## Florida Senate - 2001

SB 2032

By Senator Clary

	7-1296-01
1	A bill to be entitled
2	An act relating to recreational facilities;
3	providing conditions for the sale of
4	recreational facilities within a residential
5	subdivision governed by a homeowners'
6	association; providing exceptions; providing an
7	effective date.
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9	Be It Enacted by the Legislature of the State of Florida:
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11	Section 1. Sale of recreational facilities located
12	within a residential subdivisionThe owner of recreational
13	facilities located within a residential subdivision governed
14	by a homeowners' association may not sell or destroy the
15	recreational facilities or other property unless the right to
16	purchase the recreational facilities or other property is
17	first given to the homeowners' association and then to the
18	owners of lots within the subdivision in the manner provided
19	in this section.
20	(1)(a) If the owner offers the recreational facilities
21	within a residential subdivision for sale or wishes to destroy
22	the facilities, she or he must notify the officers of the duly
23	created homeowners' association by certified mail, stating the
24	price, terms, and conditions of the sale, and she or he must
25	notify the owners individually by a notice prominently
26	displayed at the entrance to the property.
27	(b) The owners, by and through the association or
28	individually if the association declines to act, have the
29	right to purchase the recreational facilities if the
30	homeowners meet the price, terms, and conditions of the owner
31	by executing a contract with the owner within 45 days, unless
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**CODING:**Words stricken are deletions; words <u>underlined</u> are additions.

1 otherwise agreed to, after the date of receipt of the notice. If a contract between the owner and the association is not 2 3 executed within the 45-day period, the owners individually may sign a contract within 10 days. Unless the owner thereafter 4 5 elects to offers the recreational facilities at a price lower б 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 her or his only obligation is set forth in subsection (2). 9 (c) If the owner thereafter elects to offer the 10 11 recreational facilities at a price lower than the price specified in her or his notice to the homeowners, the 12 homeowners, by and through the association, will have an 13 additional 10 days within which to meet the price, terms, and 14 conditions of the owner by executing a contract. The 15 individual owners have 10 days within which to accept if the 16 17 association declines to act. This section does not apply to any of the 18 (2) 19 following circumstances if there is no destruction of the recreational facilities involved: 20 (a) Any sale or transfer to a person who would be 21 22 included within the table of descent and distribution if the owner were to die intestate. 23 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 or entity owned or controlled, directly or indirectly, by the 28 29 transferring corporation; or any other corporation or entity 30 owned or controlled, directly or indirectly, by any

31 shareholder of the transferring corporation.

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1	(d) Any transfer by a partnership to any of its	
2	partners.	
3	(e) Any conveyance of interest incidental to	
4	financing.	
5	(f) Any conveyance resulting from the foreclosure of a	
6	mortgage, deed of trust, or other instrument encumbering the	
7	facilities or any deed given in lieu of the foreclosure.	
8	(g) Any sale or transfer between or among joint	
9	tenants or tenants in common.	
10	(h) The acquisition of a mobile home park by a	
11	governmental entity under its powers of eminent domain.	
12	Section 2. This act shall take effect upon becoming a	
13	law.	
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15	*****	
16	SENATE SUMMARY	
17	Provides conditions for and notice of the sale of	
18	recreational facilities within a residential subdivision governed by a homeowners' association.	
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