

By Senator Smith

14-1236-06

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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  
that failure to deliver a disclosure,  
affidavit, or survey does not create a right of  
rescission or impair title to the property;  
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 must 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  
2           coastal erosion and to federal, state, or local  
3           regulations that govern coastal property,  
4           including the delineation of the coastal  
5           construction control line, rigid coastal  
6           protection structures, beach nourishment, and  
7           the protection of marine turtles. Additional  
8           information can be obtained from the Florida  
9           Department of Environmental Protection,  
10           including whether there are significant erosion  
11           conditions associated with the shoreline of the  
12           property being purchased.

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

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

29           Section 2. This act shall take effect July 1, 2006.  
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SENATE SUMMARY

Revises requirements for disclosures that must be provided by a seller of coastal property to the purchaser. Provides for the effect of failure to deliver a disclosure, affidavit, or survey.