CS/HB 995 2013

A bill to be entitled

An act relating to conveyances of real property; amending s. 95.231, F.S.; providing that a specified period after the recording of certain instruments from which it appears that the person owning real property attempted to convey, affect, or devise the property, the instrument shall be held to have its purported effect; providing that a power of attorney validated under this provision is only valid for the purpose of effectuating the instrument with which it was recorded; providing a period for making a claim or defense in court to determine the validity of an instrument that may be affected by the amendments made by this act; providing an effective date.

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

- Section 1. Subsection (1) of section 95.231, Florida Statutes, is amended to read:
 - 95.231 Limitations where deed or will on record.-
- required to be executed in accordance with s. 689.01, 5 years after the recording of a power of attorney accompanying and used for an instrument required to be executed in accordance with s. 689.01, or 5 years after a deed or the probate of a will purporting to convey real property, from which it appears that the person owning the property attempted to convey, affect, or devise it, the instrument, power of attorney, deed or will shall

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

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

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