



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 make a return  
 7 of the property by providing the return to the  
 8 property appraiser using a uniform return; specifying  
 9 the contents of the return; requiring the return to  
 10 contain a notice; providing criminal penalties;  
 11 amending s. 197.3335, F.S.; revising provisions to  
 12 conform to changes made by the act; providing an  
 13 effective date.

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

16  
 17 Section 1. Subsections (1), (2), and (3) of section 95.18,  
 18 Florida Statutes, are amended, and subsections (9) and (10) are  
 19 added to that section, to read:

20 95.18 Real property actions; adverse possession without  
 21 color of title.—

22 (1) When the possessor ~~occupant~~ has, ~~or those under whom~~  
 23 ~~the occupant claims have,~~ been in actual continued possession  
 24 ~~occupation~~ of real property for 7 years under a claim of title  
 25 exclusive of any other right, but not founded on a written  
 26 instrument, judgment, or decree, or when those under whom the  
 27 possessor claims meet these criteria, the property actually  
 28 possessed ~~occupied~~ is held adversely if the person claiming



29 adverse possession:

30 (a) Paid, subject to s. 197.3335, all outstanding taxes  
 31 and matured installments of special improvement liens levied  
 32 against the property by the state, county, and municipality  
 33 within 1 year after entering into possession;

34 (b) Made a return, as required under subsection (3), of  
 35 the property by proper legal description to the property  
 36 appraiser of the county where it is located within 30 days ±  
 37 year after complying with paragraph (a) entering into possession  
 38 and;

39 (c) Has subsequently paid, subject to s. 197.3335, all  
 40 taxes and matured installments of special improvement liens  
 41 levied against the property by the state, county, and  
 42 municipality for all remaining years necessary to establish a  
 43 claim of adverse possession.

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

- 46 (a) Protected by substantial enclosure; or
- 47 (b) Cultivated, maintained, or improved in a usual manner;  
 48 ~~or~~
- 49 ~~(c) Occupied and maintained.~~

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

55 (a) The name and address of the person claiming adverse  
 56 possession.



57 (b) The date that the person claiming adverse possession  
58 entered into possession of the property.

59 (c) A full and complete legal description of the property  
60 that is subject to the adverse possession claim.

61 (d) A notarized attestation clause that states:

62

63 UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ  
64 THE FOREGOING RETURN AND THAT THE FACTS STATED IN IT  
65 ARE TRUE AND CORRECT. I FURTHER ACKNOWLEDGE THAT THE  
66 RETURN DOES NOT CREATE ANY INTEREST ENFORCEABLE BY LAW  
67 IN THE DESCRIBED PROPERTY.

68

69 (e) A description of the use of the property by the person  
70 claiming adverse possession.

71 (f) A receipt to be completed by the property appraiser.

72 (g) Dates of payment by the possessor of all outstanding  
73 taxes and matured installments of special improvement liens  
74 levied against the property by the state, county, or  
75 municipality under paragraph (1) (a).

76 (h) The following notice provision at the top of the first  
77 page, printed in at least 12-point uppercase and boldfaced type:

78

79 THIS RETURN DOES NOT CREATE ANY INTEREST ENFORCEABLE  
80 BY LAW IN THE DESCRIBED PROPERTY.

81

82 The property appraiser shall refuse to accept a return if it  
83 does not comply with this subsection. The executive director of  
84 the Department of Revenue is authorized, and all conditions are



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85 deemed met, to adopt emergency rules under ss. 120.536(1) and  
86 120.54(4) for the purpose of implementing this subsection. The  
87 emergency rules shall remain in effect for 6 months after  
88 adoption and may be renewed during the pendency of procedures to  
89 adopt rules addressing the subject of the emergency rules.

90 (9) A person who occupies or attempts to occupy a  
91 residential structure solely by claim of adverse possession  
92 under this section prior to making a return as required under  
93 subsection (3), commits trespass under s. 810.08.

94 (10) A person who occupies or attempts to occupy a  
95 residential structure solely by claim of adverse possession  
96 under this section and offers the property for lease to another  
97 commits theft under s. 812.014.

98 Section 2. Subsection (1) of section 197.3335, Florida  
99 Statutes, is amended to read:

100 197.3335 Tax payments when property is subject to adverse  
101 possession; refunds.—

102 (1) Upon the receipt of a subsequent payment for the same  
103 annual tax assessment for a particular parcel of property, the  
104 tax collector must determine whether an adverse possession  
105 return has been submitted on the particular parcel. If an  
106 adverse possession return has been submitted, or is submitted  
107 within 30 days of the earlier payment, the tax collector must  
108 comply with subsection (2).

109 Section 3. This act shall take effect July 1, 2013.