

STORAGE NAME: h0849a.ca

DATE: March 22, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 849

RELATING TO: Golf/Utility Carts

SPONSOR(S): Representative Farkas

COMPANION BILL(S): SB 988 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 10 NAYS 0
 - (2) COMMUNITY AFFAIRS YEAS 7 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill amends a provision of law that authorizes municipalities over 400 years old to use golf carts on public roads within their jurisdiction. The bill expands such use to all municipalities in Florida, subject to the following safety requirements:

- Golf and utility carts may only be used by municipal employees in the performance of their official duties and for municipal purposes. Such purposes include, but are not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- Golf and utility carts must be equipped with lighting and turn signal equipment.
- Golf and utility carts may only be operated on state roads having a speed limit of 30 m.p.h. or less.

In addition, the bill exempts utility type vehicles from motor vehicle registration and license plate display requirements and emissions inspections. Golf carts are currently exempt from these requirements.

The bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Municipalities are using golf carts and utility vehicles more and more to provide municipal services. Golf carts and utility vehicles are often used to provide landscaping, maintenance, and security services. As the number and use of these vehicles have increased, they are being driven on public roads even though current law does not authorize such use.

Section 316.2126, F.S., authorizes the use of golf carts on public roads subject to the following safety conditions:

- Golf carts may only be used by municipal employees in the performance of their official duties and for municipal purposes. Such purposes include, but are not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- Golf carts must be equipped with lighting and turn signal equipment.
- Golf carts may only be operated on state roads having a speed limit of 30 m.p.h. or less.

The law, however, limits such use to municipalities over 400 years old. The City of St. Augustine was founded in 1565 and is the only Florida municipality over 400 years old.

B. EFFECT OF PROPOSED CHANGES:

The bill amends a provision of law that authorizes municipalities over 400 years old to use golf carts on public roads within their jurisdiction. The bill expands such use to all municipalities in Florida. The municipalities are required to comply with the current provisions and restrictions that apply to the City of St. Augustine's use of golf carts, which includes the following safety requirements:

- Golf and utility carts may only be used by municipal employees in the performance of their official duties and for municipal purposes. Such purposes include, but are not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- Golf and utility carts must be equipped with lighting and turn signal equipment.
- Golf and utility carts may only be operated on state roads having a speed limit of 30 m.p.h. or less.

In addition, HB 849 exempts utility type vehicles from motor vehicle registration and license plate display requirements and emissions inspections. Golf carts are currently exempt from these requirements.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

More municipalities will be able to use golf and utility carts to provide their services.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

ss. 316.2126, 320.01, 320.105, 322.04, 325.203

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

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A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take any action requiring the expenditure of funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. **COMMENTS:**

None.

VI. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On March 11, 1999, the Committee on Transportation adopted one amendment to HB 849. The amendment was a "strike everything" amendment that was corrective in nature. The primary effect of the amendment was to create a definition for utility vehicles. The effect or anticipated results of the original bill remain the same. The amendment is traveling with the bill.

On March 22, 1999, the Committee on Community Affairs approved an amendment to the bill which includes fire rescue as one of the city entities authorized to use golf/utility carts for municipal purposes.

VII. **SIGNATURES:**

COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

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Joan E. Highsmith-Smith

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