

By the Committee on Real Property & Probate and
 Representative Goodlette

1 A bill to be entitled
 2 An act relating to limerock mining; amending s.
 3 373.4149, F.S., relating to the Miami-Dade
 4 County Lake Belt Plan; revising description of
 5 land included in the Miami-Dade County Lake
 6 Belt Area; requiring Miami-Dade County to file
 7 for recording a certificate from a
 8 Florida-licensed professional surveyor and
 9 mapper setting forth the legal description of
 10 the Miami-Dade Lake Belt Area and other
 11 information regarding the Miami-Dade Lake Belt
 12 Area as well as the area within 2 miles of its
 13 boundary; setting forth disclosure requirements
 14 for sellers or lessors of certain real
 15 property; defining "lease"; setting forth
 16 criminal penalties for sellers or lessors who
 17 fail to comply with certain provisions;
 18 extinguishing purchaser's option to void a sale
 19 of real property that may have been created by
 20 certain language in ch. 99-298, Laws of
 21 Florida, if certain conditions are not met;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

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 26 Section 1. Subsections (3) and (5) of section
 27 373.4149, Florida Statutes, are amended to read:
 28 373.4149 Miami-Dade County Lake Belt Plan.--
 29 (3)(a) The Miami-Dade County Lake Belt Area is that
 30 area bounded by the Florida Turnpike to the east, the
 31 Miami-Dade-Broward County line to the north, Krome Avenue to

1 the west and Tamiami Trail to the south together with the land
2 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,
3 Township 54 South, Range 39 East, sections 24, 25, and 36,
4 Township 54 South, Range 38 East less those portions of
5 section 10, except the west one-half, section 11, except the
6 northeast one-quarter and the east one-half of the northwest
7 one-quarter, and tracts 38 through 41, and tracts 49 through
8 64 inclusive, section 13, except tracts 17 through 35 and
9 tracts 46 through 48, of Florida Fruit Lands Company
10 Subdivision No. 1 according to the Plat thereof as recorded in
11 Plat Book 2, Page 17, Public Records of Miami-Dade County,
12 Florida, and section 14, except the west three quarters,
13 Township 52 South, Range 39 East, lying north of the Miami
14 Canal, sections 35 and 36 and the east one-half of sections 24
15 and 25, Township 53 South, Range 39 East and Government Lots 1
16 and 2, lying between Townships 53 and 54 South, Range 39 East
17 and those portions of sections 1 and 2, Township 54 South,
18 Range 39 East, lying north of Tamiami Trail.

19 (b) Prior to July 1, 2000, Miami-Dade County shall
20 file for recording in the Official Records of Miami-Dade
21 County, Florida, and shall file for recording in the Official
22 Records of Broward County, Florida, a certificate, prepared by
23 a Florida licensed surveyor and mapper, which states that it
24 is recorded pursuant to this section and which sets forth the
25 legal description of the Miami-Dade County Lake Belt Area as
26 found in paragraph (a). Additionally, this certificate shall
27 list, by section, township, and range, all of the sections
28 within the Miami-Dade County Lake Belt Area and shall also
29 list, by section, township, and range, all of the sections
30 within 2 miles of the boundary of the Miami-Dade County Lake
31 Belt Area. Also, as of the date set forth in the certificate,

1 the certificate shall list the name of any subdivision,
2 together with the plat book and page of the subdivision plat,
3 and the name of any condominium, together with the official
4 records book and page of the original declaration of
5 condominium, located within the Miami-Dade County Lake Belt
6 Area and shall list the name of any subdivision, together with
7 the plat book and page of the subdivision plat, and the name
8 of any condominium, together with the official records book
9 and page of the original declaration of condominium, located
10 within 2 miles of the boundary of the Miami-Dade County Lake
11 Belt Area.

12 (5)(a) Beginning October 1, 2000, in conjunction with
13 the sale or lease of any real property located within the
14 Miami-Dade County Lake Belt Area, and in conjunction with the
15 sale or lease of any real property located within 2 miles of
16 the boundary of the Miami-Dade County Lake Belt Area, the
17 seller or lessor shall disclose, in writing, the following:

- 18 1. That the real property is located within the
19 Miami-Dade County Lake Belt Area or within 2 miles of the
20 boundary of the Miami-Dade County Lake Belt Area; and
21 2. That limestone mining activities involving the use
22 of explosives occur within the Miami-Dade County Lake Belt
23 Area.

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25 For purposes of this subsection, "lease" means an instrument
26 which creates or extends a lease term for more than 3 years.
27 The disclosure shall be included in the contract, or contract
28 rider, or in at least one other document or form acknowledged
29 in writing by the purchaser at the time of or prior to the
30 execution of the contract for sale or by the lessee at the
31 time of or prior to the execution of the lease. The

1 disclosure must be in capital letters, two points or larger
2 than the largest type, exclusive of headings, on the page on
3 which it appears but, in any case, no less than 10-point type.

4 (b) Willfulness, knowledge, or culpable negligence in
5 failing to comply with the provisions of this subsection makes
6 the seller or lessor of real property guilty of a misdemeanor
7 of the first degree, punishable as provided in s. 775.082 or
8 s. 775.083. The penalties provided for in this subsection do
9 not limit any civil cause of action and are in addition to
10 criminal penalties available under chapter 817 or other
11 statutory provisions.

12 (c) Subsection (5) of this section, as enacted by
13 chapter 99-298, Laws of Florida, provided: "Failure to
14 substantially comply with the provisions of this subsection
15 makes the sale of real property or interest therein voidable
16 at the purchaser's option for a period of 7 years from the
17 date of the affidavit of disclosure." This act repeals that
18 language, and any rights that may have been created pursuant
19 to that language shall be extinguished if, prior to January 1,
20 2001, an action in a court of competent jurisdiction has not
21 been filed to enforce those rights and a notice of lis pendens
22 has not been recorded. ~~Beginning October 1, 1999, before the~~
23 ~~sale, lease, or the issuance of a development order, including~~
24 ~~the approval of a change in land use designation or zoning,~~
25 ~~for any real property located inside the Miami-Dade Lake Belt~~
26 ~~Area or within 2 miles of the boundary of the Miami-Dade Lake~~
27 ~~Belt Area, the entity holding title to the real property is~~
28 ~~required to submit a written affidavit of disclosure to~~
29 ~~Miami-Dade County in a form prescribed by the county that is~~
30 ~~suitable for recording.~~

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1 ~~(a) Acknowledging the existence of limestone mining~~
2 ~~activities involving the use of explosives within close~~
3 ~~proximity of the real property proposed to be sold, leased,~~
4 ~~used, or developed;~~

5 ~~(b) Agreeing to provide copies of the affidavit of~~
6 ~~disclosure to all subsequent parties to whom whole or part~~
7 ~~interest in the real property is transferred, by sale, lease,~~
8 ~~or any other means; and~~

9 ~~(c) Acknowledging potential civil liability, as well~~
10 ~~as fines and penalties that could result from failure to~~
11 ~~provide disclosure under this section.~~

12
13 ~~Failure to substantially comply with the provisions of this~~
14 ~~subsection makes the sale of the real property or interest~~
15 ~~therein voidable at the purchaser's option for a period of 7~~
16 ~~years from the date of the affidavit of disclosure.~~

17 Section 2. This act shall take effect upon becoming a
18 law.

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HOUSE SUMMARY

Revises a provision of law governing the Miami-Dade County Lake Belt Plan to revise the description of land included in the area, to require the filing of a legal description of the area, and to set forth disclosure requirements for sellers or lessors of described real property. See bill for details.