

By Representative Miller

1 A bill to be entitled
2 An act relating to sale of recreational
3 facilities; prohibiting an owner of certain
4 recreational facilities from selling or
5 destroying such facilities under certain
6 circumstances; providing requirements and
7 procedures for selling such facilities;
8 providing exceptions; providing an effective
9 date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. (1) The owner of recreational facilities
14 located within a residential subdivision governed by a
15 homeowners' association shall not sell or destroy such
16 recreational facilities or other property unless the right to
17 purchase such recreational facilities is first given to the
18 homeowners' association and then to the owners of lots within
19 the subdivision as follows:

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21 (a) If the owner offers the recreational facilities
22 within a residential subdivision for sale or wishes to destroy
23 such property, she or he shall notify the officers of the
24 homeowners' association by certified mail, stating the price,
25 terms, and conditions of the sale, and shall notify the owners
26 individually by a notice prominently displayed at the entrance
27 to the subdivision.

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29 (b) The owners, by and through the association or
30 individually if the association declines to act, shall have
31 the right to purchase the recreational facilities, provided
the homeowners meet the price, terms, and conditions of the
owner of the facilities by executing a contract with the owner

1 within 45 days after the date of receipt of the notice, unless
2 agreed to otherwise. If a contract between the owner of the
3 facilities and the association is not executed within such
4 45-day period, the owners may individually sign a contract
5 within 10 days after the 45-day period. Unless the owner of
6 the facilities thereafter elects to offer the recreational
7 facilities at a price lower than the price specified in her or
8 his notice to the officers of the homeowners' association and
9 in the posted notice, the owner of the facilities has no
10 further obligations under this subsection and her or his only
11 obligation shall be as set forth in subsection (2).

12 (c) If the owner of the facilities thereafter elects
13 to offer the recreational facilities at a price lower than the
14 price specified in her or his notice to the homeowners, the
15 homeowners, by and through the association, shall have an
16 additional 10 days to meet the price, terms, and conditions of
17 the owner of the facilities by executing a contract. The
18 individual owners shall have 10 days to accept such offer if
19 the association declines to act.

20 (2) If no destruction of the recreational facilities
21 is involved, this section does not apply to:

22 (a) Any sale or transfer to a person who would be
23 included within the table of descent and distribution if the
24 owner of the facilities were to die intestate;

25 (b) Any transfer by gift, devise, or operation of law;

26 (c) Any transfer by a corporation to an affiliate. As
27 used in this section, the term "affiliate" means any
28 shareholder of the transferring corporation; any corporation
29 or entity owned or controlled, directly or indirectly, by the
30 transferring corporation; or any other corporation or entity
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- 1 owned or controlled, directly or indirectly, by any
2 shareholder of the transferring corporation;
3 (d) Any transfer by a partnership to any of its
4 partners;
5 (e) Any conveyance of interest incidental to
6 financing;
7 (f) Any conveyance resulting from the foreclosure of a
8 mortgage, deed of trust, or other instrument encumbering the
9 facilities or any deed given in lieu of such foreclosure;
10 (g) Any sale or transfer between or among joint
11 tenants or tenants in common; or
12 (h) The purchase of a mobile home park by a
13 governmental entity under its powers of eminent domain.

14 Section 2. This act shall take effect upon becoming a
15 law.

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18 HOUSE SUMMARY

19 Prohibits an owner of recreational facilities located
20 within a residential subdivision from selling or
21 destroying such facilities without first offering them
22 for sale to the subdivision's homeowners' association or
23 individual homeowners within the subdivision.
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