommended Clerks not draft an in-house form and instructions, but use the forms provided by The Florida Bar. A fillable PDF version and a Word version for your use in meeting the requirement of House Bill 1419 are located on [FCCC’s Advisory Bulletins Webpage](#). One form and its instructions are for those instances when the plaintiff is claiming someone forged their signature on a deed in an attempt to convey title. The other form and instructions are for those instances when the plaintiff is claiming a deed without their name on it was used to try and convey title. As always, The Florida Bar suggested Clerks may want to consider referring anyone who has questions about quiet title actions to seek the advice of an attorney or to the assistance of attorneys in their local legal aid office.