

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation Committee

BILL: CS/SB 1130

SPONSOR: Senator Crist

SUBJECT: Conveyance of Roads/ Homeowners' Associations

DATE: March 8, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Evans	Meyer	TR	Fav/CS
2.			CA	
3.				
4.				
5.				
6.				

I. Summary:

This committee substitute (CS) transfers and renumbers s. 316.00825, F.S., as newly created s. 336.125, F.S. The CS also amends s. 316.006, F.S., to change a statutory reference to conform to the newly created s. 336.125, F.S.

This bill creates section 336.125 and amends section 316.006 of the Florida Statutes.

II. Present Situation:

Chapter 316, F.S., provides for uniform traffic laws throughout the state relating to speed limits, street signage, traffic signals, and penalties for violators of traffic laws. Specific sections of law within the chapter discuss the authority of counties and municipalities to regulate and restrict traffic on locally owned and maintained roads. No city or county shall enact an ordinance on a traffic-related matter covered by chapter 316, F.S., unless expressly authorized by the Legislature.

According to s. 316.006, F.S., the Florida Department of Transportation has jurisdiction over all state roads; municipalities have jurisdiction over all streets and highways within their boundaries, except for state roads; and counties have jurisdiction over all streets and highways within their boundaries, except for state and municipal roads.

Section 316.00825, F.S., establishes a standardized process by which a county commission can consider, and in its discretion agree to, a request from a subdivision for the return of roads the subdivision originally owned but deeded to the county. Counties have an option to abandon such roads and simultaneously convey the county's interest in such roads, rights-of way, drainage systems, lighting, and other appurtenant facilities, to a qualifying

homeowners' association. A homeowners' association taking over ownership and control of such roads shall have traffic control jurisdiction over the roads unless an agreement stating otherwise has been entered into with the county.

Chapter 336, F.S., establishes county road procedures for the state of Florida. Within this chapter s. 336.09, F.S., s. 336.10, F.S., and s. 336.12, F.S., relate specifically to the closing and abandonment of roads. Section 336.09, F.S. establishes the county's authority over closing and the abandonment of roads. Section 336.10, F.S., establishes public notification requirements before a road is closed or abandoned. Section 336.12, F.S., establishes the termination of the easement of a road after the road has been closed or abandoned.

III. Effect of Proposed Changes:

Section 1 of the CS amends s. 316.006, F.S., to conform to newly created s. 336.125, F.S., by changing a statutory reference within the section.

Section 2 of the CS transfers and renumbers s. 316.00825, F.S., to newly created s. 336.125, F.S.

Section 3 provides the CS would take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Representatives of municipalities believe this CS will allow municipalities to exercise their home rule powers established in s.166.021, F.S., to vacate roads and right of ways.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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