

By Senator Crist

12-894-05

See HB 625

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

A bill to be entitled

An act relating to abandonment of roads;
amending s. 316.00825, F.S.; providing for
conveyance of roads by a municipality to a
homeowners' association; amending s. 316.006,
F.S.; providing for traffic control
jurisdiction over such conveyed roads;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.00825, Florida Statutes, is
amended to read:

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

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

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

2. No fewer than four-fifths of the owners of record
of property located in the subdivision have consented in

1 writing to the abandonment and simultaneous conveyance to the
2 homeowners' association.

3 3. The homeowners' association is both a corporation
4 not for profit organized and in good standing under chapter
5 617, and a "homeowners' association" as defined in s.
6 720.301(9) with the power to levy and collect assessments for
7 routine and periodic major maintenance and operation of street
8 lighting, drainage, sidewalks, and pavement in the
9 subdivision.

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

20 (b) The homeowners' association shall install,
21 operate, maintain, repair, and replace all signs, signals,
22 markings, striping, guardrails, and other traffic control
23 devices necessary or useful for the private roads unless an
24 agreement has been entered into between the county or
25 municipality and the homeowners' association, as authorized
26 under s. 316.006(2)(b) or (3)(b), expressly providing that the
27 county or municipality has traffic control jurisdiction.

28 (2) Upon abandonment of the roads and rights-of-way
29 and the conveyance thereof to the homeowners' association, the
30 homeowners' association shall have all the rights, title, and
31 interest in the roads and rights-of-way, including all

1 appurtenant drainage facilities, as were previously vested in
2 the county or municipality. Thereafter, the homeowners'
3 association shall hold the roads and rights-of-way in trust
4 for the benefit of the owners of the property in the
5 subdivision, and shall operate, maintain, repair, and, from
6 time to time, replace and reconstruct the roads, street
7 lighting, sidewalks, and drainage facilities as necessary to
8 ensure their use and enjoyment by the property owners,
9 tenants, and residents of the subdivision and their guests and
10 invitees. The provisions of this section shall be regarded as
11 supplemental and additional to the provisions of s. 336.12,
12 and shall not be regarded as in derogation of that section.

13 Section 2. Subsection (2) of section 316.006, Florida
14 Statutes, is amended to read:

15 316.006 Jurisdiction.--Jurisdiction to control traffic
16 is vested as follows:

17 (2) MUNICIPALITIES.--

18 (a) Chartered municipalities shall have original
19 jurisdiction over all streets and highways located within
20 their boundaries, except state roads, and may place and
21 maintain such traffic control devices which conform to the
22 manual and specifications of the Department of Transportation
23 upon all streets and highways under their original
24 jurisdiction as they shall deem necessary to indicate and to
25 carry out the provisions of this chapter or to regulate, warn,
26 or guide traffic.

27 (b) A municipality may exercise jurisdiction over any
28 private road or roads, or over any limited access road or
29 roads owned or controlled by a special district, located
30 within its boundaries if the municipality and party or parties
31 owning or controlling such road or roads provide, by written

1 agreement approved by the governing body of the municipality,
2 for municipal traffic control jurisdiction over the road or
3 roads encompassed by such agreement. Pursuant thereto:

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

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

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

25 (c) If the governing body of a municipality abandons
26 the roads and rights-of-way dedicated in a recorded
27 residential subdivision, and simultaneously conveys the
28 municipality's interest therein to a homeowners' association
29 for the subdivision in the manner prescribed in s. 316.00825,
30 that municipality's traffic control jurisdiction over the
31

1 abandoned and conveyed roads ceases unless the requirements of
2 paragraph (b) are met.

3
4 This subsection shall not limit those counties which have the
5 charter powers to provide and regulate arterial, toll, and
6 other roads, bridges, tunnels, and related facilities from the
7 proper exercise of those powers by the placement and
8 maintenance of traffic control devices which conform to the
9 manual and specifications of the Department of Transportation
10 on streets and highways located within municipal boundaries.

11 Section 3. This act shall take effect July 1, 2005.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31