

By Senator Smith

14-550-05

1                                       A bill to be entitled

2             An act relating to disclosures in connection

3             with the sale of coastal property; amending s.

4             161.57, F.S.; revising requirements for the

5             disclosures that must be provided by a seller

6             of coastal property to the purchaser; requiring

7             notice that the coastal property is subject to

8             erosion and certain environmental laws;

9             requiring that the seller determine if the

10            property is critically eroding and, if so,

11            notify the purchaser of the hazards; providing

12            an effective date.

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

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16            Section 1. Section 161.57, Florida Statutes, is

17            amended to read:

18            161.57 Coastal properties disclosure statement.--

19            (1) The Legislature finds that it is necessary to

20            ensure that the purchasers of interests in real property

21            located in coastal areas partially or totally seaward of the

22            coastal construction control line as defined in s. 161.053 are

23            fully apprised of the character of the regulation of the real

24            property in such coastal areas and, in particular, that such

25            lands are subject to frequent and severe fluctuations that may

26            prove hazardous to coastal structures and human life.

27            (2) Before an offer is accepted by the seller in

28            ~~Unless otherwise waived in writing by the purchaser, at or~~

29            ~~prior to the closing of~~ any transaction where an interest in

30            real property located either partially or totally seaward of

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 the coastal construction control line as defined in s. 161.053  
2 is being transferred, the seller shall:

3 (a) Provide to the purchaser:

4 1. An affidavit stating that the property being  
5 transferred may be subject to coastal erosion and to federal,  
6 state, or local environmental laws that regulate coastal  
7 property, including delineation of the location of the coastal  
8 construction control line;7 or

9 2. A survey meeting the requirements of chapter 472,  
10 delineating the location of the coastal construction control  
11 line on the property being transferred.

12 (b) Provide to the purchaser an affidavit stating that  
13 the state and local government do not guarantee the right to  
14 rigid coastal armoring or to beach nourishment of the property  
15 being transferred, and that the nesting of marine turtles, the  
16 presence of the hatchlings or nests of marine turtles, or  
17 other environmental concerns associated with the property  
18 being transferred may affect the permitting of rigid coastal  
19 armoring and beach nourishment.

20 (c) Determine whether the property being transferred  
21 is designated by the department as critically eroding, and, if  
22 so, provide to the purchaser an affidavit stating that the  
23 property is critically eroding and that critical erosion may  
24 prove hazardous to coastal structures and human life.

25 Section 2. This act shall take effect July 1, 2005.

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28 SENATE SUMMARY

29 Revises requirements mandating disclosures by a seller of  
30 coastal properties to the buyer. Requires additional  
31 disclosures by a seller of the possibility of erosion and  
the applicability of environmental laws.