

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Clary

316-1803-01

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 or change in
use 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, destroy, or change the use of 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 or change the use of 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

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

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

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

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 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 paragraph, 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

31

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 the foreclosure.

10 (g) Any sale or transfer between or among joint
11 tenants or tenants in common.

12 (h) The acquisition of the residential subdivision by
13 a governmental entity under its powers of eminent domain.

14 (3) This section does not apply to any mobile home
15 subdivision governed by chapter 723.

16 Section 2. This act shall take effect upon becoming a
17 law.

18
19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 SB 2032

22 The committee substitute provides that the right of first
23 refusal to purchase recreational facilities that is granted to
24 a homeowners' association in a residential subdivision where
25 such facilities are located, applies when the owner of the
recreational facilities intends to change the use of the
facilities, in addition to when the owner intends to sell or
destroy the facilities.

26 Provides that the requirements of the bill do not apply to any
27 mobile home subdivision regulated by chapter 723, F.S.

28
29
30
31