

By the Committees on Regulated Industries; Environmental Preservation; and Senators Smith and Dockery

580-2130-05

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A bill to be entitled

An act relating to disclosures in connection with the sale of coastal property; amending s. 161.57, F.S.; revising requirements for the disclosures that must be provided by a seller of coastal property to the purchaser; providing for the effect of failure to deliver a disclosure, affidavit, or survey; providing an effective date.

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

Section 1. Section 161.57, Florida Statutes, is amended to read:

161.57 Coastal properties disclosure statement.--

(1) The Legislature finds that it is necessary to ensure that the purchasers of interests in real property located in coastal areas partially or totally seaward of the coastal construction control line as defined in s. 161.053 are fully apprised of the character of the regulation of the real property in such coastal areas and, in particular, that such lands are subject to frequent and severe fluctuations.

(2) At or prior to the time a seller and a purchaser both execute a contract for sale and purchase of any interest in real property located partially or totally seaward of the coastal construction control line as defined in s. 161.053, the seller shall give a written disclosure statement in the following form to the prospective purchaser which may be set forth in the contract or in a separate writing:

1 The property being purchased may be subject to coastal erosion
2 and to federal, state, or local regulations that govern
3 coastal property, including the delineation of the coastal
4 construction control line, rigid coastal protection
5 structures, beach nourishment, and marine turtles. Additional
6 information can be obtained from the Florida Department of
7 Environmental Protection, including whether there are
8 significant erosion conditions associated with the shoreline
9 of the property being purchased.

10 ~~(3)~~(2) Unless otherwise waived in writing by the
11 purchaser, at or prior to the closing of any transaction where
12 an interest in real property located either partially or
13 totally seaward of the coastal construction control line as
14 defined in s. 161.053 is being transferred, the seller shall
15 provide to the purchaser an affidavit, or a survey meeting the
16 requirements of chapter 472, delineating the location of the
17 coastal construction control line on the property being
18 transferred.

19 (4) A seller's failure to deliver the disclosure,
20 affidavit, or survey required by this section does not impair
21 the enforceability of the sale and purchase contract by either
22 party, create any right of rescission by the purchaser, or
23 impair the title to any such real property conveyed by the
24 seller to the purchaser.

25 Section 2. This act shall take effect July 1, 2005.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 964
4 The committee substitute for committee substitute (CS/CS) does
5 not amend the legislative findings in s. 161.57(1), F.S. The
6 CS/CS does not require an affidavit for the disclosure.
7 The CS/CS requires the disclosure prior to the time a seller
8 and a purchaser both execute a contract for the sale and
9 purchase of the real property.
10 The CS/CS provides the form for the required disclosure.
11 The CS/CS provides that the disclosure may be set forth in the
12 contract or in a separate writing.
13 The CS/CS also provides for the effect of failure to deliver
14 the disclosure, affidavit, or survey required by s. 161.57,
15 F.S.
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