

Amendment No. e15 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

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

Representative(s) Gardiner offered the following:

**Amendment to Amendment (742687) (with title amendment)**

On page 54, between lines 16 and 17,

insert:

Section 27. Section 336.12, Florida Statutes, is amended to read:

336.12 Closing and abandonment of roads; termination of easement; conveyance of fee; optional conveyance for gated communities.--

(1) Except as otherwise provided in subsection (2), the act of any commissioners in closing or abandoning any such road, or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, shall abrogate the easement theretofore owned, held, claimed or used by or on behalf of the public and the title of fee owners shall be freed and released therefrom; and if the fee of road space has been vested in the county, same will be thereby surrendered and will vest in the abutting fee owners to the extent and in the same manner as in case of termination of an easement for

1 road purposes.

2 (2) The governing body of the county may abandon the  
3 roads and rights-of-way dedicated in a recorded residential  
4 subdivision plat and simultaneously convey the county's  
5 interest in such roads, rights-of-way, and appurtenant  
6 drainage facilities to a homeowners' association for the  
7 subdivision, if the following conditions have been met:

8 (a) The homeowners' association has requested the  
9 abandonment and conveyance in writing for the purpose of  
10 converting the subdivision to a gated neighborhood with  
11 restricted public access.

12 (b) No fewer than four-fifths of the owners of record  
13 of property located in the subdivision have consented in  
14 writing to the abandonment and simultaneous conveyance to the  
15 homeowners' association.

16 (c) The homeowners' association is both a corporation  
17 not for profit organized and in good standing under chapter  
18 617, and a "homeowners' association" as defined in s.  
19 720.301(7) with the power to levy and collect assessments for  
20 routine and periodic major maintenance and operation of street  
21 lighting, drainage, sidewalks, and pavement in the  
22 subdivision.

23 (d) The homeowners' association has entered into and  
24 executed such agreements, covenants, warranties, and other  
25 instruments; has provided, or has provided assurance of, such  
26 funds, reserve funds, and funding sources; and has satisfied  
27 such other requirements and conditions as may be established  
28 or imposed by the county with respect to the ongoing  
29 operation, maintenance, and repair and the periodic  
30 reconstruction or replacement of the roads, drainage, street  
31 lighting, and sidewalks in the subdivision after the

1 abandonment by the county.  
2  
3 Upon abandonment of the roads and rights-of-way and the  
4 conveyance thereof to the homeowners' association, the  
5 homeowners' association shall have all the rights, title, and  
6 interests in the roads and rights-of-way, including all  
7 appurtenant drainage facilities, as were previously vested in  
8 the county. Thereafter, the homeowners' association shall  
9 hold the roads and rights-of-way in trust for the benefit of  
10 the owners of the property in the subdivision, and shall  
11 operate, maintain, repair, and, from time to time, replace and  
12 reconstruct the roads, street lighting, sidewalks, and  
13 drainage facilities as necessary to ensure their use and  
14 enjoyment by the property owners, tenants, and residents of  
15 the subdivision and their guests and invitees.

16  
17

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

19 And the title is amended as follows:

20            On page 150, line 21, after "speeds;" of the amendment

21

22 insert:

23            amending s. 336.12, F.S.; creating a process  
24            for homeowners' associations to be conveyed  
25            roads and rights-of-way abandoned by a county  
26            governing board for the purpose of converting  
27            subdivisions into gated neighborhoods;

28  
29  
30  
31