

By Senator Richter

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1 A bill to be entitled

2 An act relating to limitations relating to deeds and
3 wills; amending s. 95.231, F.S.; providing for
4 limitations of actions when a deed or will is on
5 record; providing that a person claiming an interest
6 in real property affected by amendments made in the
7 act has until a specified date to file a claim or
8 defense in court to determine the validity of the
9 instrument; providing that if a claim or defense is
10 filed within the specified period, the validity of the
11 instrument is determined without regard to these
12 amendments; providing an effective date.

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

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16 Section 1. Section 95.231, Florida Statutes, is amended to
17 read:

18 95.231 Limitations where deed or will on record.—

19 (1) Five years after the recording of an instrument
20 required to be executed in accordance with s. 689.01; 5 years
21 after the recording of a power of attorney accompanying and used
22 for an instrument required to be executed in accordance with s.
23 689.01; or 5 years after ~~a deed or~~ the probate of a will
24 purporting to convey real property, from which it appears that
25 the person owning the property attempted to convey, affect, or
26 devise it, the instrument, power of attorney, ~~deed~~ or will shall
27 be held to have its purported effect ~~authorize the conveyance or~~
28 ~~devise of, or to convey,~~ affect, or devise, the ~~fee simple~~ title
29 to the real property, ~~or any interest in it,~~ of the person

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30 signing the instrument, as if there had been no lack of seal or
31 seals, witness or witnesses, defect in acknowledgment or
32 relinquishment of dower, in the absence of fraud, adverse
33 possession, or pending litigation. The instrument is ~~shall be~~
34 admissible in evidence. A power of attorney validated under this
35 subsection shall be valid only for the purpose of effectuating
36 the instrument with which it was recorded.

37 (2) After 20 years from the recording of a deed or the
38 probate of a will purporting to convey real property, no person
39 shall assert any claim to the property against the claimants
40 under the deed or will or their successors in title.

41 (3) This law is cumulative to all laws on the subject
42 matter.

43 Section 2. A person claiming an interest in real property
44 affected by the amendments to s. 95.231, Florida Statutes, in
45 this act has until October 1, 2014, to file a claim or defense
46 in court to determine the validity of an instrument that may be
47 affected by the amendments. If a claim or defense is filed
48 before October 1, 2014, the validity of the instrument shall be
49 determined without regard to these amendments.

50 Section 3. This act shall take effect October 1, 2013.