

26 322.04, F.S.; exempting a person from obtaining a
 27 driver's license when operating a side-by-side vehicle
 28 under certain circumstances; conforming a cross-
 29 reference; making a technical change; providing an
 30 effective date.

31

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

33

34 Section 1. Subsection (1) of section 316.1995, Florida
 35 Statutes, is amended to read:

36 316.1995 Driving upon sidewalk or bicycle path.—

37 (1) Except as provided in s. 316.008, s. 316.20655, s.
 38 316.212(9) ~~s. 316.212(8)~~, or s. 316.2128, a person may not drive
 39 any vehicle other than by human power upon a bicycle path,
 40 sidewalk, or sidewalk area, except upon a permanent or duly
 41 authorized temporary driveway.

42 Section 2. Section 316.212, Florida Statutes, is amended
 43 to read:

44 316.212 Operation of golf carts and side-by-side vehicles
 45 on certain roadways.—The operation of a golf cart or side-by-
 46 side vehicle upon the public roads or streets of this state is
 47 prohibited except as provided herein:

48 (1) A golf cart or a side-by-side vehicle may be operated
 49 only upon a county road that has been designated by a county, a
 50 municipal street that has been designated by a municipality, or

51 a two-lane county road located within the jurisdiction of a
52 municipality designated by that municipality, for use by golf
53 carts or side-by-side vehicles. ~~Before~~ ~~Prior to~~ making such a
54 designation, the responsible local governmental entity must
55 first determine that golf carts or side-by-side vehicles may
56 safely travel on or cross the public road or street, considering
57 factors including the speed, volume, and character of motor
58 vehicle traffic using the road or street. Upon a determination
59 that golf carts or side-by-side vehicles may be safely operated
60 on a designated road or street, the responsible governmental
61 entity shall post appropriate signs to indicate that such
62 operation is allowed.

63 (2) A golf cart or a side-by-side vehicle may be operated
64 on a part of the State Highway System only under the following
65 conditions:

66 (a) To cross a portion of the State Highway System which
67 intersects a county road or municipal street that has been
68 designated for use by golf carts or side-by-side vehicles if the
69 Department of Transportation has reviewed and approved the
70 location and design of the crossing and any traffic control
71 devices needed for safety purposes.

72 (b) To cross, at midblock, a part of the State Highway
73 System where a golf course is constructed on both sides of the
74 highway if the Department of Transportation has reviewed and
75 approved the location and design of the crossing and any traffic

76 control devices needed for safety purposes.

77 ~~(3)(e)~~ A golf cart or a side-by-side vehicle may be
 78 operated on a state road that has been designated for transfer
 79 to a local government unit pursuant to s. 335.0415 if the
 80 Department of Transportation determines that the operation of a
 81 golf cart or a side-by-side vehicle within the right-of-way of
 82 the road will not impede the safe and efficient flow of motor
 83 vehicular traffic. The department may authorize the operation of
 84 golf carts or side-by-side vehicles on such a road if:

85 ~~(a)1-~~ The road is the only available public road along
 86 which golf carts or side-by-side vehicles may travel or cross or
 87 the road provides the safest travel route among alternative
 88 routes available; and

89 ~~(b)2-~~ The speed, volume, and character of motor vehicular
 90 traffic using the road is considered in making such a
 91 determination.

92
 93 Upon its determination that golf carts or side-by-side vehicles
 94 may be operated on a given road, the department shall post
 95 appropriate signs on the road to indicate that such operation is
 96 allowed.

97 ~~(4)(3)~~ Notwithstanding any other provision of this
 98 section, a golf cart or a side-by-side vehicle may be operated
 99 for the purpose of crossing a street or highway where a single
 100 mobile home park is located on both sides of the street or

101 highway and is divided by that street or highway, provided that
 102 the governmental entity having original jurisdiction over such
 103 street or highway shall review and approve the location of the
 104 crossing and require implementation of any traffic controls
 105 needed for safety purposes. This subsection applies ~~shall apply~~
 106 only to residents or guests of the mobile home park. If notice
 107 is posted at the entrance and exit of any mobile home park where
 108 residents of the park operate golf carts, side-by-side vehicles,
 109 or electric vehicles within the confines of the park, it is not
 110 necessary for the park to have a gate or other device at the
 111 entrance and exit in order for such golf carts, side-by-side
 112 vehicles, or electric vehicles to be lawfully operated in the
 113 park.

114 ~~(5)-(4)~~ Notwithstanding any other provision of this
 115 section, if authorized by the Division of Recreation and Parks
 116 of the Department of Environmental Protection, a golf cart or a
 117 side-by-side vehicle may be operated on a road that is part of
 118 the State Park Road System if the posted speed limit is 35 miles
 119 per hour or less.

120 ~~(6)-(5)~~ A golf cart or a side-by-side vehicle may be
 121 operated only during the hours between sunrise and sunset,
 122 unless the responsible governmental entity has determined that a
 123 golf cart or a side-by-side vehicle may be operated during the
 124 hours between sunset and sunrise and the golf cart or the side-
 125 by-side vehicle is equipped with headlights, brake lights, turn

126 | signals, and a windshield.

127 | ~~(7)~~~~(6)~~ A golf cart or a side-by-side vehicle must be
 128 | equipped with efficient brakes, reliable steering apparatus,
 129 | safe tires, a rearview mirror, and red reflectorized warning
 130 | devices in both the front and rear.

131 | ~~(8)~~~~(7)~~ A golf cart or a side-by-side vehicle may not be
 132 | operated on public roads or streets by any person under the age
 133 | of 14.

134 | ~~(9)~~~~(8)~~ A local governmental entity may enact an ordinance
 135 | relating to:

136 | (a) Golf cart operation and equipment or side-by-side
 137 | vehicle operation and equipment which is more restrictive than
 138 | those enumerated in this section. Upon enactment of such
 139 | ordinance, the local governmental entity shall post appropriate
 140 | signs or otherwise inform the residents that such an ordinance
 141 | exists and that it will be enforced within the local
 142 | government's jurisdictional territory. An ordinance referred to
 143 | in this section applies ~~must apply~~ only to an unlicensed driver.

144 | (b) Golf cart or side-by-side vehicle operation on
 145 | sidewalks adjacent to specific segments of municipal streets,
 146 | county roads, or state highways within the jurisdictional
 147 | territory of the local governmental entity if:

148 | 1. The local governmental entity determines, after
 149 | considering the condition and current use of the sidewalks, the
 150 | character of the surrounding community, and the locations of

151 authorized golf cart or side-by-side vehicle crossings, that
 152 golf carts, side-by-side vehicles, bicycles, and pedestrians may
 153 safely share the sidewalk;

154 2. The local governmental entity consults with the
 155 Department of Transportation before adopting the ordinance;

156 3. The ordinance restricts golf carts or side-by-side
 157 vehicles to a maximum speed of 15 miles per hour and permits
 158 such use on sidewalks adjacent to state highways only if the
 159 sidewalks are at least 8 feet wide;

160 4. The ordinance requires the golf carts or the side-by-
 161 side vehicles to meet the equipment requirements in subsection
 162 (7) ~~(6)~~. However, the ordinance may require additional
 163 equipment, including horns or other warning devices required by
 164 s. 316.271; and

165 5. The local governmental entity posts appropriate signs
 166 or otherwise informs residents that the ordinance exists and
 167 applies to such sidewalks.

168 ~~(10)-(9)~~ A violation of this section is a noncriminal
 169 traffic infraction, punishable pursuant to chapter 318 as a
 170 moving violation for infractions of subsections (1)-(6) ~~(1)-(5)~~
 171 or a local ordinance corresponding thereto and enacted pursuant
 172 to subsection (9) ~~(8)~~, or punishable pursuant to chapter 318 as
 173 a nonmoving violation for infractions of subsection (7) ~~(6)~~,
 174 subsection (8) ~~(7)~~, or a local ordinance corresponding thereto
 175 and enacted pursuant to subsection (9) ~~(8)~~.

176 Section 3. Section 316.2125, Florida Statutes, is amended
 177 to read:

178 316.2125 Operation of golf carts and side-by-side vehicles
 179 within a retirement community.—

180 (1) Notwithstanding ~~the provisions of~~ s. 316.212, the
 181 reasonable operation of a golf cart or side-by-side vehicle,
 182 equipped and operated as provided in s. 316.212(6), (7), and (8)
 183 ~~s. 316.212(5), (6), and (7)~~, within any self-contained
 184 retirement community is permitted unless prohibited under
 185 subsection (2).

186 (2)(a) A county or municipality may prohibit the operation
 187 of golf carts or side-by-side vehicles on any street or highway
 188 under its jurisdiction if the governing body of the county or
 189 municipality determines that such prohibition is necessary in
 190 the interest of safety.

191 (b) The Department of Transportation may prohibit the
 192 operation of golf carts or side-by-side vehicles on any street
 193 or highway under its jurisdiction if it determines that such
 194 prohibition is necessary in the interest of safety.

195 (3) A local governmental entity may enact an ordinance
 196 regarding golf cart operation and equipment or side-by-side
 197 vehicle operation and equipment which is more restrictive than
 198 those enumerated in this section. Upon enactment of any such
 199 ordinance, the local governmental entity shall post appropriate
 200 signs or otherwise inform the residents that such an ordinance

201 exists and that it shall be enforced within the local
 202 government's jurisdictional territory. An ordinance referred to
 203 in this section applies ~~must apply~~ only to an unlicensed driver.

204 Section 4. Section 316.2126, Florida Statutes, is amended
 205 to read:

206 316.2126 Authorized use of golf carts, low-speed vehicles,
 207 side-by-side vehicles, and utility vehicles.—

208 (1) In addition to the powers granted by ss. 316.212 and
 209 316.2125, municipalities are authorized to use golf carts, side-
 210 by-side vehicles, and utility vehicles, as defined in s. 320.01,
 211 upon any state, county, or municipal roads located within the
 212 corporate limits of such municipalities, subject to the
 213 following conditions:

214 (a) Golf carts, side-by-side vehicles, and utility
 215 vehicles must comply with the operational and safety
 216 requirements in ss. 316.212 and 316.2125, and with any more
 217 restrictive ordinances enacted by the local governmental entity
 218 pursuant to s. 316.212(9) ~~s. 316.212(8)~~, and may ~~shall~~ be
 219 operated only by municipal employees for municipal purposes,
 220 including, but not limited to, police patrol, traffic
 221 enforcement, and inspection of public facilities.

222 (b) In addition to the safety equipment required in s.
 223 316.212(7) ~~s. 316.212(6)~~ and any more restrictive safety
 224 equipment required by the local governmental entity pursuant to
 225 s. 316.212(9) ~~s. 316.212(8)~~, such golf carts, side-by-side

HB 1371

2023

226 vehicles, and utility vehicles must be equipped with sufficient
227 lighting and turn signal equipment.

228 (c) Golf carts, side-by-side vehicles, and utility
229 vehicles may be operated only on state roads that have a posted
230 speed limit of 30 miles per hour or less.

231 (d) Golf carts, side-by-side vehicles, and utility
232 vehicles may cross a portion of the State Highway System which
233 has a posted speed limit of 45 miles per hour or less only at an
234 intersection with an official traffic control device.

235 (e) Golf carts, side-by-side vehicles, and utility
236 vehicles may operate on sidewalks adjacent to state highways
237 only if such golf carts, side-by-side vehicles, and utility
238 vehicles yield to pedestrians and if the sidewalks are at least
239 5 feet wide.

240 (2) State employees, state park volunteers, and state park
241 visitors are authorized to use golf carts, side-by-side
242 vehicles, and utility vehicles, as those terms are defined in s.
243 320.01(22), (46), and (42), respectively ~~s. 320.01,~~ upon any
244 public roads within the boundaries of state parks managed by the
245 Division of Recreation and Parks of the Department of
246 Environmental Protection, subject to the following conditions:

247 (a) Golf carts, side-by-side vehicles, and utility
248 vehicles must comply with the operational and safety
249 requirements in s. 316.212.

250 (b) Golf carts, side-by-side vehicles, and utility

HB 1371

2023

251 vehicles ~~may shall~~ be operated only by state employees and state
252 park volunteers for state purposes and by state park visitors
253 for uses authorized by the Division of Recreation and Parks of
254 the Department of Environmental Protection.

255 (3)(a) As used in this subsection, the term:

256 1. "Golf cart" means a motor vehicle as defined in s.
257 320.01(22), including vehicles modified to have a cargo platform
258 or bin to transport parcels or a hitch to tow a trailer.

259 2. "Residential area" means areas zoned primarily or
260 exclusively for single-family or multifamily residential use.

261 3. "Seasonal delivery personnel" means employees of a
262 licensed commercial delivery service that has at least 10,000
263 persons employed in this state.

264 (b) Seasonal delivery personnel may use the following
265 vehicles solely for the purpose of delivering express envelopes
266 and packages having a maximum size of 130 inches for the
267 combined length and girth and weighing not more than 150 pounds
268 from midnight October 15 until midnight January 31 of each year:

269 1. Low-speed vehicles and utility vehicles as defined in
270 s. 320.01(41) and (42), respectively, ~~s. 320.01~~ upon any public
271 road within a residential area that has a posted speed limit of
272 35 miles per hour or less.

273 2. Golf carts and side-by-side vehicles upon a public road
274 within a residential area that has a posted speed limit of 30
275 miles per hour or less.

276 3. Golf carts and side-by-side vehicles upon a public road
 277 within a residential area that has a posted speed limit of 30 to
 278 35 miles per hour, unless a municipality having jurisdiction
 279 over the public road has enacted an ordinance restricting
 280 personnel from driving on such roads.

281
 282 Seasonal delivery personnel may pull a trailer from any of these
 283 vehicles.

284 (c) All vehicles specified in this subsection must be:

285 1. Marked in a conspicuous manner with the name of the
 286 delivery service.

287 2. Equipped with, at a minimum, the equipment required
 288 under s. 316.212(7) ~~s. 316.212(6)~~.

289 3. Equipped with head lamps and tail lamps, in addition to
 290 the safety requirements in s. 316.212(7) ~~s. 316.212(6)~~, if
 291 operated after sunset.

292 (4) Anyone operating a golf cart, low-speed vehicle, side-
 293 by-side vehicle, or utility vehicle pursuant to this section
 294 must possess a valid driver license as required by s. 322.03.

295 (5) This section does not apply to the use of low-speed
 296 autonomous delivery vehicles.

297 Section 5. Section 316.21265, Florida Statutes, is amended
 298 to read:

299 316.21265 Use of all-terrain vehicles, golf carts, low-
 300 speed vehicles, side-by-side vehicles, or utility vehicles by

301 law enforcement agencies.—

302 (1) Notwithstanding any provision of law to the contrary,
 303 any law enforcement agency in this state may operate all-terrain
 304 vehicles as defined in s. 316.2074, golf carts as defined in s.
 305 320.01(22) ~~s. 320.01~~, low-speed vehicles as defined in s.
 306 320.01(41) ~~s. 320.01~~, side-by-side vehicles as defined in s.
 307 320.01(46), or utility vehicles as defined in s. 320.01(42) ~~s.~~
 308 ~~320.01~~ on any street, road, or highway in this state while
 309 carrying out its official duties.

310 (2) Such vehicles must be clearly marked as vehicles of a
 311 law enforcement agency and may be equipped with special warning
 312 lights, signaling devices, or other equipment approved or
 313 authorized for use on law enforcement vehicles.

314 (3) The vehicle operator and passengers must wear safety
 315 gear, such as helmets, which is ordinarily required for use by
 316 operators or passengers on such vehicles.

317 Section 6. Subsection (5) of section 316.2128, Florida
 318 Statutes, is amended to read:

319 316.2128 Micromobility devices, motorized scooters, and
 320 miniature motorcycles; requirements.—

321 (5) A person who engages in the business of, serves in the
 322 capacity of, or acts as a commercial seller of miniature
 323 motorcycles in this state must prominently display at his or her
 324 place of business a notice that such vehicles are not legal to
 325 operate on public roads, may not be registered as motor

326 | vehicles, and may not be operated on sidewalks unless authorized
 327 | by an ordinance enacted pursuant to s. 316.008(7)(a) or s.
 328 | 316.212(9) ~~s. 316.212(8)~~. The required notice must also appear
 329 | in all forms of advertising offering miniature motorcycles for
 330 | sale. The notice and a copy of this section must also be
 331 | provided to a consumer prior to the consumer's purchasing or
 332 | becoming obligated to purchase a miniature motorcycle.

333 | Section 7. Subsection (46) is added to section 320.01,
 334 | Florida Statutes, to read:

335 | 320.01 Definitions, general.—As used in the Florida
 336 | Statutes, except as otherwise provided, the term:

337 | (46) "Side-by-side vehicle" or "UTV" means a motor vehicle
 338 | designed for operation off-road which has a minimum of two seats
 339 | positioned side by side and which is operated by foot controls
 340 | and a steering wheel.

341 | Section 8. Paragraph (e) of subsection (1) of section
 342 | 322.04, Florida Statutes, is amended to read:

343 | 322.04 Persons exempt from obtaining driver license.—

344 | (1) The following persons are exempt from obtaining a
 345 | driver license:

346 | (e) Any person operating a golf cart or side-by-side
 347 | vehicle, as those terms are defined in s. 320.01(22) and (46),
 348 | respectively ~~s. 320.01~~, which is operated in accordance with ~~the~~
 349 | ~~provisions of~~ s. 316.212.

350 | Section 9. This act shall take effect July 1, 2023.