Florida Senate - 2005

CS for SB 964

 $\mathbf{B}\mathbf{y}$ the Committee on Environmental Preservation; and Senators Smith and Dockery

592-1832-05

	572-1052-05
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) <u>Before an offer is accepted by the seller in</u>
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 <u>underlined</u> are additions.

1 the coastal construction control line as defined in s. 161.053 2 is being transferred, the seller shall: (a) Provide to the purchaser an affidavit $\overline{7}$ or a survey 3 meeting the requirements of chapter 472, delineating the 4 location of the coastal construction control line on the 5 6 property being transferred. 7 (b) Provide to the purchaser an affidavit stating: 8 1. That the real property being transferred may be subject to coastal erosion and to federal, state, or local 9 laws that regulate coastal property; 10 2. That the Department of Environmental Protection has 11 12 designated areas of the coastline as critically eroding, that 13 critical erosion may prove hazardous to coastal structures, and that information about whether the property being 14 transferred is located in an area that has been designated as 15 critically eroding can be obtained by contacting the 16 17 department's Bureau of Beaches and Coastal Systems; and 18 3. That the nesting of marine turtles, the presence of the hatchlings or nests of marine turtles, or other 19 environmental concerns associated with the property being 2.0 21 transferred may affect the permitting of rigid coastal 22 armoring. 23 Section 2. This act shall take effect July 1, 2005. 2.4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN 25 COMMITTEE SUBSTITUTE FOR Senate Bill 964 2.6 27 2.8 The committee substitute clarifies the disclosure requirements, created within the original bill, that sellers 29 of coastal properties must provide to buyers. 30 31 2

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