

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 949 Operation of a Golf Cart

**SPONSOR(S):** Local Administration, Federal Affairs & Special Districts Subcommittee, Transportation & Modals Subcommittee, Stevenson

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 1290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	15 Y, 0 N, As CS	Johnson	Hinshelwood
2) Local Administration, Federal Affairs & Special Districts Subcommittee	17 Y, 0 N, As CS	Burgess	Darden
3) Infrastructure Strategies Committee			

### SUMMARY ANALYSIS

The operation of a golf cart on Florida's public roads is generally prohibited; however, if specified conditions are met, a road may be designated for use of golf carts. Though the golf cart operator must be at least age 14, no driver license is required for operation of a golf cart on public roads. Florida law also provides that local governments may pass certain ordinances related to the operation and equipment of a golf cart, but such ordinances only apply to unlicensed drivers.

The bill authorizes water control districts to designate certain roads for the operation of golf carts, provided the district receives approval from the county where the designated road is located. The bill amends s. 316.212(7), F.S., by requiring that a person operating a golf cart on public roads or streets must possess a valid learner's driver license or valid driver license, the effect of which is to also raise the minimum age to 15.

The bill makes the following conforming changes:

- Repeals s. 316.212(8)(a), F.S., thus repealing the authorization for local governmental entities to enact certain ordinances regarding golf cart operation and equipment that only apply to unlicensed drivers. This conforms to the bill's requirement that a learner's driver license or a driver license is needed in order to operate a golf cart on public roads and streets.
- Repeals similar language in s. 316.2125(3), F.S., relating to the operation of a golf cart in a retirement community.
- Amends ss. 316.2126(1)(a) and (b), F.S., to conform to portions of s. 316.212(8), F.S., that are deleted.
- Removes an exemption from licensure for a person lawfully operating a golf cart on public roads or streets.

The bill does not appear to have a fiscal impact on the state, local governments, or the private sector.

The bill has an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### Operation of Golf Carts on Certain Roadways

For purposes of ch. 316, F.S., relating to traffic control, the term “golf cart” is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes.<sup>1</sup>

Section 316.212, F.S, provides for the operation of golf carts on certain roadways. Except as provided in statute, the operation of a golf cart upon the public roads or streets of this state is prohibited.

A golf cart may be operated upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity must post appropriate signs to indicate that such operation is allowed.<sup>2</sup>

A golf cart may be operated on a part of the State Highway System<sup>3</sup> under the following conditions:<sup>4</sup>

- To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if the Department of Transportation (DOT) has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if DOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

A golf cart may be operated on a state road that has been designated for transfer to a local government unit if DOT determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. DOT may authorize the operation of golf carts on such a road if:

- The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
- The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.<sup>5</sup>

Upon its determination that golf carts may be operated on a given road, DOT must post appropriate signs on the road to indicate that such operation is allowed.<sup>6</sup>

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<sup>1</sup> S. 316.003(29), F.S. Section 320.01(22), F.S., also defines golf cart to mean a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes *and that is not capable of exceeding speeds of 20 miles per hour*. The effect of this definition is that golf carts not capable of exceeding 20 miles per hour, when operated in accordance with ss. 316.212 and 316.2126, F.S., are exempt from provisions of ch. 320, F.S., which require the registration of vehicles or the display of license plates. See s. 320.105, F.S.

<sup>2</sup> S. 316.212(1), F.S.

<sup>3</sup> Section 334.03(24), F.S., defines the term “State Highway System” to mean the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities shall be facilities to which access is regulated.

<sup>4</sup> S. 316.212(2), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

A golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway reviews and approves the location of the crossing and require implementation of any traffic controls needed for safety purposes. This applies only to residents or guests of the mobile home park. If notice is posted at the entrance and exit of any mobile home park where residents of the park operate golf carts or within the confines of the park, it is not necessary for the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.<sup>7</sup>

If authorized by the Division of Recreation and Parks of the Department of Environmental Protection, a golf cart may be operated on a road that is part of the State Park Road System<sup>8</sup> if the posted speed limit is 35 miles per hour or less.<sup>9</sup>

A golf cart may only be operated during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.<sup>10</sup>

A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.<sup>11</sup>

A golf cart may not be operated on public roads or streets by any person under the age of 14.<sup>12</sup>

A local governmental entity may enact an ordinance relating to golf cart operation and equipment which is more restrictive than those enumerated in s. 316.212, F.S. Upon enactment of such ordinance, the local governmental entity must post appropriate signs or otherwise inform the residents that such an ordinance exists and that it will be enforced within the local government's jurisdictional territory. However, such an ordinance must apply only to an unlicensed driver.<sup>13</sup>

A violation of age or equipment requirements regarding the use of a golf cart is a noncriminal traffic punishable as a nonmoving violation.<sup>14</sup> A violation of the permissible operation of a golf cart on public roads or a violation of the hours of permissible operation of a golf cart is a noncriminal traffic infraction punishable as a moving violation.<sup>15</sup>

#### Operation of Golf Carts Within a Retirement Community

Section 316.2125, F.S., authorizes the reasonable operation of a golf cart within any self-contained retirement community unless prohibited by the county, municipality, or DOT in the interest of safety.

That statute authorizes a local governmental entity to enact an ordinance regarding golf cart operation and equipment which is more restrictive than those enumerated s. 316.2125, F.S., relating to the operation of a golf cart in a retirement community. Upon enactment of any such ordinance, the local governmental entity must post appropriate signs or otherwise inform the residents that such an ordinance exists and that it shall be enforced within the local government's jurisdictional territory. However, such an ordinance must apply only to an unlicensed driver.<sup>16</sup>

#### Authorized Use of Golf Carts by Municipalities

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<sup>7</sup> S. 316.212(3), F.S.

<sup>8</sup> Section 334.03(25), F.S., defines the term "State Park Road System" to mean roads embraced within the boundaries of state parks and state roads leading to state parks, other than roads of the State Highway System, the county road systems, or the city street systems.

<sup>9</sup> S. 316.212(4), F.S.

<sup>10</sup> S. 316.212(5), F.S.

<sup>11</sup> S. 316.212(6), F.S.

<sup>12</sup> S. 316.212(7), F.S.

<sup>13</sup> S. 316.212(8)(a), F.S.

<sup>14</sup> S. 316.212(9), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> S. 316.2125(3), F.S.

Section 316.2126, F.S., authorizes municipalities to use golf carts upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

- Such golf carts must comply with statutorily mandated operational and safety requirements; must comply any more restrictive local ordinances regarding golf cart operation and equipment, which ordinance must only apply to an unlicensed driver; and must be operated only by municipal employees for municipal purposes, including police patrol, traffic enforcement, and inspection of public facilities.
- Such golf carts must be equipped with sufficient lighting and turn signal equipment and must be equipped with other statutorily required safety equipment, as well as any more restrictive safety equipment required by a local ordinance, which local ordinance must only apply to an unlicensed driver.<sup>17</sup>

### Persons Exempt From Obtaining a Driver License

A driver license is not necessary to drive a golf cart on public roads or streets, as long as the driver is at least 14 years of age.<sup>18</sup>

### Learner's Driver Licenses

Section 322.1615, F.S., authorizes Department of Highway Safety and Motor Vehicles (DHSMV) to issue a learner's driver license to a person who is at least 15 years of age and who:

- Has passed the written examination for a learner's driver license;
- Has passed the vision and hearing examination;
- Has completed the required traffic law and substance abuse education course; and
- Meets all other requirements set forth in law and by DHSMV rule.<sup>19</sup>

When operating a motor vehicle, the holder of a learner's driver license must be accompanied at all times by a driver who:

- Holds a valid license to operate the type of vehicle being operated;
- Is at least 21 years of age; and
- Occupies the closest seat to the right of the driver of the motor vehicle.<sup>20</sup>

A person who holds a learner's driver license may operate a vehicle only during daylight hours, except that the holder of a learner's driver license may operate a vehicle until 10 p.m. after three months following the issuance of the learner's driver license.<sup>21</sup>

### Water Control Districts

Chapter 298, F.S., governs the creation and operation of water control districts (WCD). A WCD has authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>22</sup> A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices, or equipment.<sup>23</sup>

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<sup>17</sup> S. 316.2126(1)(a) and (b), F.S., this statute also applies to utility vehicles.

<sup>18</sup> S. 322.04(1)(e), F.S.

<sup>19</sup> S. 322.1615(1), F.S.

<sup>20</sup> S. 322.1615(2), F.S. A violation results in the imposition of the civil penalty imposed for a moving violation as set forth in ch. 318, F.S. See s. 322.1615(4), F.S.

<sup>21</sup> S. 322.1615(3), F.S. A violation results in the imposition of the civil penalty imposed for a moving violation as set forth in ch. 318, F.S. See s. 322.1615(4), F.S.

<sup>22</sup> S. 298.22, F.S.

<sup>23</sup> S. 298.22(3), F.S.

## Effect of the Bill

The bill authorizes water control districts to designate certain roads for the operation of golf carts, provided the district receives approval from the county where the designated road is located. The bill amends s. 316.212(7), F.S., by requiring that a person operating a golf cart on public roads or streets possess a valid learner's driver license or valid driver license, the effect of which is to also raise the minimum age to 15.

The bill makes the following conforming changes:

- Repeals s. 316.212(8)(a), F.S., thus repealing the authorization for local governmental entities to enact certain ordinances regarding golf cart operation and equipment that only apply to unlicensed drivers. This conforms to the bill's requirement that a learner's driver license or a driver license is needed in order to operate a golf cart on public roads and streets.
- Repeals similar language in s. 316.2125(3), F.S., relating to the operation of a golf cart in a retirement community.
- Amends ss. 316.2126(1)(a) and (b), F.S., to conform to portions of s. 316.212(8), F.S., that are deleted.
- Removes an exemption from licensure for a person operating a golf cart on public roads or streets.

The bill has an effective date of July 1, 2023.

### B. SECTION DIRECTORY:

- Section 1** Amends s. 316.212, F.S., relating to the operation of golf carts on certain roadways.
- Section 2** Amends s. 316.2125, F.S., relating to the operation of golf carts within a retirement community.
- Section 3** Amends s. 316.2126, F.S., relating to the authorized use of golf carts, low-speed vehicles and utility vehicles.
- Section 4** Amends s. 322.04, F.S., relating to persons exempt from obtaining driver license.
- Section 5** Provides an effective date of July 1, 2023.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Not applicable.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 15, 2023, the Transportation & Modals Subcommittee considered a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute differs from HB 949 in the following ways:

- Rewords the bill's requirement that the operator of a golf cart on public roads must possess a valid learner's driver license or a valid driver license to operate a golf cart on a public road.
- Makes conforming changes by removing portions of current law that allow a local government to pass a more restrictive ordinance regarding golf cart operation and equipment but only in relation to an unlicensed driver.

On March 29, 2023, the Local Administration, Federal Affairs & Special Districts Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment authorizes water control districts to designate certain roads for the operation of golf carts, provided the district receives approval from the county where the designated road is located.

This analysis has been updated to reflect the committee substitute as passed by the Local Administration, Federal Affairs & Special Districts Subcommittee.