

HB 1621

2006
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CHAMBER ACTION

1 The Justice Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to coastal properties disclosure
7 statements; amending s. 161.57, F.S.; requiring sellers of
8 certain coastal properties to give a written disclosure
9 statement to prospective purchasers; providing language
10 for the disclosure statement; preserving the
11 enforceability of certain contracts and title conveyances;
12 providing an effective date.

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

15
16 Section 1. Section 161.57, Florida Statutes, is amended to
17 read:

18 161.57 Coastal properties disclosure statement.--

19 (1) The Legislature finds that it is necessary to ensure
20 that the purchasers of interests in real property located in
21 coastal areas partially or totally seaward of the coastal
22 construction control line as defined in s. 161.053 are fully
23 apprised of the character of the regulation of the real property

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24 | in such coastal areas and, in particular, that such lands are
25 | subject to frequent and severe fluctuations.

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

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

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

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

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

58 Section 2. This act shall take effect July 1, 2006.