

By the Committee on Commerce and Tourism; and Senator Simpson

577-02738-14

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1 A bill to be entitled
2 An act relating to subsurface rights; creating s.
3 689.29, F.S.; requiring a seller to provide a
4 prospective purchaser with a subsurface rights
5 disclosure summary; providing the form for the
6 disclosure summary; requiring the disclosure summary
7 to be included in, or incorporated by reference in,
8 the contract for sale; defining the term "subsurface
9 rights"; defining the term "seller"; providing an
10 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 689.29, Florida Statutes, is created to
15 read:

16 689.29 Disclosure of subsurface rights to prospective
17 purchaser.—

18 (1) The seller must provide a prospective purchaser of
19 residential property with a disclosure summary at or before the
20 execution of the contract for sale if a subsurface right or the
21 right of entry was severed or retained by the seller or an
22 affiliated or related entity, or will be severed or retained by
23 the seller or an affiliated or related entity. The disclosure
24 summary must be conspicuous, in boldfaced type, and in a form
25 substantially similar to the following:

26
27 SUBSURFACE RIGHTS
28 DISCLOSURE SUMMARY
29

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30 SUBSURFACE RIGHTS HAVE BEEN OR WILL BE SEVERED FROM THE TITLE TO
31 REAL PROPERTY BY CONVEYANCE (DEED) OF THE SUBSURFACE RIGHTS FROM
32 THE SELLER OR BY RESERVATION OF THE SUBSURFACE RIGHTS BY THE
33 SELLER OR AN AFFILIATED OR RELATED ENTITY. WHEN SUBSURFACE
34 RIGHTS ARE SEVERED FROM THE PROPERTY, THE OWNER OF THOSE RIGHTS
35 MAY HAVE THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE, AND REMOVE
36 ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY EITHER
37 DIRECTLY FROM THE SURFACE OF THE PROPERTY OR FROM A NEARBY
38 LOCATION. SUBSURFACE RIGHTS MAY HAVE A MONETARY VALUE.

39
40 ...(Buyer Initials)...

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42 (2) If the disclosure summary is not included in the
43 contract for sale, the contract for sale must refer to and
44 incorporate by reference the disclosure summary and must
45 include, in prominent language, a statement that the potential
46 purchaser should not execute the contract until he or she has
47 read the disclosure summary required under this section.

48 (3) As used in this section, the term "subsurface rights"
49 means the rights to all minerals, mineral fuels, and other
50 resources, including, but not limited to, oil, gas, coal, oil
51 shale, uranium, metals, and phosphate, whether or not it may be
52 mixed with any other substance, found, or located beneath the
53 surface of the earth.

54 (4) As used in this section, the term "seller" means any
55 seller of real property which, at the time of sale, is zoned for
56 residential use and is property upon which a new dwelling is
57 being constructed, or will be constructed pursuant to the
58 contract of sale with the seller, or has been constructed since

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59 the last transfer of the property.

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