Title Fraud Prevention through Identity Verification Pilot Program

LEGISLATIVE REPORT
2023-2025

Prepared by:
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October 30, 2025

The Honorable Ron DeSantis
Governor of Florida
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

The Honorable Ben Albritton
President, Florida Senate
The Capitol, Suite 409
Tallahassee, Florida 32399

The Honorable Daniel Perez
Speaker, Florida House of Representatives
The Capitol, Suite 420
Tallahassee, Florida 32399

Re: Submission of Legislative report as required by s. 28.2225, Florida Statutes, entitled, "Title Fraud Prevention Through Identity Verification Pilot Program."

Dear Governor DeSantis, President Albritton, and Speaker Perez,

On behalf of the Lee County Clerk of the Circuit Court & Comptroller's Office, I am writing to submit the attached report entitled, "Title Fraud Prevention Through Identity Verification Pilot Program."

This report provides a comprehensive overview of the Title Fraud Prevention Through Identity Verification Pilot Program, launched by the Lee County Clerk of the Circuit Court & Comptroller in accordance with section 28.2225, Florida Statutes. The law became effective in July 2023, and the pilot program ran from August 2023 through June 2025. This pilot program was the first of its kind, not just in Florida but likely the United States, to combat title fraud against owners of real property.

Section 28.2225(3)(c), Florida Statutes, requires that by December 31, 2025, any Clerk participating in the program must submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives containing: the number of persons who presented a deed or other qualifying instrument for recording in person or through an electronic recording service; the types of identification cards produced in connection with the presentation of deeds or other qualifying instruments of the recording, and the number of each; feedback received from the community; whether the pilot program led to the identification of any persons suspected or accused of fraudulently conveying, or attempting to fraudulently convey, real property, and the outcome of any criminal charges or civil actions brought against such persons; the

Clerk's recommendation as to whether the production of a government-issued photographic identification card in connection with the presentation of a deed or other instrument for recording is appropriate to require throughout this state; and, any other information the Clerk deems necessary.

This report, submitted in accordance with the statute, examines the foregoing, including successes and challenges of the pilot program, recommendations for continuation of the pilot program, and proposed legislative modifications for expansion of the program.

The key findings include:

- Stakeholders were united in the desire to remedy the problem of title fraud. Title fraud, or deed theft, is one of the fast-growing crimes, as a means to evict the rightful owner of real property, lease or sell a property under the appearance of lawful authority, place liens on a property, or improperly secure loans against the equity in a property;
- Feedback from legal and real estate professionals about the mechanics of the pilot program was mixed due to perceived burdensome statutory requirements; and
- Legislative changes are needed to expand the pilot program, which would assist participating Clerks in strengthening real property protections, preserving public trust in Florida's land records, and creating remedies in cases of title fraud.

I have enclosed the full report for your review. We would be pleased to provide further information or discuss our findings in more detail at your convenience. Thank you for your consideration of this important issue.

Sincerely,

Kevin C. Karnes

Kevin C. Karnes,
Clerk of The Circuit Court & Comptroller
Lee County, Florida

Enclosure: *Title Fraud Prevention through Identity Verification dated October 30, 2025*

About Title/Deed Fraud

Title fraud or deed theft (also known as property fraud) is likely to be one of the fastest-growing white-collar crimes in the United States. Between 2019 and 2023, the Federal Bureau of Investigation reported 58,141 potential victims of real estate fraud, with an estimated $1.3 billion in reported losses.[1] Additionally, as reported by the National Association of Realtors in their 2025 Deed and Title Fraud Survey, 63% of respondents reported awareness of title fraud or deed theft in their market over the past 12 months[2].

Title fraud occurs when someone uses a forged deed to sell or transfer property they do not own. The fraudulent deed gives the appearance that the ownership of the property has been changed. Fraudsters may then:

- Attempt to evict the rightful owner.
- Lease or sell the property.
- Place liens on the property.
- Take out loans or second mortgages.

Many of Florida's Clerks of the Circuit Court serve in the capacity of County Recorder, where land-related records are filed, indexed, and stored pursuant to Florida Statutes. The role of County Recorder is ministerial, which means the Clerk is only authorized to reject documents for limited reasons.

Only a court of competent jurisdiction can declare that a deed is void. The removal of a fraudulent deed from the Official Record on the Clerk's website (which acts as the repository for title searches) is a lengthy and complex process. Victims of real estate crimes often must secure legal counsel, who then petition the court to determine proper ownership and once adjudicated only then does the presiding judge direct the Clerk to remove the fraudulent deed from the Official Record.

Warning Signs of Title/Deed Fraud

Possible signs include:

- A recorded document with a forged signature.
- A transfer of ownership without the consent or knowledge of the property owner.
- A document signed by someone who was deceased at the time.
- A loan taken out on a person's property without consent.
- Changes made to a legal land-related document after it has been signed.

Additional red flags:

- Delivery of an email alert from a Clerk's "Recording Notification Service."[3]
- No receipt of Notice of Proposed Property Taxes or Truth in Millage (TRIM) notices and/or other property tax bill or notices.
- Receipt of foreclosure notices when a loan is current or owned outright.
- Notification of loan documents for Home Equity Line of Credit (HELOC) or primary/secondary mortgage loans for which the homeowner did not apply.

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[1] Federal Bureau of Investigation; FBI Boston Warns Quit Claim Deed Fraud is on the Rise — FBI

[2] National Association of Realtors; Deed and Title Fraud Survey

[3] https://www.flclerks.com/page/PropertyAlertServices

Title Fraud Prevention Pilot Program Overview

This report provides a comprehensive overview of the "Title Fraud Prevention Through Identity Verification Pilot Program" (pilot program), launched by the Lee County Clerk of the Circuit Court & Comptroller (Lee Clerk) in accordance with section 28.2225, Florida Statutes. The law became effective in July of 2023, via House Bill 1419, and the pilot program ran from August 2023 through June 2025. This pilot program was the first of its kind, not just in Florida, but likely the United States.

Implementation Summary

The pilot program was implemented in three main phases. A summary of each phase is outlined below.

- **Preparation & Education (May 2023 – July 2023):**
  - Legal analysis of the newly created statute.
  - Developed business and reporting requirements for all phases.
  - Education materials were created and distributed.
  - Communication plan was drafted and executed.
  - Policies, procedures, and training materials were updated and implemented.

- **Non-Electronic Deed Submissions (August 2023):**
  - Program requirements applied to in-person, mail, and drop-off deed recordings.
    - This phase had a high level of "deed rejections" primarily due to a lack of knowledge that the deed submission rules had changed for Lee County.

- **Electronic Deed Submissions (October 2023 – June 2024):**
  - Pilot Program requirements were extended to electronic recordings through e-recording vendors. The delay was attributed to software complexities.
    - This phase also had a high level of "deed rejections" primarily due to a lack of knowledge that the deed submission rules had changed for Lee County.

Phase 1: Preparation & Education

The preparation phase was crucial to the success of this initiative. Due to the unprecedented nature of this new program, the Lee Clerk knew the importance of developing clear guidance for the Lee County community and our software vendors. Over the first two months, the Lee Clerk team conducted a thorough evaluation of existing software and hardware capabilities to identify opportunities to streamline the deed recording process. Key objectives included developing methods to capture photo identification images, developing strategies to collect statistical data, and integrating these tasks into the workflow without significantly increasing the time required to record a deed.

Given that recording Clerks already adhere to a comprehensive checklist to ensure each deed meets statutory requirements, any additional steps had to be thoughtfully developed to minimize disruption. For Lee County specifically, it takes approximately three minutes to record and index a standard deed involving four parties and one legal description. Preserving this level of efficiency was a guiding principle throughout the planning process.

Even prior to the preparation phase a significant portion of time was dedicated to the planning and design of this initiative. The objective was to identify ways to utilize existing software and hardware to enhance the deed recording process without introducing delays or disrupting established workflows.

As a whole, the preparation phase of the pilot program was simple to execute. There were three main questions to this phase.

- Who was required to present their ID?
- How was the Clerk going to address the collection, processing, and storage of IDs?
- Did the land records system have the capability of producing the required statistics?

Early lessons learned during this phase included the need for improved scanner technology, earlier engagement with industry stakeholders, and standardized ID submission formats.

Legal Analysis of Section 28.2225, Florida Statutes
One of the very first challenges to address was a legal interpretation of the newly created statute. The Lee Clerk conducted a series of internal meetings with the Lee Clerk General Counsel to clarify the legislative intent behind the term "presenter," which could have been interpreted in multiple manners. One perspective was that the statute only applied to the person physically presenting the deed for recording. However, Clerk staff regularly accepts deeds through third-party "runners or e-filers" that have no interest in the property listed on the deed. Through this legal review, it was determined as a matter of Lee Clerk policy, that the "person presenting the deed for recording" would practically apply to all grantors and/or grantees, as they have a direct interest in the property transaction. This approach also ensured the Clerk's office treated every single deed transaction the exact same, therefore preventing gaps in Clerk policy and procedures.

It is the view of the Lee Clerk that the statute's identification requirement was designed to support law enforcement efforts by enabling verification of the identities of those involved in property-related transactions. This measure also serves as a safeguard against fraudulent activity, providing a clearer trail for investigative purposes.

Collection of Required Statistical Data
To fulfill the data requirements outlined in the legislative report, the Lee Clerk implemented a structured approach to capture key statistical metrics related to deed recordings. During document intake, the data was categorized by the method the deeds were submitted – whether in person, via drop-off, by mail, or through electronic recording (e-recording).

Additionally, a new document type was added to track the type and volume of photo identification in the recording system. This allows Clerks to log specific IDs (e.g., driver license, passport) and their frequency, ensuring consistent data collection and operational efficiency while meeting statutory requirements.

Capture Photo Identification Images
Another obstacle presented in this phase was interpretation of the term "government issued identification." General Counsel's legal research determined there is no statutory definition of this term. Therefore, policy steps were taken to define what IDs would be accepted as part of the pilot program.

To ensure successful acceptance and processing, the following standards applied:

- Legibility: The name, address, and signature on the ID image must be clearly legible. Transactions were rejected if these fields were obscured or unreadable.

- Photo Quality: While poor image quality of the photo alone did not result in rejection, high-

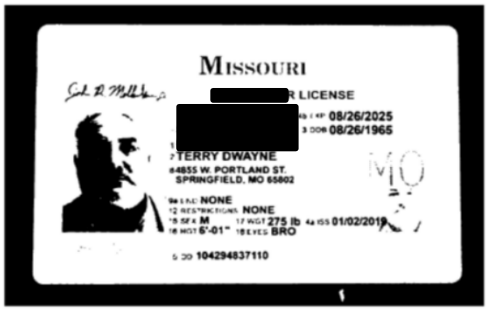
resolution images were strongly recommended.

- Acceptable ID Types: Initially accepted forms included driver licenses, state ID cards, passports, Matricula Consular IDs, and U.S. permanent resident cards. Military IDs were temporarily accepted but suspended as of May 2024, due to federal restrictions on photocopying.

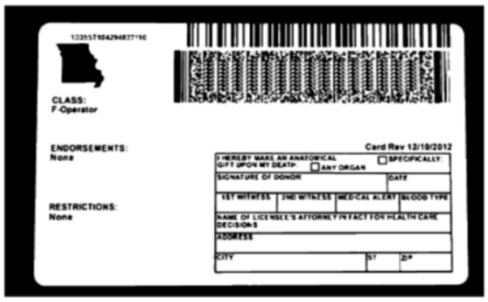
Phase 2: Non-Electronic Deed Submissions (In-Person and Mail Transactions)

Phase 2 of this project focused on deeds that were presented to the Lee Clerk in-person or via U.S. mail. On average, 25% of the documents recorded by the Lee Clerk's office are submitted in paper format. Although paper documents are a smaller percentage of transactions, they arguably are more impactful in terms of customer disruption. Customers often must travel to a Clerk location, pay for parking, and wait for a short time to be assisted by a customer service representative. If a customer was unaware that the ID requirement was in place, they may not have had the ID (or a copy) of all grantors/grantees listed on the deed. This likely resulted in additional steps that were more time consuming to resolve than required for electronically submitted deeds.

As a whole, many of the customers assisted in Phase 2 of the pilot program understood and were receptive to the new requirements. Most of these customers are citizens that typically do not file multiple deeds or multiple types of deeds within a short period of time. They were appreciative of our commitment to combat title/deed fraud and generally did not mind the extra step of submitting their IDs along with the deed. Public perception was favorable in terms of implementing the new pilot program. Registration to our Property Fraud Alert system increased due to the personal interactions we were able to have with our customers.



One of the initial challenges encountered during the second phase of the pilot program was achieving a clear and legible scanned image of photo identification within our recording software. While alternative applications, such as Adobe, successfully produced high-quality scans, the subsequent upload into the recording platform resulted in significant image distortion and degradation.



Attempts to scan IDs directly into the recording software using document scanners also failed to yield satisfactory results. Over the course of several weeks, Clerk staff engaged in manual adjustments to scanner settings for each ID. However, this process proved to be inefficient and unsustainable, as it required excessive time and effort from recording Clerks. Resources that could not be reasonably allocated for each transaction and deviated from the Lee Clerk's goal of not disrupting the timeliness of our document acceptance/processing standards.

To explore alternatives, office photocopiers were tested to create hard-copy images of IDs, producing clear reproductions. However, scanning these copies back into the software caused unacceptable distortion. Consequently, paper photocopies were retained during the pilot phase. Ultimately, the software printed two instrument labels, with one attached to the deed and the other to the ID photocopy, ensuring accurate association and traceability.

Photo Identification Requirements and Suspense Management

Effective August 2023, all grantors and grantees listed on the deed submitted for recording – whether in person or by mail – were required to provide either:

- A government-issued photographic identification card that included the individual's name, address, photograph, and signature; or
- A legible photocopy of such identification.

Exemptions from this requirement include:

- Certificate of Title
- Tax Deed
- Membership Certificates
- Sheriff's Deeds
- Cemetery Deed

In preparation for the launch of the *Lee County Identity Verification Pilot Program*, a detailed customer guide was produced. This guide was published on the Lee Clerk's website (LeeClerk.org) and supported by a multi-faceted media campaign to ensure broad awareness.

In the first month of the pilot program, the Lee Clerk processed 1,033 deeds. A total of 338 deeds were "rejected" to include 94 in-person transactions and 243 mail transactions. This equates to a total rejection rate of 33%, which was the highest percentage for this phase, most likely due to the community not being aware of the new requirements. For each subsequent month, the rejection percentage decreased, reaching 7%.

The core reasons a deed was rejected are outlined below. These included:

- Business Entity Representation: Individuals representing a business entity listed on a deed must submit a photocopy of a government-issued photo ID. The ID must clearly display the individual's name, address, signature, and their role or position within the entity.

- Name Mismatch: The name on the presented ID must match the name of the grantor or grantee listed on the deed.

- ID Requirements (section 28.2225, Florida Statutes): All grantors and grantees must present either a government-issued photo ID or a legible photocopy. Acceptable IDs must include the individual's name, address, photograph, and signature.

- Legibility Standards: Photocopies of IDs must be clear and legible. Any copy with obscured or distorted information will result in suspension.

- Witness Address Requirement *(Effective January 1, 2024)*: In accordance with section 695.26(1)(c), Florida Statutes, the post-office address of each witness to a real property conveyance must be legibly printed, typewritten, or stamped below their signature.

- Non-Recordable ID Images: Photo ID images are considered non-recordable documents and must not be attached to the deed.

- Accepted Forms of ID: Valid forms of identification include a driver license, passport, state ID

card, Matricula Consular ID card, or U.S. permanent resident card.

As the pilot program progressed, internal procedures were revised, and additional suspense reasons were added to address common issues and improve operational consistency. These additions were essential to maintaining statutory compliance while preserving the integrity, accuracy, and efficiency of the recording process.

To meet the requirements of the newly enacted legislation, several targeted enhancements were made to the recording software. Under the previous workflow, upon receipt of a deed for recording, the recording Clerk initiated a new transaction within the system and assigned the appropriate document type. The deed was then scanned, and key index fields, such as document type, page count, and party names, were populated. Following a quality review of the scanned image, payment was processed, a receipt was issued, and the deed was officially recorded.

During the pilot program, additional steps were introduced to accommodate the statutory requirement for photo identification. When a deed was submitted – whether in person, via drop-off, or by mail –customers were required to provide photo identification for all listed grantors and grantees. In addition to the standard recording process, recording Clerks were responsible for capturing images of the provided IDs, ensuring that names and addresses were clearly visible, and associating each image with the corresponding instrument number (also referred to as the Clerk File Number) of the recorded deed.

To support these changes, a new non-recordable document type was created within the existing software infrastructure. This allowed for the secure capture and storage of ID images without making them publicly accessible. The system was configured to print two copies of the recording label – one affixed to the deed and the other to the ID copy – to maintain accurate linkage. All ID images and related documentation were excluded from public view via the Lee Clerk's website and in-office kiosks. Instead, physical copies were organized chronologically by record date, sorted by recording Clerks, and securely stored in a designated vault.

The time invested in evaluating available options and defining business requirements proved invaluable, laying the foundation for a successful Phase 2 launch in August 2023.

Phase 3: Electronic Deed Submissions

Phase 3 of this pilot program focused on deeds that were presented to the Lee Clerk electronically, also known as "e-recorded deeds." On average, nearly 75% of the documents recorded by the Lee Clerk's office are submitted in electronic format. Electronically submitted deeds presented separate – and more significant – challenges from phase 2. This phase required coordination with third-party vendors, who act as a clearing house between the deed submitter and the Clerk's office. The Lee Clerk had to collaborate with eight (8) separate vendors on the new pilot program requirements and many of the vendors did not want to update their software to accommodate the new program requirements. The hesitation was because Lee County was the only client with a legislative requirement to electronically accept IDs. Collaboration started with the vendors in August of 2023, but ID acceptance configurations were not implemented by the vendors until mid-2024.

The main challenge of this phase was to accommodate the submission of non-recordable ID documents alongside conveyance instruments. The Lee Clerk and the eight (8) vendors who had to make several major technical modifications to each system, which were required to be developed, tested, and implemented:

- Recording Software: Updated to accept and index non-recordable ID documents.
- E-Record Vendor Software: Enhanced to allow customers to upload non-recordable ID images as part of the e-recording package.
- PRIA XML Package: Modified to support the transmission of the ID document and associated data.

Throughout the development and testing, a recurring challenge was the submission of clear and legible scanned ID images. By the time these images were produced within the recording software for Clerk review, many were of poor quality, rendering critical fields illegible, such as the photo, name, address, and signature. Consistent with Phase 2 protocols, these ID images and associated data were not viewable on the Lee Clerk's public website or in-office kiosks; rather, they were securely stored within the Clerk's Official Records system.

To address these issues, the Lee Clerk partnered with an e-recording vendor to develop and implement software enhancements and establish ID image quality standards applicable to all future submissions. Extensive internal testing and collaboration with vendors led to a practical compromise: ID images would be accepted, provided the name, address, and signature were clearly legible. While image quality of the photo itself was not grounds for rejection, customers were strongly encouraged to submit the highest quality scans possible.

The e-recording vendor began submitting IDs with deeds in April 2024; however, illegible deeds were not suspended until all e-recording vendors adhered to the same standards and procedures.

The Lee Clerk prepared both technical and non-technical documentation to assist remaining e-recording vendors with the Property Records Industry Association (PRIA)[4] XML configuration changes.

The Lee Clerk collaborated with each remaining e-recording vendor to ensure the successful submission of non-recordable ID documents with conveyance instruments. After extensive communication, vendors that passed testing were allowed to begin submitting deeds with IDs to production.

To support a smooth transition, the Lee Clerk deferred enforcement of ID compliance for electronically submitted deeds until June 1, 2024. This grace period allowed vendors and customers time to adapt to the new requirements.

For this phase, the customer feedback was split. Some customers assisting in Phase 3 of the pilot program were not receptive to the new requirements and some aligned with the feedback of the initial phase (favorable). Many electronic submitters of deeds are professional business organizations. Although some of these professionals were appreciative of our commitment to combat title/deed fraud and came into compliance relatively quickly, some thought the additional steps of producing an ID were duplicative and challenged our interpretation of the new statute. Most customers who disagreed with the pilot program did not like that the deeds were being rejected due to the ID component and/or thought this step was unnecessary as some title organizations and underwriters require the same proof-of-identify documentation for their internal processes.

[4] PRIA's role, as stated on their website, is to develop and promote national standards and best practices for the land records industry.

Reporting Requirements of Section 28.2225, Florida Statutes

- All ‘persons presenting a deed’ – whether in person, by mail, or electronically – could be required to provide government-issued photo identification (ID) to be inspected by the Clerk before recording the deed or other instrument.

- Required the Clerk to record the name and address of such person, as the information appears on the identification card, along with the instrument recorded.

- Clerk was authorized to refuse to record a deed or other instrument purporting to convey real property or an interest therein, when the requested identification was not provided by the deed presenter.

- By December 31, 2025, submit a report containing the following information to the Governor, President of the Senate, and Speaker of the House of Representatives.
    - The number of persons who presented a deed or other qualifying instrument for recording
        - In person
        - Through an electronic recording service
    - The types of identification cards produced in connection with the presentation of deeds or other qualifying instruments of the recording, and the number of each.
    - Feedback received from the community, if any, in response to the Clerk’s participation in the pilot program.
    - Whether the pilot program led to the identification of persons suspected or accused of fraudulently conveying, or attempting to fraudulently convey, real property, and the outcome of any criminal charges or civil actions brought against such persons.
    - The Clerk’s recommendation as to whether the production of government-issued photographic identification cards in connection with the presentation of a deed or other instrument for recording is appropriate to require throughout this state.
    - Any other information the Clerk deems necessary.

Deeds Presented[5]

As prescribed in section 28.2225(3)(c)1., Florida Statutes, the Lee Clerk is required to report the number of deeds presented throughout the pilot program. Below is the data which shows the number of deeds filed, accompanied with some context about how those deeds were submitted to the Lee Clerk's office.

Transaction Type	Deed Type	# of Documents	% of all deeds
ERecording	Quitclaim	5,073	6.60%
Mail	Quitclaim	3,284	4.27%
Over the Counter	Quitclaim	6,926	9.01%
Total	Quitclaim	**15,283**	**19.88%**
ERecording	Warranty	41,836	54.43%
Mail	Warranty	4,517	5.88%
Over the Counter	Warranty	8,327	10.83%
Total	Warranty	**54,680**	**71.14%**
ERecording	Other	3,999	5.20%
Mail	Other	1,449	1.89%
Over the Counter	Other	1,455	1.89%
Total[6]	Other	**6,903**	**8.98%**
Total	**All Deeds**	**76,866**	

Identification Types

As prescribed in section 28.2225(3)(c)2., Florida Statutes, the Lee Clerk is required to report the number of IDs presented throughout the pilot program. Below is the data which shows the number of ID filed, accompanied with some context about how those deeds were submitted to the Lee Clerk's office.

Identification Type (ID)	Transaction Type	# of IDs Presented	% of all IDs
Driver License	In-Person	57,884	30.40%
Passport		2,508	1.30%
State ID		434	0.22%
Matricula ID		62	0.03%
Permanent Resident ID		52	0.02%
Other ID		214	0.11%
Total		**61,154**	**32%**
Driver License	e-Recorded	122,907	64%
Passport		5,645	3%
State ID		643	0.34%
Matricula ID		84	.04%
Permanent Resident ID		155	.08%
Other ID		79	.04%
Total		**129,513**	**68%**
Total	**All Transactions**	**190,667**	

[5] Electronically filed (e-recording) deeds range from June 1, 2024, through June 30, 2025.
[6] Corrective, Deed in Lieu of Foreclosure, Fee Simple, Life Estate, Occupancy, Personal Representative, Trustee

Community Feedback

As prescribed in section 28.2225(3)(c)3., Florida Statutes, the Lee Clerk is required to report any feedback received from the community, if any, in response to the Lee Clerk's participation in the pilot program. To comply with this provision of the statute, the Lee Clerk took two main actions. The first action was to create a public email address (deedpilot@leeclerk.org) to electronically communicate with members of the community about the pilot program. This email was an another tool in addition to traditional in-person customer service support provided via the call center and customer service lobbies. The second action was to create a simplistic feedback survey, located on the Lee Clerk's official website, which served as an additional method for the community to interact with the Lee Clerk's office about the pilot program.

A total of 440 emails were answered by the Lee Clerk team and seven (7) surveys were completed. As a whole, the feedback was split. Those in a professional role agreed title/deed fraud needs to be prevented but disagreed with how to accomplish that goal. General customers also understood the problems associated with title/deed fraud and demonstrated favorable views of the pilot program. They did not mind the additional steps required to submit an ID to the Lee Clerk. As the pilot program came to a close in mid-2025, the Florida Land Title Association (FLTA) and PRIA both distributed mass communications to their members requesting their feedback on the pilot program.

Below is a more detailed view of the feedback collected, separated by audience type.

Legal Community

The legal community's feedback on the pilot program was overwhelmingly critical. While a few respondents supported the intent behind fraud prevention, the majority found the program to be unduly burdensome, ineffective, and legally overreaching. Concerns centered around privacy risks, workflow disruptions, statutory misinterpretation, and lack of measurable fraud prevention outcomes. There is strong opposition to expanding the program statewide without significant reform.

Clerk perspective: The legal profession has a fiduciary responsibility to their clients. Although many were critical of the pilot program details, all understood and were aware that title/deed fraud is a growing concern. This audience had a variety of opinions on how to mitigate/prevent this crime. It is not clear if there is a uniform requirement for attorneys to collect IDs or to report fraudulent transactions to law enforcement.

Title Industry / Property Professionals

The title industry expressed strong reservations about the pilot program. While a few participants supported its intent, the majority found it burdensome, ineffective, and risky from a privacy and operational standpoint. In the industry's view, the pilot program introduced workflow disruptions, recording delays, and confusion over statutory interpretation. There is broad opposition to statewide expansion unless significant reforms are made.

Clerk perspective: Many in the title industry also have a duty to protect the interests of their clients. Nearly 100% of interactions with this audience type also indicated concerns about title/deed fraud, but there is no industry-wide approach to solving this problem. Each firm/organization had their own internal policies to "confirm identity." Solutions ranged from collecting IDs, arranging in-person meetings, and even conducting neighborhood interviews. There does not appear to be a uniform requirement for title professionals to collect IDs or to report fraudulent transactions to law enforcement.

Non-Florida County Recorders or Register of Deeds / Other Notable Partners
County Recorders from all over the nation, as well as other notable partners, contacted the Lee Clerk about this pilot program. These jurisdictions indicated that title/deed fraud is also an interest in their communities and that their state legislatures were contemplating legislation to address this growing problem. Below is a list of partners that met or corresponded with the Lee Clerk about the pilot program. Nearly all expressed interest in following Florida's lead in their pursuit to combat title/deed fraud.

- Guildford County, North Carolina
- Greenville County, Missouri
- Saline County, Arkansas
- Douglas County, Nevada
- Walworth County, Wisconsin
- Carroll County, New Hampshire
- Pennsylvania Association of Notaries
- Guardianship Network of Miami-Dade County
- Hillsborough County Sheriff Office
- Collier County Sheriff Office

General Feedback (by type of concern)

- Statutory Interpretation of ID Requirement
  - Issue: section 28.2225(2), Florida Statutes, does not explicitly mention grantors or grantees.
  - Lee Clerk Response: Lee Clerk interprets "presenter" to mean parties with direct interest in the transaction (grantors/grantees), not intermediaries like title agents or couriers.
- Name Mismatch Between ID and Deed
  - Issue: Variations in names on ID vs. deed
  - Lee Clerk Response: Logical name matches are accepted. Abbreviations are allowed if the signature reflects less than, not more than, the full name on the ID.
- Capturing Name, Address, and Instrument Number
  - Issue: How is required data linked to the recorded deed?
  - Lee Clerk Response:
    - In-person/mail: Recording label affixed to ID photocopy.
    - Electronic: Deed was linked to ID image document; name and address were extracted.
- Entity Representation
  - Issue: How should entities present IDs when signing deeds? Is an affidavit sufficient to verify signer's role?
  - Lee Clerk Response: No. Signers must annotate their ID photocopy with their role/relationship to the entity clearly written (e.g., President, Trustee).
- Exclusion Requests
  - Issue: Request to exclude Deed in Lieu of Foreclosure

- Lee Clerk Response: Denied. Current exclusions include Certificate of Title, Tax Deed, Membership Certificate, Sheriff's Deed, and Cemetery Deed. Additional exclusions are reviewed case-by-case.

- Attorney Pushback
  - Issue: Attorneys argue they should be exempt from presenting client IDs.
  - Lee Clerk Response: Lee Clerk accepted attorney's ID and Bar card; scanned into the system as MISC. "Record As Is" form and waiver note were added to the transaction.
- Program Timing
  - Observation: Deeds executed prior to program launch may be recorded years later.
  - Lee Clerk Response: Suggestion was made to base the ID requirement on deed execution date, not recording date, to avoid retroactive application.

Common Complaints

- Technical issues: Scanning and other e-recording platforms often degrade ID image quality, leading to rejections.
- Multiple rejections: Documents were rejected for minor discrepancies (e.g., middle initials, name formatting), causing delays. Recording Clerks failed to use statutory discretion in low-risk cases (e.g., corrective deeds, corporate transfers).
- Out-of-state and remote closings: Obtaining acceptable ID scans from non-local parties is difficult and time-consuming.
- Entity complications: Corporate signers, trustees, board members, attorneys, and clients are reluctant to submit personal IDs for business-related filings. Construction companies were also required to provide their IDs multiple times for sub-division properties, which seemed unnecessary.
- Fraud detection already occurs elsewhere: Title companies and attorneys use tools like CertifID, Zoom interviews, notary checks, and other techniques to prevent title/deed fraud.
- No verification process: Clerks do not validate the authenticity of submitted IDs. With technology platforms advancing at a rapid pace, it is impossible for Clerks to know whether an ID is fake, which undercuts the purpose of the pilot program.
- False sense of security: Collecting IDs without validation does not deter sophisticated fraudsters. Although the pilot program's intent was clear, it doesn't prevent fraud from taking place.

Suspected Cases and/or Arrests Related to Title/Deed Fraud

As prescribed in section 28.2225(3)(c)5., Florida Statutes, the Lee Clerk is required to report whether the pilot program led to the identification of any persons suspected or accused of fraudulently conveying, or attempting to fraudulently convey, real property, and the outcome of any criminal charges or civil actions brought against such persons. Below are the cases available to the public.

Criminal Action(s)

- State of Florida versus Gregory Matthews (25-CF-130)[7]
  - Charges:
    - Grand Larceny Above $100K – section 812.014, Florida Statutes
    - Criminal Use of Personal Identification Information – section 817.568, Florida Statutes

[7] Florida man arrested after being accused of trying to steal aunt's home

        - Possess or Display a Forged/Stolen Driver License –section 322.12, Florida Statutes
    - Outcome: Formal charges were not filed by the State Attorney.

Civil Action(s)

- Juan Zuniga versus Marcelo Romero (25-CA-484)
    - Quiet Title action; a fraudulent quitclaim deed was recorded in October 2024, falsely bearing the plaintiff's signature.
    - Outcome: Voluntarily Dismissed; release of Lis Pendens.
- East Winds Consulting LLC versus Aurelia Soogea et al. (25-CA-1336)
    - Quiet Title action; a fraudulent quitclaim deed was recorded in 2024. Property owner died in 2020, and fraudulent deed filed in 2024. Possible notary fraud.
    - Outcome: Default judgment entered. Court cancelled/voided the deed(s) in question.

Other Notable Lessons Learned from Pilot Program

- Technical Challenges: Scanning ID images with clarity was a recurring issue, especially via e-recording. Photocopiers proved more reliable than scanners for Phase 2.
- Vendor Collaboration: Extensive testing and XML updates were required. Vendors also had to update customer-facing systems to support new ID requirements.
- Public Communication: Materials were distributed via the Lee Clerk website and through vendors. However, some industry groups (e.g., Florida Land Title Association and the American Land Title Association) were unaware of the pilot program start date –highlighting the need for broader collaboration.
- Data Management: Images of IDs are stored in a confidential document type, accessible only to law enforcement and Clerk management. If the pilot program is not extended, copies will be destroyed per determined retention schedule.
- Impact:
    - Increased administrative workload.
    - Delays in recording, which affects closing proceedings and title insurance coverage.
    - Frustration among staff, title companies, attorneys, and clients.
- Data exposure: Fear of breaches and misuse of sensitive personal information.
- Public records risk: IDs may be accessible via public records requests.
- Lack of retention policy: No clear retention schedule on how long IDs are stored or how they are destroyed.

Other Information

The Lee County Clerk of the Circuit Court & Comptroller website provides many useful resources for learning more about Property Fraud: www.LeeClerk.org\FraudAlert.

- Pilot Program Recording Requirements and Frequently Asked Questions (FAQs)
- Fraud Alert Announcement Video, training materials and manuals

All of Florida's Clerks of Court and Comptrollers provide Recording Notification Services (also known as Property Fraud alerts) to their citizens[8]. To learn more, visit www.flclerks.com/page/PropertyAlertServices.

[8] The elected Broward County Property Appraiser supports the property fraud alert system, not the Clerk.

Legislative Recommendations

Based on the results of the pilot program and the public response to the "Title Fraud Prevention Through Identity Verification Pilot Program," the Lee County Clerk of the Circuit Court & Comptroller, in conjunction with Florida's Clerks of Court and Comptrollers, respectfully submits the following legislative recommendations:

Expand the Pilot Program with Modifications

- Expand the pilot program to any Clerk's office, but on a discretionary basis.
- Limit the scope of the ID collection authority to any deed on an as-needed basis.
- For all types of deeds; amend section 119.071, Florida Statutes, to include:
    - A public records exemption for any IDs collected by a Clerk for these purposes.
    - A public records exemption for the name, stamp/seal, and signature of a Public Notary.
    - A public records exemption for the signature of any grantor/grantee on a deed.
- Provide additional guidance on the definition of a "presenter" of a deed.
- Allow the Lee Clerk's office the opportunity to test signature matching and/or automated identity verification technologies.

Implement a Florida First Notary Policy

- Amend section 695.26 and/or Chapter 117, Florida Statutes, to require all Florida real estate transactions to require a Florida Notary.
- County Clerks and local law enforcement agencies could reconcile local notary transactions with the state databases. This solidifies jurisdiction for notary law violations.

Increase Recording Fees

- Additional revenue would help cover the extra personnel and technology cost to implement fraud prevention measures uniformly.
- This would potentially allow for cameras to be installed in County Recorder offices to assist law enforcement investigations.

Amend Other Florida Statutes

- Re-Establish the requirement of the 'Return for Transfers of Interest in Real Property' form that the Florida Department of Revenue repealed in June of 2008.[9]
- Title Companies/Real Estate Agencies: Require these entities to collect government issued IDs for all parties related to a real estate transaction.
- Deed Rejection: Give authority to the elected Clerk of Court (only that person, not to Deputy Clerks) to reject a suspected fraudulent deed. Relief for rejected filers would be to file a writ of mandamus to force recording. Judicial review would put responsibility on the filer prior to the recording of a deed, versus the victim after recording takes place.
- Data Collection and Annual Reporting: Establish a process to collect and report to the Legislature all title/deed fraud-related activity.

[9] Department of Revenue Form DR-219

Important Considerations

- **Notable lawsuits challenging the authority and/or processes of County Recorders**
  - Crist v. Manhattan Palms Ass'n One, LLC, No. 2D2024-1062, 2025 Fla. App. LEXIS 5566 (2d DCA July 23, 2025)
  - Prichett Trucking, Inc. v. Ronnie Fussell, Duval County Clerk et al., case 16-2018-CA-6589-CVG (4th Circuit Court, Duval County)
  - Mayfield v. First City Bank of Fla., 95 So. 3d 398 (2012)
  - First American Title Ins. Co. St. Lucie v. Dixon, 603 So 2d 562 (1992)
  - Lovett v. Forman, 883 So. 2d 319, 321 (Fla. 4th Dist. App. 2004)

- **Qualified Immunity**
  - County Recorders currently enjoy qualified immunity when performing discretionary functions unless their conduct violates 'clearly established statutory or constitutional rights of which a reasonable person would have known". [10]
  - If the legislature expands the authority of the County Recorder functions to mitigate title/deed fraud, qualified immunity would be needed for ministerial acts.

- **Funding Needs**
  - Recording fees have not been increased since 2004 (SB2962).
    - First page went from $5 to $10, additional pages went from $4.00 to $8.50
  - Every County Recorder's office is staffed differently and operates with different software.

These recommendations are aimed at strengthening real property protections statewide, preserving public trust in Florida's land records, and supporting effective law enforcement and judicial remedies in cases of title/deed fraud.

Conclusion statement by Clerk Karnes

It has been an incredible honor to lead the Title Fraud Prevention through Identity Verification Program. Over the course of this two-year pilot, it has become clear that Florida is setting the national standard for protecting homeowners from title and deed theft. While significant progress has been made, much work remains. I look forward to building upon the program's success and continuing every effort to ensure that no Floridian ever loses their home to fraud, because even one stolen home is one too many.

[10] *Andujar v. Rodriguez*, 486 F. 3d 1199, 1202 (11th Cir. 2007) (quoting *Dalrymple v. Reno*, 334 F. 3d 991, 994 (11th Cir. 2003) (citation omitted)).