

By Senator Fasano

11-1252A-05

1 A bill to be entitled

2 An act relating to the sale of mobile home

3 parks; amending s. 723.071, F.S.; requiring a

4 mobile home park owner to notify the officers

5 of the homeowners' association upon receipt of

6 a bona fide offer for purchase of the mobile

7 home park; providing that the homeowners'

8 association may execute a contract only for the

9 mobile home park that it represents; extending

10 the park owner's obligation to offer the

11 homeowners' association a right to repurchase

12 for another 10 days if the terms and conditions

13 of the offer change; deleting a requirement

14 that the park owner notify the homeowners'

15 association upon receipt of a bona fide offer

16 to purchase the park; deleting a provision

17 specifying that a park owner has no obligation

18 to sell to the home owners or to interrupt or

19 delay other negotiations; providing an

20 effective date.

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

24 Section 1. Section 723.071, Florida Statutes, is

25 amended to read:

26 723.071 Sale of mobile home parks.--

27 (1)(a) If a mobile home park owner offers a mobile

28 home park for sale or receives a bona fide offer for purchase,

29 she or he shall notify the officers of the homeowners'

30 association created pursuant to ss. 723.075-723.079 of the

1 offer, stating the price and the terms and conditions of sale,
2 notwithstanding any other provisions of law.

3 (b) The mobile home owners, by and through the
4 association defined in s. 723.075, shall have the right to
5 purchase the park, provided the home owners meet the price and
6 terms and conditions of the mobile home park owner by
7 executing a contract with the park owner within 45 days,
8 unless agreed to otherwise, from the date of mailing of the
9 notice and provided they have complied with ss.
10 723.075-723.079. To exercise its right to purchase pursuant to
11 this section, the homeowners' association shall be required to
12 execute a contract for only the mobile home park which the
13 homeowners' association represents. If a contract between the
14 park owner and the association is not executed within such
15 45-day period, then, unless the park owner thereafter elects
16 to offer the park at a price lower than the price specified in
17 her or his notice to the officers of the homeowners'
18 association or to change the terms and conditions of the
19 offer, the park owner has no further obligations under this
20 subsection, ~~and her or his only obligation shall be as set~~
21 ~~forth in subsection (2).~~

22 (c) If the park owner thereafter elects to offer the
23 park at a price lower than the price specified in her or his
24 notice to the home owners or to change the terms and
25 conditions of the offer, the home owners, by and through the
26 association, will have an additional 10 days to meet the price
27 and terms and conditions of the park owner by executing a
28 contract.

29 ~~(2) If a mobile home park owner receives a bona fide~~
30 ~~offer to purchase the park that she or he intends to consider~~
31 ~~or make a counteroffer to, the park owner's only obligation~~

1 ~~shall be to notify the officers of the homeowners' association~~
2 ~~that she or he has received an offer and disclose the price~~
3 ~~and material terms and conditions upon which she or he would~~
4 ~~consider selling the park and consider any offer made by the~~
5 ~~home owners, provided the home owners have complied with ss.~~
6 ~~723.075 723.079. The park owner shall be under no obligation~~
7 ~~to sell to the home owners or to interrupt or delay other~~
8 ~~negotiations and shall be free at any time to execute a~~
9 ~~contract for the sale of the park to a party or parties other~~
10 ~~than the home owners or the association.~~

11 (2)~~(3)~~(a) As used in subsection ~~subsections~~ (1) and
12 ~~(2)~~, the term "notify" means the placing of a notice in the
13 United States mail addressed to the officers of the
14 homeowners' association. Each such notice shall be deemed to
15 have been given upon the deposit of the notice in the United
16 States mail.

17 (b) As used in subsection (1), the term "offer" means
18 any solicitation by the park owner to the general public.

19 (3)~~(4)~~ This section does not apply to:

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

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

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

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1 (d) Any transfer by a partnership to any of its
2 partners.

3 (e) Any conveyance of an interest in a mobile home
4 park incidental to the financing of such mobile home park.

5 (f) Any conveyance resulting from the foreclosure of a
6 mortgage, deed of trust, or other instrument encumbering a
7 mobile home park or any deed given in lieu of such
8 foreclosure.

9 (g) Any sale or transfer between or among joint
10 tenants or tenants in common owning a mobile home park.

11 (h) Any exchange of a mobile home park for other real
12 property, whether or not such exchange also involves the
13 payment of cash or other boot.

14 (i) The purchase of a mobile home park by a
15 governmental entity under its powers of eminent domain.

16 Section 2. This act shall take effect July 1, 2005.

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19 SENATE SUMMARY

20 Requires mobile home park owners to notify the officers
21 of the park's homeowners' association when the owner
22 receives a bona fide offer for purchase of the mobile
23 home park, notwithstanding any other provisions of law.
24 Provides that a homeowners' association may contract only
25 for the purchase of the mobile home park they represent.
26 Extends the right of the homeowners' association to
27 purchase the park for an additional 10 days if the terms
28 and conditions of the park's offer of sale change.
29 Removes a provision that limits the park owner's
30 obligations to the homeowners' association to
31 notification and disclosure of the terms and conditions
of the bona fide offer.