

HB 887

2010

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

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

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12 Section 1. Section 95.18, Florida Statutes, is amended to
13 read:

14 95.18 Real property actions; adverse possession without
15 color of title.—

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

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

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

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

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

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