

1                                   A bill to be entitled  
 2           An act relating to conveyances of real property;  
 3           amending s. 95.231, F.S.; providing that a specified  
 4           period after the recording of certain instruments from  
 5           which it appears that the person owning real property  
 6           attempted to convey, affect, or devise the property,  
 7           the instrument shall be held to have its purported  
 8           effect; providing that a power of attorney validated  
 9           under this provision is only valid for the purpose of  
 10          effectuating the instrument with which it was  
 11          recorded; providing a period for making a claim or  
 12          defense in court to determine the validity or  
 13          invalidity of any instruments that might be validated  
 14          by the amendments made by this act; providing an  
 15          effective date.

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

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 19           Section 1. Subsection (1) of section 95.231, Florida  
 20   Statutes, is amended to read:

21           95.231 Limitations where deed or will on record.—  
 22           (1) Five years after the recording of an instrument  
 23   required to be executed in accordance with s. 689.01, 5 years  
 24   after the recording of a power of attorney accompanying and used  
 25   for an instrument required to be executed in accordance with s.  
 26   689.01, or 5 years after ~~a deed or~~ the probate of a will  
 27   purporting to convey real property, from which it appears that  
 28   the person owning the property attempted to convey, affect, or

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29 | devise it, the instrument, power of attorney, ~~deed~~ or will shall  
30 | be held to have its purported effect ~~authorize the conveyance or~~  
31 | ~~devise of, or to convey,~~ affect, or devise, the ~~fee-simple~~ title  
32 | to the real property, ~~or any interest in it,~~ of the person  
33 | signing the instrument, as if there had been no lack of seal or  
34 | seals, witness or witnesses, defect in acknowledgment or  
35 | relinquishment of dower, in the absence of fraud, adverse  
36 | possession, or pending litigation. The instrument shall be  
37 | admissible in evidence. A power of attorney validated under this  
38 | subsection is only valid for the purpose of effectuating the  
39 | instrument with which it was recorded.

40 |       Section 2. A person claiming an interest in real property  
41 | affected by the amendments to s. 95.231(1), Florida Statutes, by  
42 | this act, shall have until October 1, 2014, to file a claim or  
43 | defense in court to determine the validity or invalidity of any  
44 | instruments that might be validated by the amendments to s.  
45 | 95.231(1), Florida Statutes, by this act. If such a claim or  
46 | defense is filed within such period, the validity or invalidity  
47 | of the instrument shall be determined without regard to the  
48 | amendments to s. 95.231(1), Florida Statutes, by this act.

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