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

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

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

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

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

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

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

(2) MUNICIPALITIES.--

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

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

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

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

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

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

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

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

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

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

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