

1                                   A bill to be entitled  
2           An act relating to possession of real property;  
3           amending ss. 65.061 and 95.13, F.S.; removing  
4           references to adverse possession of real property;  
5           repealing s. 95.16, F.S., relating to actions for  
6           adverse possession of real property under color of  
7           title; repealing s. 95.18, F.S., relating to actions  
8           for adverse possession of real property without color  
9           of title; creating s. 95.165, F.S.; abolishing the  
10          doctrine of adverse possession of real property;  
11          providing applicability; amending ss. 95.191, 95.21,  
12          and 95.231, F.S.; conforming provisions to changes  
13          made by the act; amending s. 95.35, F.S.; conforming  
14          provisions to changes made by the act; specifying when  
15          real property may be considered possessed; amending s.  
16          197.212, F.S.; conforming provisions to changes made  
17          by the act; repealing s. 197.3335, F.S., relating to  
18          tax payments when real property is subject to adverse  
19          possession; amending ss. 692.03, 694.08, 694.10, and  
20          736.1008, F.S.; conforming provisions to changes made  
21          by the act; amending s. 82.035, F.S.; revising  
22          provisions concerning unlawful detention by a  
23          transient occupant of residential property; amending  
24          s. 817.03, F.S.; prohibiting knowingly and willfully  
25          presenting a false document purporting to be a valid

HB 621

2024

26 | lease agreement, deed, or other instrument conveying  
27 | real property rights; providing criminal penalties;  
28 | providing an effective date.

29 |  
30 | Be It Enacted by the Legislature of the State of Florida:  
31 |

32 | Section 1. Subsection (2) of section 65.061, Florida  
33 | Statutes, is amended to read:

34 | 65.061 Quieting title; additional remedy.—

35 | (2) GROUND.—When a person or corporation not the rightful  
36 | owner of land has any conveyance or other evidence of title  
37 | thereto, or asserts any claim, or pretends to have any right or  
38 | title thereto, which may cast a cloud on the title of the real  
39 | owner, or when any person or corporation is the true and  
40 | equitable owner of land the record title to which is not in the  
41 | person or corporation because of the defective execution of any  
42 | deed or mortgage because of the omission of a seal thereon, the  
43 | lack of witnesses, or any defect or omission in the wording of  
44 | the acknowledgment of a party or parties thereto, when the  
45 | person or corporation claims title thereto by the defective  
46 | instrument and the defective instrument was apparently made and  
47 | delivered by the grantor to convey or mortgage the real estate  
48 | and was recorded in the county where the land lies, or when  
49 | possession of the land has been held by any person or  
50 | corporation adverse to the record owner thereof or his or her

HB 621

2024

51 heirs and assigns ~~until such adverse possession has ripened into~~  
52 ~~a good title under the statutes of this state,~~ such person or  
53 corporation may file a complaint in any county in which any part  
54 of the land is situated to have the conveyance or other evidence  
55 of claim or title canceled and the cloud removed from the title  
56 and to have his or her title quieted, whether such real owner is  
57 in possession or not or is threatened to be disturbed in his or  
58 her possession or not, and whether defendant is a resident of  
59 this state or not, and whether the title has been litigated at  
60 law or not, and whether the adverse claim or title or interest  
61 is void on its face or not, or if not void on its face that it  
62 may require extrinsic evidence to establish its validity. A  
63 guardian ad litem shall not be appointed unless it shall  
64 affirmatively appear that the interest of minors, persons of  
65 unsound mind, or convicts are involved.

66 Section 2. Section 95.13, Florida Statutes, is amended to  
67 read:

68 95.13 Real property actions; possession by legal owner  
69 presumed.—In every action to recover real property or its  
70 possession, the person establishing legal title to the property  
71 shall be presumed to have been possessed of it within the time  
72 prescribed by law. The occupation of the property by any other  
73 person shall be in subordination to the legal title ~~unless the~~  
74 ~~property was possessed adversely to the legal title for 7 years~~  
75 ~~before the commencement of the action.~~

HB 621

2024

76 Section 3. Section 95.16, Florida Statutes, is repealed.

77 Section 4. Section 95.18, Florida Statutes, is repealed.

78 Section 5. Section 95.165, Florida Statutes, is created to  
79 read:

80 95.165 Doctrine of adverse possession abolished.—The  
81 doctrine of adverse possession of real property is hereby  
82 abolished. No cause of action seeking to adversely possess the  
83 real property of another may be recognized in this state. This  
84 section does not affect the title to real property that has  
85 vested prior to July 1, 2024.

86 Section 6. Section 95.191, Florida Statutes, is amended to  
87 read:

88 95.191 Limitations when tax deed holder in possession.—  
89 When the holder of a tax deed goes into actual possession of the  
90 real property described in the tax deed, no action to recover  
91 possession of the property shall be maintained by a former owner  
92 or other adverse claimant unless the action commenced is begun  
93 within 4 years after the holder of the tax deed has gone into  
94 actual possession. ~~When the real property is adversely possessed~~  
95 ~~by any person, no action shall be brought by the tax deed holder~~  
96 ~~unless the action is begun within 4 years from the date of the~~  
97 ~~deed.~~

98 Section 7. Section 95.21, Florida Statutes, is amended to  
99 read:

100 95.21 ~~Adverse possession against~~ Lands purchased at sales

101 made by executors.—The title of any purchaser, or the  
 102 purchaser's assigns, who has held possession for 3 years of any  
 103 real or personal property purchased at a sale made by an  
 104 executor, administrator, or guardian shall not be questioned  
 105 because of any irregularity in the conveyance or any  
 106 insufficiency or irregularity in the court proceedings  
 107 authorizing the sale, whether jurisdictional or not, nor shall  
 108 it be questioned because the sale is made without court approval  
 109 or confirmation or under a will or codicil. The title shall not  
 110 be questioned at any time by anyone who has received the money  
 111 to which he or she was entitled from the sale. This section  
 112 shall not bar an action for fraud or an action against the  
 113 executor, administrator, or guardian for personal liability to  
 114 any heir, distributee, or ward.

115 Section 8. Subsection (1) of section 95.231, Florida  
 116 Statutes, is amended to read:

117 95.231 Limitations where deed or will on record.—

118 (1) Five years after the recording of an instrument  
 119 required to be executed in accordance with s. 689.01; 5 years  
 120 after the recording of a power of attorney accompanying and used  
 121 for an instrument required to be executed in accordance with s.  
 122 689.01; or 5 years after the probate of a will purporting to  
 123 convey real property, from which it appears that the person  
 124 owning the property attempted to convey, affect, or devise it,  
 125 the instrument, power of attorney, or will shall be held to have

126 its purported effect to convey, affect, or devise, the title to  
 127 the real property of the person signing the instrument, as if  
 128 there had been no lack of seal or seals, witness or witnesses,  
 129 defect in, failure of, or absence of acknowledgment or  
 130 relinquishment of dower, in the absence of fraud, ~~adverse~~  
 131 ~~possession~~, or pending litigation. The instrument is admissible  
 132 in evidence. A power of attorney validated under this subsection  
 133 shall be valid only for the purpose of effectuating the  
 134 instrument with which it was recorded.

135 Section 9. Subsection (2) of section 95.35, Florida  
 136 Statutes, is amended, and subsection (3) is added to that  
 137 section, to read:

138 95.35 Termination of contracts to purchase real estate in  
 139 which there is no maturity date.—Whenever:

140 (2) Even though the existence of the contract or  
 141 assignment appears from the record of the instrument or by  
 142 reference to it in another recorded instrument, such person has  
 143 not recorded a deed to the property or a judgment recognizing  
 144 the person's rights to the property and is not in actual  
 145 possession of the property ~~as defined in s. 95.16~~, then  
 146  
 147 the person and those claiming under the person shall have no  
 148 further interest in the property by virtue of the contract or  
 149 assignment. In these circumstances, the record of the contract  
 150 or assignment, or other record reference to either, shall no

HB 621

2024

151 longer constitute actual or constructive notice to any person  
152 acquiring any interest in the property.

153 (3) For the purpose of this section, property is deemed  
154 possessed in any of the following cases:

155 (a) When it has been usually cultivated or improved.

156 (b) When it has been protected by a substantial enclosure.

157 All land protected by the enclosure must be included within the  
158 description of the property in the written instrument, judgment,  
159 or decree. If only a portion of the land protected by the  
160 enclosure is included within the description of the property in  
161 the written instrument, judgment, or decree, only that portion  
162 is deemed possessed.

163 (c) When, although not enclosed, it has been used for the  
164 supply of fuel or fencing timber for husbandry or for the  
165 ordinary use of the occupant.

166 (d) When a known lot or single farm has been partly  
167 improved, the part that has not been cleared or enclosed  
168 according to the usual custom of the county is to be considered  
169 as occupied for the same length of time as the part improved or  
170 cultivated.

171 Section 10. Section 197.212, Florida Statutes, is amended  
172 to read:

173 197.212 Minimum tax bill.—On the recommendation of the  
174 county tax collector, the board of county commissioners may  
175 adopt a resolution instructing the collector not to mail tax

176 notices to a taxpayer if the amount of taxes shown on the tax  
 177 notice is less than an amount up to \$30. The resolution shall  
 178 also instruct the property appraiser that he or she may not make  
 179 an extension on the tax roll for any parcel for which the tax  
 180 would amount to less than an amount up to \$30. The minimum tax  
 181 bill so established may not exceed an amount up to \$30. ~~This~~  
 182 ~~section does not apply to a parcel of property that is subject~~  
 183 ~~to an adverse possession claim pursuant to s. 95.18.~~

184 Section 11. Section 197.3335, Florida Statutes, is  
 185 repealed.

186 Section 12. Subsection (1) of section 692.03, Florida  
 187 Statutes, is amended to read:

188 692.03 Validity of conveyances by certain foreign  
 189 corporations recorded for 7 years; limitation.—

190 (1) Whenever any conveyance, by the surviving directors or  
 191 trustees of a foreign corporation, which has been dissolved for  
 192 any cause, or which has had its permit to transact business in  
 193 the state canceled for failure to pay fees due the Department of  
 194 State, or which has failed to comply with the provisions of laws  
 195 of this state, has been executed and delivered to any grantee or  
 196 grantees, and has for a period of 7 years or more been spread  
 197 upon the records of a county wherein the land therein described  
 198 is situated, the same shall be taken and held by all the courts  
 199 of this state in the absence of any showing of fraud, ~~adverse~~  
 200 ~~possession,~~ or pending litigation, to have authorized the



201 conveyance of, or to have conveyed, the fee simple title, or any  
 202 interest therein, of the corporation on whose behalf said  
 203 instrument has been executed to the land therein described.

204 Section 13. Subsection (1) of section 694.08, Florida  
 205 Statutes, is amended to read:

206 694.08 Certain instruments validated, notwithstanding lack  
 207 of seals or witnesses, or defect in acknowledgment.—

208 (1) Whenever any power of attorney has been executed and  
 209 delivered, or any conveyance has been executed and delivered to  
 210 any grantee by the person owning the land therein described, or  
 211 conveying the same in an official or representative capacity,  
 212 and has, for a period of 7 years or more been spread upon the  
 213 records of the county wherein the land therein described has  
 214 been or was at the time situated, and one or more subsequent  
 215 conveyances of said land or parts thereof have been made,  
 216 executed, delivered and recorded by parties claiming under such  
 217 instrument or instruments, and such power of attorney or  
 218 conveyance, or the public record thereof, shows upon its face a  
 219 clear purpose and intent of the person executing the same to  
 220 authorize the conveyance of said land or to convey the said  
 221 land, the same shall be taken and held by all the courts of this  
 222 state, in the absence of any showing of fraud, ~~adverse~~  
 223 ~~possession,~~ or pending litigation, to have authorized the  
 224 conveyance of, or to have conveyed, the fee simple title, or any  
 225 interest therein, of the person signing such instruments, or the

HB 621

2024

226 | person in behalf of whom the same was conveyed by a person in an  
 227 | official or representative capacity, to the land therein  
 228 | described as effectively as if there had been no defect in,  
 229 | failure of, or absence of the acknowledgment or the certificate  
 230 | of acknowledgment, if acknowledged, or the relinquishment of  
 231 | dower, and as if there had been no lack of the word "as"  
 232 | preceding the title of the person conveying in an official or  
 233 | representative capacity, of any seal or seals, or of any witness  
 234 | or witnesses, and shall likewise be taken and held by all the  
 235 | courts of this state to have been duly recorded so as to be  
 236 | admissible in evidence;

237 |       Section 14. Section 694.10, Florida Statutes, is amended  
 238 | to read:

239 |       694.10 Certain titles not affected.—Nothing in s. 694.08  
 240 | contained shall be taken or held to validate or perfect any  
 241 | title to any land as against one or more ~~in adverse possession~~  
 242 | ~~thereof or~~ holding or claiming title under a different or  
 243 | adverse chain of title from either a common or different source.

244 |       Section 15. Paragraph (b) of subsection (3) of section  
 245 | 736.1008, Florida Statutes, is amended to read:

246 |       736.1008 Limitations on proceedings against trustees.—

247 |       (3) When a trustee has not issued a final trust accounting  
 248 | or has not given written notice to the beneficiary of the  
 249 | availability of the trust records for examination and that  
 250 | claims with respect to matters not adequately disclosed may be

HB 621

2024

251 | barred, a claim against the trustee for breach of trust based on  
252 | a matter not adequately disclosed in a trust disclosure document  
253 | is barred as provided in chapter 95 and accrues when the  
254 | beneficiary has actual knowledge of:

255 |       (b) The trustee's repudiation of the trust ~~or adverse~~  
256 | ~~possession of trust assets.~~

257 |  
258 | Paragraph (a) applies to claims based upon acts or omissions  
259 | occurring on or after July 1, 2008. A beneficiary's actual  
260 | knowledge that he or she has not received a trust accounting  
261 | does not cause a claim to accrue against the trustee for breach  
262 | of trust based upon the failure to provide a trust accounting  
263 | required by s. 736.0813 or former s. 737.303 and does not  
264 | commence the running of any period of limitations or laches for  
265 | such a claim, and paragraph (a) and chapter 95 do not bar any  
266 | such claim.

267 |       Section 16. Subsections (1) and (3) of section 82.035,  
268 | Florida Statutes, are amended to read:

269 |       82.035 Remedy for unlawful detention by a transient  
270 | occupant of residential property; recovery of transient  
271 | occupant's personal belongings.—

272 |       (1) As used in this section, the term "transient occupant"  
273 | means a person whose residency in real property intended for  
274 | residential use has occurred for a brief length of time, is not  
275 | pursuant to a lease, and whose occupancy was intended as

276 transient in nature.

277 (a)1. Factors that establish that a person is a transient  
278 occupant include, but are not limited to:

279 ~~a.1.~~ The person does not have an ownership interest,  
280 financial interest, or leasehold interest in the property  
281 entitling him or her to occupancy of the property.

282 ~~b.2.~~ The person does not have any property utility  
283 subscriptions.

284 ~~c.3.~~ The person cannot produce documentation,  
285 correspondence, or identification cards sent or issued by a  
286 government agency, including, but not limited to, the Department  
287 of Highway Safety and Motor Vehicles or the supervisor of  
288 elections, which show that the person used the property address  
289 as an address of record with the agency within the previous 12  
290 months.

291 ~~d.4.~~ The person pays minimal or no rent for his or her  
292 stay at the property.

293 ~~e.5.~~ The person does not have a designated space of his or  
294 her own, such as a room, at the property.

295 ~~f.6.~~ The person has minimal, if any, personal belongings  
296 at the property.

297 ~~g.7.~~ The person has an apparent permanent residence  
298 elsewhere.

299 2. In addition, the person is presumed to be a transient  
300 occupant if he or she is unable to produce at least one of the

HB 621

2024

301 following:

302 a. A notarized lease that includes the name and signature  
303 of the owner of the property.

304 b. A receipt or other reliable evidence demonstrating that  
305 the person has paid to the owner or the owner's representative  
306 rent for the last rent payment period. For monthly rental  
307 tenancies and rental tenancies for any lesser period of time, a  
308 receipt or other reliable evidence must be dated within the last  
309 60 days.

310 (b) Minor contributions made for the purchase of household  
311 goods, or minor contributions towards other household expenses,  
312 do not establish residency.

313 (3) Any law enforcement officer may, upon receipt of a  
314 sworn affidavit of the party entitled to possession that a  
315 person who is a transient occupant is unlawfully detaining  
316 residential property, direct a transient occupant to surrender  
317 possession of residential property. The sworn affidavit must set  
318 forth the facts, including any of the applicable factors listed  
319 in paragraph (1)(a), which establish that a transient occupant  
320 is unlawfully detaining residential property.

321 (a) A person who fails to comply with the direction of the  
322 law enforcement officer to surrender possession or occupancy  
323 violates s. 810.08. In any prosecution of a violation of s.  
324 810.08 related to this section, whether the defendant was  
325 properly classified as a transient occupant is not an element of

HB 621

2024

326 the offense, the state is not required to prove that the  
327 defendant was in fact a transient occupant, and the defendant's  
328 status as a permanent resident is not an affirmative defense.

329 (b) A person wrongfully removed pursuant to this  
330 subsection has a cause of action for wrongful removal against  
331 the person who requested the removal, and may recover injunctive  
332 relief and compensatory damages. However, a wrongfully removed  
333 person does not have a cause of action against the law  
334 enforcement officer or the agency employing the law enforcement  
335 officer absent a showing of bad faith by the law enforcement  
336 officer.

337 Section 17. Section 817.03, Florida Statutes, is amended  
338 to read:

339 817.03 Making false statement to obtain property or credit  
340 or to detain real property.-

341 (1) Any person who shall make or cause to be made any  
342 false statement, in writing, relating to his or her financial  
343 condition, assets or liabilities, or relating to the financial  
344 condition, assets or liabilities of any firm or corporation in  
345 which such person has a financial interest, or for whom he or  
346 she is acting, with a fraudulent intent of obtaining credit,  
347 goods, money or other property, and shall by such false  
348 statement obtain credit, goods, money or other property, commits  
349 ~~shall be guilty of~~ a misdemeanor of the first degree, punishable  
350 as provided in s. 775.082 or s. 775.083.

HB 621

2024

351        (2) Any person who, with the intent to detain or remain  
352 upon real property, knowingly and willfully presents to another  
353 person a false document purporting to be a valid lease  
354 agreement, deed, or other instrument conveying real property  
355 rights, commits a misdemeanor of the first degree, punishable as  
356 provided in s. 775.082 or s. 775.083.

357            Section 18. This act shall take effect July 1, 2024.