

Amendment No. 05f (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Gardiner offered the following:

13 **Amendment (with title amendment)**

14 On page 5, line 26, through page 8, line 23
15 remove: all of said lines

17 and insert:

18 Section 2. Paragraph (b) of subsection (2) and
19 paragraph (b) of subsection (3) are amended and paragraph (c)
20 is added to subsection (3) of section 316.006, Florida
21 Statutes, to read:

22 316.006 Jurisdiction.--Jurisdiction to control traffic
23 is vested as follows:

24 (2) MUNICIPALITIES.--

25 (b) A municipality may exercise jurisdiction over any
26 private road or roads, or over any limited access road or
27 roads owned or controlled by a special district, located
28 within its boundaries if the municipality and party or parties
29 owning or controlling such road or roads provide, by written
30 agreement approved by the governing body of the municipality,
31 for municipal traffic control jurisdiction over the road or

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1 roads encompassed by such agreement. Pursuant thereto:

2 1. Provision for reimbursement for actual costs of
3 traffic control and enforcement and for liability insurance
4 and indemnification by the party or parties, and such other
5 terms as are mutually agreeable, may be included in such an
6 agreement.

7 2. The exercise of jurisdiction provided for herein
8 shall be in addition to jurisdictional authority presently
9 exercised by municipalities under law, and nothing in this
10 paragraph shall be construed to limit or remove any such
11 jurisdictional authority. Such jurisdiction includes
12 regulation of access to such road or roads by security devices
13 or personnel.

14 3. Any such agreement may provide for the installation
15 of multiparty stop signs by the parties controlling the roads
16 covered by the agreement if a determination is made by such
17 parties that the signage will enhance traffic safety.
18 Multiparty stop signs must conform to the manual and
19 specifications of the Department of Transportation; however,
20 minimum traffic volumes may not be required for the
21 installation of such signage. Enforcement for the signs shall
22 be as provided in s. 316.123.

23
24 This subsection shall not limit those counties which have the
25 charter powers to provide and regulate arterial, toll, and
26 other roads, bridges, tunnels, and related facilities from the
27 proper exercise of those powers by the placement and
28 maintenance of traffic control devices which conform to the
29 manual and specifications of the Department of Transportation
30 on streets and highways located within municipal boundaries.

31 (3) COUNTIES.--

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1 (b) A county may exercise jurisdiction over any
2 private road or roads, or over any limited access road or
3 roads owned or controlled by a special district, located in
4 the unincorporated area within its boundaries if the county
5 and party or parties owning or controlling such road or roads
6 provide, by written agreement approved by the governing body
7 of the county, for county traffic control jurisdiction over
8 the road or roads encompassed by such agreement. Pursuant
9 thereto:

10 1. Provision for reimbursement for actual costs of
11 traffic control and enforcement and for liability insurance
12 and indemnification by the party or parties, and such other
13 terms as are mutually agreeable, may be included in such an
14 agreement.

15 2. Prior to entering into an agreement which provides
16 for enforcement of the traffic laws of the state over a
17 private road or roads, or over any limited access road or
18 roads owned or controlled by a special district, the governing
19 body of the county shall consult with the sheriff. No such
20 agreement shall take effect prior to October 1, the beginning
21 of the county fiscal year, unless this requirement is waived
22 in writing by the sheriff.

23 3. The exercise of jurisdiction provided for herein
24 shall be in addition to jurisdictional authority presently
25 exercised by counties under law, and nothing in this paragraph
26 shall be construed to limit or remove any such jurisdictional
27 authority.

28 4. Any such agreement may provide for the installation
29 of multiparty stop signs by the parties controlling the roads
30 covered by the agreement if a determination is made by such
31 parties that the signage will enhance traffic safety.

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1 Multiparty stop signs must conform to the manual and
2 specifications of the Department of Transportation; however,
3 minimum traffic volumes may not be required for the
4 installation of such signage. Enforcement for the signs shall
5 be as provided in s. 316.123.

6 (c) If the governing body of a county abandons the
7 roads and rights-of-way dedicated in a recorded residential
8 subdivision, and simultaneously conveys the county's interest
9 therein to a homeowners' association for the subdivision in
10 the manner prescribed in s. 316.00825, that county's traffic
11 control jurisdiction over the abandoned and conveyed roads
12 ceases unless the requirements of paragraph (b) are met.

13
14 Notwithstanding the provisions of subsection (2), each county
15 shall have original jurisdiction to regulate parking, by
16 resolution of the board of county commissioners and the
17 erection of signs conforming to the manual and specifications
18 of the Department of Transportation, in parking areas located
19 on property owned or leased by the county, whether or not such
20 areas are located within the boundaries of chartered
21 municipalities.

22 Section 3. Section 316.00825, Florida Statutes, is
23 created to read:

24 316.00825 Closing and abandonment of roads; optional
25 conveyance to homeowners' association; traffic control
26 jurisdiction.--

27 (1)(a) In addition to the authority provided in s.
28 336.12, the governing body of the county may abandon the roads
29 and rights-of-way dedicated in a recorded residential
30 subdivision plat and simultaneously convey the county's
31 interest in such roads, rights-of-way, and appurtenant

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1 drainage facilities to a homeowners' association for the
2 subdivision, if the following conditions have been met:

3 1. The homeowners' association has requested the
4 abandonment and conveyance in writing for the purpose of
5 converting the subdivision to a gated neighborhood with
6 restricted public access.

7 2. No fewer than four-fifths of the owners of record
8 of property located in the subdivision have consented in
9 writing to the abandonment and simultaneous conveyance to the
10 homeowners' association.

11 3. The homeowners' association is both a corporation
12 not for profit organized and in good standing under chapter
13 617, and a "homeowners' association" as defined in s.
14 720.301(7) with the power to levy and collect assessments for
15 routine and periodic major maintenance and operation of street
16 lighting, drainage, sidewalks, and pavement in the
17 subdivision.

18 4. The homeowners' association has entered into and
19 executed such agreements, covenants, warranties, and other
20 instruments; has provided, or has provided assurance of, such
21 funds, reserve funds, and funding sources; and has satisfied
22 such other requirements and conditions as may be established
23 or imposed by the county with respect to the ongoing
24 operation, maintenance, and repair and the periodic
25 reconstruction or replacement of the roads, drainage, street
26 lighting, and sidewalks in the subdivision after the
27 abandonment by the county.

28 (b) The homeowners' association shall install,
29 operate, maintain, repair, and replace all signs, signals,
30 markings, striping, guardrails, and other traffic control
31 devices necessary or useful for the private roads unless an

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1 agreement has been entered into between the county and the
2 homeowners' association, as authorized under s. 316.006(3)(b),
3 expressly providing that the county has traffic control
4 jurisdiction.

5 (2) Upon abandonment of the roads and rights-of-way
6 and the conveyance thereof to the homeowners' association, the
7 homeowners' association shall have all the rights, title, and
8 interest in the roads and rights-of-way, including all
9 appurtenant drainage facilities, as were previously vested in
10 the county. Thereafter, the homeowners' association shall
11 hold the roads and rights-of-way in trust for the benefit of
12 the owners of the property in the subdivision, and shall
13 operate, maintain, repair, and, from time to time, replace and
14 reconstruct the roads, street lighting, sidewalks, and
15 drainage facilities as necessary to ensure their use and
16 enjoyment by the property owners, tenants, and residents of
17 the subdivision and their guests and invitees. The provisions
18 of this section shall be regarded as supplemental and
19 additional to the provisions of s. 336.12, and shall not be
20 regarded as in derogation of that section.

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22

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

24 And the title is amended as follows:

25 On page 1, line 10, after the first semicolon,
26
27 insert:
28 revising the traffic control jurisdiction of a
29 county over certain roads and rights-of-way
30 dedicated in a residential subdivision under
31 certain circumstances; creating s. 316.00825,

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1 F.S.; authorizing the governing body of a
2 county to abandon the roads and rights-of-way
3 dedicated in a recorded subdivision plat under
4 certain circumstances; providing for traffic
5 control jurisdiction of such roads;
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