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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2009	.	
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The Committee on Judiciary (Fasano) recommended the following:

1 **Senate Amendment to Amendment (397448) (with title**
2 **amendment)**

3
4 Between lines 1412 and 1413
5 insert:

6 Section 20. Section 723.071, Florida Statutes, is amended
7 to read:

8 723.071 Sale of mobile home parks.-

9 (1) (a) If a mobile home park owner intends to offer ~~offers~~
10 a mobile home park for sale, or if a mobile home park owner
11 receives a bona fide offer to purchase the park which she or he
12 intends to consider or make a counteroffer to, she or he shall



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13 notify, by certified mail, the officers of the homeowners'
14 association created pursuant to ss. 723.075-723.079, and the
15 Florida Housing Finance Corporation, of the offer, or of her or
16 his intent to offer, stating the price and the terms and
17 conditions of sale, if the requirements of the homeowners' offer
18 to purchase as set forth in subsection (2) have been met by the
19 homeowners' association.

20 (b) The mobile home owners, by and through the association
21 defined in s. 723.075, shall have the right to purchase the
22 park, and the mobile home park owner is obligated to sell to the
23 home owners, provided the home owners meet the price and terms
24 and conditions of the mobile home park owner by executing a
25 contract with the park owner within 45 days, unless agreed to
26 otherwise, from the date of mailing of the notice and provided
27 they have complied with ss. 723.075-723.079. If a contract
28 between the park owner and the association is not executed
29 within such 45-day period, then, unless the park owner
30 thereafter elects to offer the park at a price lower than the
31 price specified in her or his notice to the officers of the
32 homeowners' association, the park owner has no further
33 obligations under this subsection, and her or his only
34 obligation shall be as set forth in subsection (2).

35 (c) If the park owner thereafter elects to offer the park
36 at a price lower or higher than the price specified in her or
37 his notice to the home owners, the home owners, by and through
38 the association, will have an additional 21 ~~10~~ days to meet the
39 price and terms and conditions of the park owner by executing a
40 contract. The homeowners, by and through the association, shall
41 have 21 days to meet the price and terms and conditions of a



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42 counteroffer.

43 (2) If the mobile home owners, by and through the
44 association, have informed the mobile home park owner that they
45 are ready and willing to purchase the park, the park owner shall
46 comply with the provisions of subsection (1). The expression of
47 readiness and willingness to purchase the park must be renewed
48 annually by certified mail to the park owner and must include
49 information about the number of homeowners concurring; the date,
50 time, and place of the homeowners' association meeting
51 authorizing the notice to be sent; and information concerning
52 the ability of the homeowners to purchase the park using the
53 income approach method to estimate the property value. If the
54 homeowners' association has not substantially complied with this
55 requirement, the park owner has no obligation to comply with the
56 provisions of subsection (1). ~~If a mobile home park owner~~
57 ~~receives a bona fide offer to purchase the park that she or he~~
58 ~~intends to consider or make a counteroffer to, the park owner's~~
59 ~~only obligation shall be to notify the officers of the~~
60 ~~homeowners' association that she or he has received an offer and~~
61 ~~disclose the price and material terms and conditions upon which~~
62 ~~she or he would consider selling the park and consider any offer~~
63 ~~made by the home owners, provided the home owners have complied~~
64 ~~with ss. 723.075-723.079. The park owner shall be under no~~
65 ~~obligation to sell to the home owners or to interrupt or delay~~
66 ~~other negotiations and shall be free at any time to execute a~~
67 ~~contract for the sale of the park to a party or parties other~~
68 ~~than the home owners or the association.~~

69 ~~(3) (a) As used in subsections (1) and (2), the term~~
70 ~~"notify" means the placing of a notice in the United States mail~~



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71 ~~addressed to the officers of the homeowners' association. Each~~
72 ~~such notice shall be deemed to have been given upon the deposit~~
73 ~~of the notice in the United States mail.~~

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

76 (3)~~(4)~~ This section does not apply to:

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

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

81 (c) Any transfer by a corporation to an affiliate. As used
82 herein, the term "affiliate" means any shareholder of the
83 transferring corporation; any corporation or entity owned or
84 controlled, directly or indirectly, by the transferring
85 corporation; or any other corporation or entity owned or
86 controlled, directly or indirectly, by any shareholder of the
87 transferring corporation.

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

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

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

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

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

99 (i) The purchase of a mobile home park by a governmental



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100 entity under its powers of eminent domain.

101

102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104 Delete line 1579

105 and insert:

106 developer unless certain conditions are met; amending s.

107 723.071, F.S.; revising notice requirements relating to the sale

108 of mobile home parks; revising provisions relating to a

109 homeowners' association's right to purchase the mobile home

110 park; providing requirements for the purchase of the park by a

111 homeowners' association; requiring that a park owner comply with

112 certain provisions of state law if the mobile home owners have

113 informed the park owner that they are ready and willing to

114 purchase the park; providing that the park owner has no

115 obligation to comply with such provisions under certain

116 circumstances; providing requirements for the homeowners'

117 expression of readiness and willingness to purchase the park;

118 deleting definitions to conform to changes made by the act;

119 providing