

CHAPTER 2013-234

Senate Bill No. 736

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

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

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

95.231 Limitations where deed or will on record.—

(1) Five years after the recording of an instrument 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 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 is shall be admissible in evidence. A power of attorney validated under this subsection shall be valid only for the purpose of effectuating the instrument with which it was recorded.

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

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

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 these amendments.

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

Approved by the Governor June 28, 2013.

Filed in Office Secretary of State June 28, 2013.