

By Senator Diaz-Balart

37-826B-00

1                                   A bill to be entitled  
 2           An act relating to the Miami-Dade County Lake  
 3           Belt Plan; amending s. 373.4149, F.S.;  
 4           clarifying the boundaries of the plan area;  
 5           requiring a certificate with specified  
 6           information from a professional surveyor;  
 7           providing for disclosure of specified  
 8           information to the purchaser or lessee of real  
 9           property; revising conditions for a purchaser's  
 10          option to void a sale; providing an effective  
 11          date.

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

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 15           Section 1. Subsections (3) and (5) of section  
 16 373.4149, Florida Statutes, are amended to read:

17           373.4149 Miami-Dade County Lake Belt Plan.--

18           (3)(a) The Miami-Dade County Lake Belt Area is that  
 19 area bounded by the Ronald Reagan Florida Turnpike to the  
 20 east, the Miami-Dade-Broward County line to the north, Krome  
 21 Avenue to the west and Tamiami Trail to the south together  
 22 with the land south of Tamiami Trail in sections 5, 6, 7, 8,  
 23 17, and 18, Township 54 South, Range 39 East, sections 24, 25,  
 24 and 36, Township 54 South, Range 38 East less those portions  
 25 of section 10, except the west one-half, section 11, except  
 26 the northeast one-quarter and the east one-half of the  
 27 northwest one-quarter, and tracts 38 through 41, and tracts 49  
 28 through 64 inclusive, section 13, except tracts 17 through 35  
 29 and tracts 46 through 48, of Florida Fruit Lands Company  
 30 Subdivision No. 1 according to the plat thereof as recorded in  
 31 plat book 2, page 17, public records of Miami-Dade County, and

1 section 14, except the west three quarters, Township 52 South,  
2 Range 39 East, lying north of the Miami Canal, sections 35 and  
3 36 and the east one-half of sections 24 and 25, Township 53  
4 South, Range 39 East and Government Lots 1 and 2, lying  
5 between Townships 53 and 54 South, Range 39 East and those  
6 portions of sections 1 and 2, Township 54 South, Range 39  
7 East, lying north of Tamiami Trail.

8 (b) Miami-Dade County shall file in the official  
9 public records of Miami-Dade County and Broward County, before  
10 July 1, 2000, a certificate from a Florida-licensed  
11 professional surveyor and mapper referencing that it is filed  
12 under this section, and setting forth the legal description;  
13 the sections, townships, and ranges; and the names of the  
14 subdivisions and condominiums within the Miami-Dade Lake Belt  
15 Area or within 2 miles of the boundary of the Miami-Dade Lake  
16 Belt Area as of the date set forth in the certificate. Each  
17 subdivision or condominium must be identified by the name of  
18 the subdivision or condominium, the plat book and page or  
19 official records book and page, and the county where located.

20 (5) Beginning October 1, 2000 ~~1999~~, in conjunction  
21 with the sale or lease of any real property located inside the  
22 Miami-Dade Lake Belt Area or within 2 miles of the boundary of  
23 the Miami-Dade Lake Belt Area, the seller or lessor of the  
24 real property shall disclose the following:

25 (a) The real property is located within the Miami-Dade  
26 Lake Belt Area or within 2 miles of the boundary of the  
27 Miami-Dade Lake Belt Area; and

28 (b) Limestone mining activities involving the use of  
29 explosives occurring within the Miami-Dade Lake Belt Area.

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1 For the purposes of this subsection, the term "lease" means an  
2 instrument that creates or extends a lease term for more than  
3 3 years. The disclosure must be provided on at least one  
4 document, form, contract, or contract rider acknowledged in  
5 writing by the purchaser or lessee at the time of or before  
6 executing the contract for sale or the lease. The disclosure  
7 must be made in writing to the proposed purchaser or lessee in  
8 capital letters no smaller than the size of the largest font  
9 contained in the body of the contract or lease. A seller or  
10 lessor of real property who fails to substantially comply with  
11 this subsection is guilty of a misdemeanor of the first  
12 degree, punishable as provided in s. 775.082 or s. 775.083.  
13 This section does not limit any cause of action by a purchaser  
14 or lessee of real property for a seller's or lessor's failure  
15 to substantially comply with this subsection. The purchaser's  
16 option, if any, to void the sale or lease or other transaction  
17 related to real property or interest therein which may have  
18 been created by chapter 99-298, Laws of Florida, under this  
19 section is extinguished if an action is not filed in a court  
20 of competent jurisdiction, and a notice of lis pendens is not  
21 duly recorded before July 1, 2001, to preserve the purchaser's  
22 or lessee's rights before the sale, lease, or the issuance of  
23 ~~a development order, including the approval of a change in~~  
24 ~~land use designation or zoning, for any real property located~~  
25 ~~inside the Miami-Dade Lake Belt Area or within 2 miles of the~~  
26 ~~boundary of the Miami-Dade Lake Belt Area the entity holding~~  
27 ~~title to the real property is required to submit a written~~  
28 ~~affidavit of disclosure to Miami-Dade County in a form~~  
29 ~~prescribed by the county that is suitable for recording\*~~  
30       ~~(a) Acknowledging the existence of limestone mining~~  
31 ~~activities involving the use of explosives within close~~

1 ~~proximity of the real property proposed to be sold, leased,~~  
2 ~~used, or developed;~~

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

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

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

15 Section 2. This act shall take effect July 1, 2000.

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18 SENATE SUMMARY

19 Requires the disclosure of specified information to a  
20 purchaser or lessee of real property within the  
21 Miami-Dade County Lake Belt Area. Revises conditions for  
22 a purchaser's right to void a sale.

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