



156186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
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The Committee on Commerce and Tourism (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 689.29, Florida Statutes, is created to  
read:

689.29 Disclosure of subsurface rights to prospective  
purchaser.—

(1) The seller must provide a prospective purchaser of  
residential property with a disclosure summary at or before the



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11 execution of the contract for sale if a subsurface right or the  
12 right of entry was severed or retained by the seller or an  
13 affiliated or related entity, or will be severed or retained by  
14 the seller or an affiliated or related entity. The disclosure  
15 summary must be conspicuous, in boldfaced type, and in a form  
16 substantially similar to the following:

17  
18 SUBSURFACE RIGHTS  
19 DISCLOSURE SUMMARY  
20

21 SUBSURFACE RIGHTS HAVE BEEN OR WILL BE SEVERED FROM THE TITLE TO  
22 REAL PROPERTY BY CONVEYANCE (DEED) OF THE SUBSURFACE RIGHTS FROM  
23 THE SELLER OR BY RESERVATION OF THE SUBSURFACE RIGHTS BY THE  
24 SELLER OR AN AFFILIATED OR RELATED ENTITY. WHEN SUBSURFACE  
25 RIGHTS ARE SEVERED FROM THE PROPERTY, THE OWNER OF THOSE RIGHTS  
26 MAY HAVE THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE, AND REMOVE  
27 ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY EITHER  
28 DIRECTLY FROM THE SURFACE OF THE PROPERTY OR FROM A NEARBY  
29 LOCATION. SUBSURFACE RIGHTS MAY HAVE A MONETARY VALUE.

30  
31 ...(Buyer Initials)...  
32

33 (2) If the disclosure summary is not included in the  
34 contract for sale, the contract for sale must refer to and  
35 incorporate by reference the disclosure summary and must  
36 include, in prominent language, a statement that the potential  
37 purchaser should not execute the contract until he or she has  
38 read the disclosure summary required under this section.

39 (3) As used in this section, the term "subsurface rights"



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40 means the rights to all minerals, mineral fuels, and other  
41 resources, including, but not limited to, oil, gas, coal, oil  
42 shale, uranium, metals, and phosphate, whether or not it may be  
43 mixed with any other substance, found, or located beneath the  
44 surface of the earth.

45 (4) As used in this section, the term "seller" means any  
46 seller of real property which, at the time of sale, is zoned for  
47 residential use and is property upon which a new dwelling is  
48 being constructed, or will be constructed pursuant to the  
49 contract of sale with the seller, or has been constructed since  
50 the last transfer of the property.

51 Section 2. This act shall take effect October 1, 2014.

52  
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete everything before the enacting clause  
56 and insert:

57 A bill to be entitled  
58 An act relating to subsurface rights; creating s.  
59 689.29, F.S.; requiring a seller to provide a  
60 prospective purchaser with a subsurface rights  
61 disclosure summary; providing the form for the  
62 disclosure summary; requiring the disclosure summary  
63 to be included in, or incorporated by reference in,  
64 the contract for sale; defining the term "subsurface  
65 rights"; defining the term "seller"; providing an  
66 effective date.