

1 A bill to be entitled
 2 An act relating to adverse possession; amending s.
 3 95.18, F.S.; revising terminology; requiring certain
 4 conditions to be met before real property is legally
 5 adversely possessed without color of title; requiring
 6 a person claiming adverse possession to provide to the
 7 property appraiser certain attestations from the owner
 8 of the property on a uniform return; providing an
 9 effective date.

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

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13 Section 1. Subsections (1), (2), and (3) of section 95.18,
 14 Florida Statutes, are amended to read:

15 95.18 Real property actions; adverse possession without
 16 color of title.—

17 (1) When the adverse possessor ~~occupant~~ has, or those
 18 under whom the adverse possessor ~~occupant~~ claims have, been in
 19 actual continued control ~~occupation~~ of real property for 7 years
 20 under a claim of title exclusive of any other right, but not
 21 founded on a written instrument, judgment, or decree, the
 22 property, when actually controlled through maintenance or
 23 improvement of the exterior of any structure or the land,
 24 ~~occupied~~ is held adversely if the person claiming adverse
 25 possession made a return, as required under subsection (3), of
 26 the property by proper legal description to the property
 27 appraiser of the county where it is located within 1 year after
 28 entering into possession and has subsequently paid, subject to

29 s. 197.3335, all taxes and matured installments of special
 30 improvement liens levied against the property by the state,
 31 county, and municipality, as well as all mortgages and liens
 32 upon the property. All municipal, county, and state taxes must
 33 have accrued against the property, without payment, for at least
 34 2 years. A person or entity may not apply for adverse possession
 35 for more than one property in this state at the same time. The
 36 adverse possessor, or those persons under whom the possessor
 37 claims a possessory right, may not enter any structure on the
 38 possessed property until the end of the adverse possession
 39 period and after a deed has been issued to the possessor.

40 (2) For the purpose of this section, property is deemed to
 41 be possessed if the property has been:

- 42 (a) Protected by substantial enclosure;
- 43 (b) Cultivated or improved in a usual manner; or
- 44 (c) Maintained without entering any of the structures
 45 ~~Occupied and maintained.~~

46 (3) A person claiming adverse possession under this
 47 section must make a return of the property by providing to the
 48 property appraiser a uniform return on a form provided by the
 49 Department of Revenue. The return must include all of the
 50 following:

- 51 (a) The name and address of the person claiming adverse
 52 possession.
- 53 (b) The date that the person claiming adverse possession
 54 entered into controlled possession of the property.
- 55 (c) A full and complete legal description of the property
 56 that is subject to the adverse possession claim.

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57 (d) A notarized attestation from the owner or entity
58 currently listed as the owner affirming that the property is
59 known to be adversely possessed. In order to assist the property
60 appraiser in satisfying his or her legal obligations under
61 subsection (4), the notarized attestation must include the
62 owner's current mailing address and telephone number.

63 (e)~~(d)~~ A notarized attestation clause that states:
64 UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE
65 FOREGOING RETURN AND THAT THE FACTS STATED IN IT ARE TRUE AND
66 CORRECT.

67 (f)~~(e)~~ A description of the use of the property by the
68 person claiming adverse possession.

69 (g)~~(f)~~ A receipt to be completed by the property
70 appraiser.

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72 The property appraiser shall refuse to accept a return if it
73 does not comply with this subsection. The executive director of
74 the Department of Revenue is authorized, and all conditions are
75 deemed met, to adopt emergency rules under ss. 120.536(1) and
76 120.54(4) for the purpose of implementing this subsection. The
77 emergency rules shall remain in effect for 6 months after
78 adoption and may be renewed during the pendency of procedures to
79 adopt rules addressing the subject of the emergency rules.

80 Section 2. This act shall take effect July 1, 2013.