

By Senator Dockery

15-00429-10

2010292

1 A bill to be entitled
2 An act relating to adverse possession; amending s.
3 95.18, F.S.; requiring a person seeking property by
4 adverse possession to send to the property owner of
5 record a copy of the return filed with the property
6 appraiser; requiring the property appraiser to cancel
7 the return if the person does not submit proof of the
8 mailing; providing an exception; 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. Section 95.18, Florida Statutes, is amended to
14 read:

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

17 (1) When the occupant or those under whom the occupant
18 claims have been in actual continued occupation of real property
19 for 7 years under a claim of title exclusive of any other right,
20 but not founded on a written instrument, judgment, or decree,
21 the property actually occupied shall be held adversely if the
22 person claiming adverse possession made a return of the property
23 by proper legal description to the property appraiser of the
24 county where it is located within 1 year after entering into
25 possession and has subsequently paid all taxes and matured
26 installments of special improvement liens levied against the
27 property by the state, county, and municipality.

28 (2) For the purpose of this section, property shall be
29 deemed to be possessed in the following cases only:

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30 (a) When it has been protected by substantial enclosure.

31 (b) When it has been usually cultivated or improved.

32 (3) A person claiming adverse possession under this section
33 must send, via certified mail, to the owner of record of the
34 property, as identified by the records of the property
35 appraiser, a copy of the return filed with the property
36 appraiser and must submit proof of the mailing to the property
37 appraiser. If the property appraiser does not receive proof of
38 the mailing within 15 business days after the filing of the
39 return, the property appraiser shall cancel the return and
40 remove the person from the tax roll related to the property that
41 is the subject of the return. This section does not apply if an
42 owner of record cannot be ascertained in the records of the
43 property appraiser and located by reasonable means.

44 Section 2. This act shall take effect July 1, 2010.