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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; providing
7 that failure to deliver a disclosure,
8 affidavit, or survey does not create a right of
9 rescission or impair title to the property;
10 providing an effective date.

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

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

16 161.57 Coastal properties disclosure statement.--

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

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

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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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