

By Senator Clary

7-1296-01

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to recreational facilities;
providing conditions for the sale of
recreational facilities within a residential
subdivision governed by a homeowners'
association; providing exceptions; providing an
effective date.

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

Section 1. Sale of recreational facilities located within a residential subdivision.--The owner of recreational facilities located within a residential subdivision governed by a homeowners' association may not sell or destroy the recreational facilities or other property unless the right to purchase the recreational facilities or other property is first given to the homeowners' association and then to the owners of lots within the subdivision in the manner provided in this section.

(1)(a) If the owner offers the recreational facilities within a residential subdivision for sale or wishes to destroy the facilities, she or he must notify the officers of the duly created homeowners' association by certified mail, stating the price, terms, and conditions of the sale, and she or he must notify the owners individually by a notice prominently displayed at the entrance to the property.

(b) The owners, by and through the association or individually if the association declines to act, have the right to purchase the recreational facilities if the homeowners meet the price, terms, and conditions of the owner by executing a contract with the owner within 45 days, unless

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

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

18 (2) This section does not apply to any of the
19 following circumstances if there is no destruction of the
20 recreational facilities involved:

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

24 (b) Any transfer by gift, devise, or operation of law.

25 (c) Any transfer by a corporation to an affiliate. As
26 used in this paragraph, the term "affiliate" means any
27 shareholder of the transferring corporation; any corporation
28 or entity owned or controlled, directly or indirectly, by the
29 transferring corporation; or any other corporation or entity
30 owned or controlled, directly or indirectly, by any
31 shareholder of the transferring corporation.

