

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/CS/HB 489 — Subsurface Rights

by Judiciary Committee; Business and Professional Regulation Subcommittee; Civil Justice Subcommittee; and Rep. Spano (CS/CS/SB 1032 by Appropriations Committee; Criminal Justice Committee; and Senator Latvala)

The bill (Chapter 2014-34, L.O.F.) requires sellers of residential property to provide prospective purchasers with a disclosure summary at or before the execution of the contract for sale if any of the subsurface rights or right of entry are or will be severed or retained by the seller.

The bill provides that the disclosure summary must be conspicuous, in boldface type, and in a form substantially similar to the language provided in the bill. If the disclosure summary is not included in the contract for sale, the contract must refer to and incorporate by reference the disclosure summary and must include, in prominent language, a statement that the potential purchaser should not execute the contract until he or she has read the disclosure summary.

The bill defines “subsurface rights” as the rights to all minerals, mineral fuels, and other resources, including but not limited to, oil, gas, coal, oil shale, uranium, metals, and phosphate, whether or not it may be mixed with any other substance, found, or located beneath the surface of the earth.

The bill defines “seller” as a seller of real property which, at the time of sale, is zoned for residential use and where a new dwelling is being constructed, is to be constructed, or has been constructed since the last transfer of property.

These provisions were approved by the Governor and take effect October 1, 2014.

Vote: Senate 38-0; House 113-0