



380858

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2014	.	
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The Committee on Criminal Justice (Evers) 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.-



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10       (1) The seller must provide a prospective purchaser of  
11 residential property with a disclosure summary at or before the  
12 execution of the contract for sale if any of the subsurface  
13 rights or right of re-entry are or will be severed or retained  
14 by the seller. The disclosure summary must be conspicuous, in  
15 boldfaced type, and in a form substantially similar to the  
16 following:

17  
18                               SUBSURFACE RIGHTS  
19                               DISCLOSURE SUMMARY  
20

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

29  
30 ...(Buyer Initials)...  
31

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



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39           (3) As used in this section, the term "subsurface rights"  
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, is to be constructed, or has been constructed  
49 since the last transfer of the property.

50           Section 2. This act shall take effect July 1, 2014.

51  
52 ===== T I T L E   A M E N D M E N T =====

53 And the title is amended as follows:

54           Delete everything before the enacting clause  
55 and insert:

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