

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government; Safeguard Individual Liberty—The bill authorizes local governments to enact more restrictive golf cart operation and equipment regulations and it provides for penalties for violations of these increased regulations.

B. EFFECT OF PROPOSED CHANGES:

Currently under s. 316.212, F.S., a golf cart may be operated only upon a county road that has been designated by a county, or a city street that has been designated by a city, for use by golf carts. The responsible local governmental entity must consider factors including speed, volume, and character of motor vehicle traffic using the road or street. The responsible governmental entity is also to post appropriate signs to indicate that such operation is allowed.

A golf cart may be operated on a part of the State Highway System only under the following conditions:

- To cross a portion of the State Highway System which intersects a county road or city 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 the 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 if the 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.
 - If the road is the only available public road along which golf carts may travel or cross.
 - The road provides the safest travel route among alternative routes available.

Upon a determination that golf carts may be operated on a given road, the DOT shall post appropriate signs on the road to indicate that such operation is allowed.

A golf cart may also 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, provided that the responsible local governmental entity having original jurisdiction over such street or highway shall review and approve 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. Also, if proper notice is posted at the entrance and exit of any mobile home park that residents of the park utilize golf carts or electric vehicles, it is not necessary for the park to have a gate or other device at the entrance and exit for golf carts or electric vehicles to be lawfully operated.

On roads designated for golf cart use, a golf cart may be operated between sunrise and sunset (daylight) hours, unless the responsible governmental entity has determined that a golf cart may be operated between sunset and sunrise (nighttime) hours and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield. Golf carts 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. A golf cart may not be operated on public roads or streets by any person under the age of 14.

Operational violations of s. 316.212, F.S., are noncriminal traffic infractions, punishable as a moving violation with a fine of \$60 plus applicable court costs and fees. The fees and court costs vary county by county, but the total paid for each citation would range from \$112.50 to \$118.50 and an assessment of 3 points against the driver's license. Equipment violations of s. 316.212, F.S., are nonmoving violations punishable by a fine of \$30 plus applicable court costs and fees. The fees and court costs vary county by county, but the total paid for each citation would range from \$68.50 to \$74.50.

Under s. 316.2126, F.S., municipalities are authorized to use golf carts and utility vehicles upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

- Golf carts and utility vehicles must comply with the operational and safety requirements in ss. 316.212 and 316.2125, F.S., and are only to be operated by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- In addition to the safety equipment required in s. 316.212(5), F.S., such golf carts and utility vehicles must be equipped with sufficient lighting and turn signal equipment.
- Golf carts and utility vehicles may only be operated on state roads that have a posted speed limit of 30 miles per hour or less.
- A municipal employee operating a golf cart or utility vehicle pursuant to this section must possess a valid driver's license.

HB 1277 amends s. 316.212, F.S., by authorizing the responsible local government entities to enact more restrictive golf cart equipment and operational regulations. The bill also requires the responsible local government entities to provide public notification by posting appropriate signs or otherwise inform citizens that such regulations exist and will be enforced within its jurisdictional territory.

The bill provides for penalties corresponding to the operation of golf carts. Operational violations of s. 316.212, F.S., are noncriminal traffic infractions, punishable as a moving violation with a fine, court costs and fees as described above. Equipment violations of s. 316.212, F.S., are nonmoving violations punishable by a fine, court costs and fees as described above.

This bill also amends s. 316.2126, F.S., providing that golf carts and utility vehicles must comply with the operational and safety requirements in ss. 316.212 and 316.2125, F.S., and with any more restrictive ordinances and safety equipment enacted by the responsible local governmental entity.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.212, F.S., to authorize local governments to enact more restrictive golf cart equipment and operation regulations; requiring public notification; providing for enforcement jurisdiction; providing penalties.

Section 2. Amends s. 316.2126, F.S., to provide for application of local golf cart equipment and operation regulations to golf cart and utility vehicle use by municipalities.

Section 3. Provides an effective date of July 1, 2005.

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:

This bill does not appear to have a significant direct economic impact on the private sector. However, authorizing local governments to enact more restrictive golf cart equipment and operation regulations may increase such violations and fines in these jurisdictions by an indeterminate amount.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rule-making authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES