

By Senator Powell

30-01671-20

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1                   A bill to be entitled  
2       An act relating to residential property disclosures;  
3       amending s. 689.261, F.S.; requiring that certain  
4       disclosures relating to flood events be provided to a  
5       purchaser of residential property; providing  
6       requirements for such disclosures; defining terms;  
7       providing an effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

10  
11       Section 1. Section 689.261, Florida Statutes, is amended to  
12       read:

13       689.261 Sale of residential property; disclosures  
14       ~~disclosure of ad valorem taxes~~ to prospective purchaser.-

15       (1) A prospective purchaser of residential property must be  
16       presented a disclosure summary at or before execution of the  
17       contract for sale. Unless a substantially similar disclosure  
18       summary is included in the contract for sale, a separate  
19       disclosure summary must be attached to the contract for sale.  
20       Unless included in the contract for sale, the disclosure summary  
21       must be provided by the seller. If the disclosure summary is not  
22       included in the contract for sale, the contract for sale must  
23       refer to and incorporate by reference the disclosure summary and  
24       include, in prominent language, a statement that the potential  
25       purchaser should not execute the contract until he or she has  
26       read the disclosure summary required by this section.

27       (2) The disclosure summary, whether separate or included in  
28       the contract, must include disclosures relating to property  
29       taxes and flood events and must be in a form substantially

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30 similar to the following:

31 PROPERTY TAX AND  
 32 FLOODPLAIN, FLOOD POOL, FLOODWAY, OR RESERVOIR  
 33 ~~PROPERTY TAX~~  
 34 DISCLOSURE SUMMARY

35 BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS  
 36 THE AMOUNT OF PROPERTY TAXES THAT THE BUYER MAY BE OBLIGATED TO  
 37 PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR  
 38 PROPERTY IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY  
 39 THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY  
 40 QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY  
 41 APPRAISER'S OFFICE FOR INFORMATION.

42  
 43 1. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING CONDITIONS?  
 44 WRITE YES (Y) IF YOU ARE AWARE, NO (N) IF YOU ARE NOT AWARE, OR  
 45 DO NOT KNOW (DK) IF YOU ARE NOT SURE.

- 46
- 47 .... PRESENT FLOOD INSURANCE COVERAGE.
- 48 .... PREVIOUS FLOODING DUE TO A FAILURE OR BREACH OF A RESERVOIR
- 49 OR A CONTROLLED OR EMERGENCY RELEASE OF WATER FROM A RESERVOIR.
- 50 .... PREVIOUS WATER PENETRATION INTO A STRUCTURE ON THE PROPERTY
- 51 DUE TO A NATURAL FLOOD EVENT.

52 PROPERTY IS LOCATED .... WHOLLY .... PARTLY IN A 100-YEAR  
 53 FLOODPLAIN.

54 PROPERTY IS LOCATED .... WHOLLY .... PARTLY IN A 500-YEAR  
 55 FLOODPLAIN.

56 PROPERTY IS LOCATED .... WHOLLY .... PARTLY IN A FLOODWAY.

57 PROPERTY IS LOCATED .... WHOLLY .... PARTLY IN A FLOOD POOL.

58 PROPERTY IS LOCATED .... WHOLLY .... PARTLY IN A RESERVOIR.

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59 IF THE ANSWER TO ANY OF THE ABOVE IS "YES," PLEASE EXPLAIN  
60 (ATTACH ADDITIONAL SHEETS AS NECESSARY):

61  
62 2. HAVE YOU (SELLER) EVER FILED A CLAIM FOR FLOOD DAMAGE TO THE  
63 PROPERTY WITH ANY INSURANCE PROVIDER, INCLUDING THE NATIONAL  
64 FLOOD INSURANCE PROGRAM? .... YES .... NO

65 IF THE ANSWER IS "YES," PLEASE EXPLAIN (ATTACH ADDITIONAL SHEETS  
66 AS NECESSARY):

67  
68 3. HAVE YOU (SELLER) EVER RECEIVED ASSISTANCE FROM THE FEDERAL  
69 EMERGENCY MANAGEMENT AGENCY (FEMA) OR THE UNITED STATES SMALL  
70 BUSINESS ADMINISTRATION (SBA) FOR FLOOD DAMAGE TO THE PROPERTY?  
71 .... YES .... NO

72 IF THE ANSWER IS "YES," PLEASE EXPLAIN (ATTACH ADDITIONAL SHEETS  
73 AS NECESSARY):

74  
75 WARNING: HOMES IN HIGH-RISK FLOOD ZONES WITH MORTGAGES FROM  
76 FEDERALLY REGULATED OR INSURED LENDERS ARE REQUIRED TO HAVE  
77 FLOOD INSURANCE. EVEN WHEN NOT REQUIRED, FEMA ENCOURAGES  
78 HOMEOWNERS IN HIGH-RISK, MODERATE-RISK, AND LOW-RISK FLOOD ZONES  
79 TO PURCHASE FLOOD INSURANCE THAT COVERS THE STRUCTURE(S) AND THE  
80 PERSONAL PROPERTY WITHIN THE STRUCTURE(S).

81  
82 ... (PURCHASER'S INITIALS) ...

83  
84 (3) For purposes of this section, the term:

85 (a) "100-year floodplain" means any area of land that:

86 1. Is identified on the Flood Insurance Rate Map as a  
87 special flood hazard area, which is designated on the map as

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88 Zone A, V, A99, AE, AO, AH, VE, or AR.

89 2. Has a 1 percent annual chance of flooding, which is  
90 considered a high risk of flooding.

91 3. May include a regulatory floodway, flood pool, or  
92 reservoir.

93 (b) "500-year floodplain" means any area of land that:

94 1. Is identified on the Flood Insurance Rate Map as a  
95 moderate flood hazard area, which is designated on the map as  
96 Zone B or X (shaded).

97 2. Has a 0.2 percent annual chance of flooding, which is  
98 considered a moderate risk of flooding.

99 (c) "Flood Insurance Rate Map" means the current flood  
100 hazard area map published by the Federal Emergency Management  
101 Agency under the National Flood Insurance Act of 1968, 42 U.S.C.  
102 s. 4001 et seq.

103 (d) "Flood pool" means the area adjacent to a reservoir  
104 that lies above the normal maximum operating level of the  
105 reservoir and that is subject to controlled inundation under the  
106 management of the United States Army Corps of Engineers.

107 (e) "Floodway" means an area that is identified on the  
108 Flood Insurance Rate Map as a regulatory floodway, which  
109 includes the channel of a river or other watercourse and the  
110 adjacent land areas that must be reserved for the discharge of a  
111 base flood, also referred to as a 100-year flood, without  
112 cumulatively increasing the water surface elevation more than a  
113 designated height.

114 (f) "Reservoir" means a water impoundment project operated  
115 by the United States Army Corps of Engineers that is intended to  
116 retain water or delay the runoff of water in a designated

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117 surface area of land.

118 ~~(2) Unless included in the contract, the disclosure summary~~  
119 ~~must be provided by the seller. If the disclosure summary is not~~  
120 ~~included in the contract for sale, the contract for sale must~~  
121 ~~refer to and incorporate by reference the disclosure summary and~~  
122 ~~include, in prominent language, a statement that the potential~~  
123 ~~purchaser should not execute the contract until he or she has~~  
124 ~~read the disclosure summary required by this section.~~

125 Section 2. This act shall take effect July 1, 2020.