

HB 1621

2006

1                   A bill to be entitled  
2           An act relating to coastal properties disclosure  
3           statements; amending s. 161.57, F.S.; requiring sellers of  
4           certain coastal properties to provide a disclosure  
5           statement to prospective purchasers; providing language  
6           for the disclosure statement; preserving the  
7           enforceability of certain contracts and title conveyances;  
8           providing an effective date.

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

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

14           161.57 Coastal properties disclosure statement.--

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

22           (2) At or prior to the time a seller and a purchaser both  
23   execute a contract for the sale and purchase of any interest in  
24   real property located either partially or totally seaward of the  
25   coastal construction control line as defined in s. 161.053, the  
26   seller shall provide to the prospective purchaser the following  
27   disclosure, which may be set forth in the contract or in a  
28   separate writing:

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

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30 The property being purchased may be subject to coastal  
31 erosion and to federal, state, or local regulations that  
32 govern coastal property, including the delineation of the  
33 coastal construction control line, rigid coastal protection  
34 structures, beach nourishment, and protection of marine  
35 turtles. Additional information can be obtained from the  
36 Florida Department of Environmental Protection, including  
37 whether there are significant erosion conditions associated  
38 with the shoreline of the property being purchased.

39  
40 (3)~~(2)~~ Unless otherwise waived in writing by the  
41 purchaser, at or prior to the closing of any transaction where  
42 an interest in real property located either partially or totally  
43 seaward of the coastal construction control line as defined in  
44 s. 161.053 is being transferred, the seller shall provide to the  
45 purchaser an affidavit, or a survey meeting the requirements of  
46 chapter 472, delineating the location of the coastal  
47 construction control line on the property being transferred.

48 (4) A seller's failure to deliver the disclosure,  
49 affidavit, or survey required by this section shall not impair  
50 the enforceability of the sale and purchase contract by either  
51 party, create any right of rescission by the purchaser, or  
52 impair the title to any such real property conveyed by the  
53 seller to the purchaser.

54 Section 2. This act shall take effect October 1, 2006.