

Bill No. CS for CS for SB 522

Amendment No.      Barcode 102840

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Sebesta moved the following amendment:

**Senate Amendment (with title amendment)**

On page 3, between lines 4 and 5,

insert:

Section 2. Paragraph (c) is added to subsection (3) of section 316.006, Florida Statutes, to read:

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

(3) COUNTIES.--

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

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by

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1 resolution of the board of county commissioners and the  
2 erection of signs conforming to the manual and specifications  
3 of the Department of Transportation, in parking areas located  
4 on property owned or leased by the county, whether or not such  
5 areas are located within the boundaries of chartered  
6 municipalities.

7 Section 3. Section 316.00825, Florida Statutes, is  
8 created to read:

9 316.00825 Closing and abandonment of roads; optional  
10 conveyance to homeowners' association; traffic control  
11 jurisdiction.--

12 (1)(a) In addition to the authority provided in s.  
13 336.12, the governing body of the county may abandon the roads  
14 and rights-of-way dedicated in a recorded residential  
15 subdivision plat and simultaneously convey the county's  
16 interest in such roads, rights-of-way, and appurtenant  
17 drainage facilities to a homeowners' association for the  
18 subdivision, if the following conditions have been met:

19 1. The homeowners' association has requested the  
20 abandonment and conveyance in writing for the purpose of  
21 converting the subdivision to a gated neighborhood with  
22 restricted public access.

23 2. No fewer than four-fifths of the owners of record  
24 of property located in the subdivision have consented in  
25 writing to the abandonment and simultaneous conveyance to the  
26 homeowners' association.

27 3. The homeowners' association is both a corporation  
28 not for profit organized and in good standing under chapter  
29 617, and a "homeowners' association" as defined in s.  
30 720.301(7) with the power to levy and collect assessments for  
31 routine and periodic major maintenance and operation of street

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1 lighting, drainage, sidewalks, and pavement in the  
2 subdivision.

3 4. The homeowners' association has entered into and  
4 executed such agreements, covenants, warranties, and other  
5 instruments; has provided, or has provided assurance of, such  
6 funds, reserve funds, and funding sources; and has satisfied  
7 such other requirements and conditions as may be established  
8 or imposed by the county with respect to the ongoing  
9 operation, maintenance, and repair and the periodic  
10 reconstruction or replacement of the roads, drainage, street  
11 lighting, and sidewalks in the subdivision after the  
12 abandonment by the county.

13 (b) The homeowners' association shall install,  
14 operate, maintain, repair, and replace all signs, signals,  
15 markings, striping, guardrails, and other traffic control  
16 devices necessary or useful for the private roads unless an  
17 agreement has been entered into between the county and the  
18 homeowners' association, as authorized under s. 316.006(3)(b),  
19 expressly providing that the county has traffic control  
20 jurisdiction.

21 (2) Upon abandonment of the roads and rights-of-way  
22 and the conveyance thereof to the homeowners' association, the  
23 homeowners' association shall have all the rights, title, and  
24 interest in the roads and rights-of-way, including all  
25 appurtenant drainage facilities, as were previously vested in  
26 the county. Thereafter, the homeowners' association shall  
27 hold the roads and rights-of-way in trust for the benefit of  
28 the owners of the property in the subdivision, and shall  
29 operate, maintain, repair, and, from time to time, replace and  
30 reconstruct the roads, street lighting, sidewalks, and  
31 drainage facilities as necessary to ensure their use and

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1 enjoyment by the property owners, tenants, and residents of  
2 the subdivision and their guests and invitees. The provisions  
3 of this section shall be regarded as supplemental and  
4 additional to the provisions of s. 336.12, and shall not be  
5 regarded as in derogation of that section.

6  
7 (Redesignate subsequent sections.)

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

11 And the title is amended as follows:

12 On page 1, line 6, after the first semicolon,

13  
14 insert:

15 amending s. 316.006, F.S.; revising the traffic  
16 control jurisdiction of a county over certain  
17 roads and rights-of-way dedicated in a  
18 residential subdivision under certain  
19 circumstances; creating s. 316.00825, F.S.;  
20 authorizing the governing body of a county to  
21 abandon the roads and rights-of-way dedicated  
22 in a recorded subdivision plat under certain  
23 circumstances; providing for traffic control  
24 jurisdiction of such roads;

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