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Buyers may not understand risks in coastal purchases, new UF study shows

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GAINESVILLE, Fla. --- Living along a Florida beach sounds like a dream, but it can bring nightmarish worries, including severe weather, erosion and regulations limiting how the land is used.

A new study by researchers with the University of Florida's College of Law and Institute of Food and Agricultural Sciences, or UF/IFAS, suggests that many buyers aren't aware that living on the coast brings special challenges. In 2006, following two active hurricane seasons, state lawmakers strengthened real estate laws to ensure home and condominium buyers are told about the regulations and risks before their purchases are complete.

But the study findings suggest many who bought Florida coastal real estate in recent years either didn't get the warning or didn't absorb it amid the flurry of document-signing that accompanies closing a real estate deal.

"They're either not being informed or they simply don't remember - both of which are plausible," said Tom Ankersen, director of the law school's Conservation Clinic and Florida Sea Grant College's legal specialist. Florida Sea Grant operates in partnership with UF/IFAS.

The UF Levin College of Law Conservation Clinic and Florida Sea Grant collaborated on the survey, sent to about 2,500 property owners in five coastal counties who bought property after the disclosure laws took effect. The study included follow-up interviews with some survey recipients and coastal real estate agents.

Their findings showed that nearly 86 percent of the 290 mail-survey respondents either did not receive the coastal hazards disclosure or did not recall receiving it. In fact, a majority of those who responded to the survey had no idea their property was partly or totally seaward of the coastal construction control line, also known as the CCCL.

Being seaward of the line can mean homeowners have to follow restrictions, such as keeping lights dimmed at certain times to avoid distracting sea turtles as they nest. Erosion is an ongoing issue for coastal property owners, who often want to build or repair seawalls or bring in material to restore the beach, only to learn that it may be prohibited.

In developing the study, Garin Davidson, senior geographic information system analyst with Florida Sea Grant's Boating and Waterways Planning Program, sifted through property record databases in Brevard, Nassau, Sarasota, St. Johns and Walton counties to pinpoint homes that were sold after the law took effect and are covered by the CCCL. She said many homeowners were confused.

"Some property owners either remembered seeing (the notice), or it was like the radon notice and other disclosures, you may know it's there and you may even remember signing it but you may not remember the purpose or meaning of the disclosure. There was a lot of uncertainty," Davidson said.

The project was funded by the Florida Climate Institute at UF, because of the agency's interest in sea-level rise. Kevin Wozniak, a UF law student whose work was supported with a climate institute grant, assisted with the survey's creation as well as legal research and policy recommendations.

The Florida Sea Turtle Conservancy backed the original legislation, said Gary Appelson, the organization's policy coordinator, and wanted to know if the 2006 law had been effective.

"The bottom line is, it doesn't work, it doesn't provide notice," he said. "Or the notice is insufficient to convey any useful knowledge about living on the coast."

Appelson said his organization will look into strengthening the current law.

The UF research team that conducted the survey included policy recommendations. Among them: The coastal hazards disclosure statement should be provided through a separate brochure or pamphlet so as not to blend in with other real estate documents, and it should be provided earlier in the transaction process. Also, buyers should no longer be permitted to waive their right to receive the notice, which the current law allows.

A copy of the report and summary can be found at:

www.flseagrant.org/images/PDFs/tp194_coastal_hazards_disclosure_law.pdf

