

1 A bill to be entitled
 2 An act relating to abandonment of roads; amending s.
 3 316.00825, F.S.; providing for conveyance of roads by a
 4 municipality to a homeowners' association; amending s.
 5 316.006, F.S.; providing for traffic control jurisdiction
 6 over such conveyed roads; providing an effective date.

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

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

12 316.00825 Closing and abandonment of roads; optional
 13 conveyance to homeowners' association; traffic control
 14 jurisdiction.--

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

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

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

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28 | the abandonment and simultaneous conveyance to the homeowners'
29 | association.

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

36 | 4. The homeowners' association has entered into and
37 | executed such agreements, covenants, warranties, and other
38 | instruments; has provided, or has provided assurance of, such
39 | funds, reserve funds, and funding sources; and has satisfied
40 | such other requirements and conditions as may be established or
41 | imposed by the county or municipality with respect to the
42 | ongoing operation, maintenance, and repair and the periodic
43 | reconstruction or replacement of the roads, drainage, street
44 | lighting, and sidewalks in the subdivision after the abandonment
45 | by the county or municipality.

46 | (b) The homeowners' association shall install, operate,
47 | maintain, repair, and replace all signs, signals, markings,
48 | striping, guardrails, and other traffic control devices
49 | necessary or useful for the private roads unless an agreement
50 | has been entered into between the county or municipality and the
51 | homeowners' association, as authorized under s. 316.006(2)(b) or
52 | (3)(b), expressly providing that the county or municipality has
53 | traffic control jurisdiction.

54 | (2) Upon abandonment of the roads and rights-of-way and
55 | the conveyance thereof to the homeowners' association, the

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56 homeowners' association shall have all the rights, title, and
57 interest in the roads and rights-of-way, including all
58 appurtenant drainage facilities, as were previously vested in
59 the county or municipality. Thereafter, the homeowners'
60 association shall hold the roads and rights-of-way in trust for
61 the benefit of the owners of the property in the subdivision,
62 and shall operate, maintain, repair, and, from time to time,
63 replace and reconstruct the roads, street lighting, sidewalks,
64 and drainage facilities as necessary to ensure their use and
65 enjoyment by the property owners, tenants, and residents of the
66 subdivision and their guests and invitees. The provisions of
67 this section shall be regarded as supplemental and additional to
68 the provisions of s. 336.12, and shall not be regarded as in
69 derogation of that section.

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

72 316.006 Jurisdiction.--Jurisdiction to control traffic is
73 vested as follows:

74 (2) MUNICIPALITIES.--

75 (a) Chartered municipalities shall have original
76 jurisdiction over all streets and highways located within their
77 boundaries, except state roads, and may place and maintain such
78 traffic control devices which conform to the manual and
79 specifications of the Department of Transportation upon all
80 streets and highways under their original jurisdiction as they
81 shall deem necessary to indicate and to carry out the provisions
82 of this chapter or to regulate, warn, or guide traffic.

83 (b) A municipality may exercise jurisdiction over any
 84 private road or roads, or over any limited access road or roads
 85 owned or controlled by a special district, located within its
 86 boundaries if the municipality and party or parties owning or
 87 controlling such road or roads provide, by written agreement
 88 approved by the governing body of the municipality, for
 89 municipal traffic control jurisdiction over the road or roads
 90 encompassed by such agreement. Pursuant thereto:

91 1. Provision for reimbursement for actual costs of traffic
 92 control and enforcement and for liability insurance and
 93 indemnification by the party or parties, and such other terms as
 94 are mutually agreeable, may be included in such an agreement.

95 2. The exercise of jurisdiction provided for herein shall
 96 be in addition to jurisdictional authority presently exercised
 97 by municipalities under law, and nothing in this paragraph shall
 98 be construed to limit or remove any such jurisdictional
 99 authority. Such jurisdiction includes regulation of access to
 100 such road or roads by security devices or personnel.

101 3. Any such agreement may provide for the installation of
 102 multiparty stop signs by the parties controlling the roads
 103 covered by the agreement if a determination is made by such
 104 parties that the signage will enhance traffic safety. Multiparty
 105 stop signs must conform to the manual and specifications of the
 106 Department of Transportation; however, minimum traffic volumes
 107 may not be required for the installation of such signage.
 108 Enforcement for the signs shall be as provided in s. 316.123.

109 (c) If the governing body of a municipality abandons the
 110 roads and rights-of-way dedicated in a recorded residential

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111 subdivision, and simultaneously conveys the municipality's
112 interest therein to a homeowners' association for the
113 subdivision in the manner prescribed in s. 316.00825, that
114 municipality's traffic control jurisdiction over the abandoned
115 and conveyed roads ceases unless the requirements of paragraph
116 (b) are met.

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118 This subsection shall not limit those counties which have the
119 charter powers to provide and regulate arterial, toll, and other
120 roads, bridges, tunnels, and related facilities from the proper
121 exercise of those powers by the placement and maintenance of
122 traffic control devices which conform to the manual and
123 specifications of the Department of Transportation on streets
124 and highways located within municipal boundaries.

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