

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Aubuchon offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 1915-1918 and insert:

5 by the Department of Highway Safety and Motor Vehicles to the
6 Florida Department of Law Enforcement for state processing, and
7 the Florida Department of Law Enforcement shall forward them to
8 the Federal Bureau of Investigation for national processing. The
9 Department of Highway Safety and Motor Vehicles shall screen the
10 background check results to determine if an applicant,
11 instructor, agency or employee meets licensure or certification
12 requirements.

13 Section 38. Subsection (9) of section 261.03, Florida
14 Statutes, is amended to read:

15 261.03 Definitions.—As used in this chapter, the term:

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16 (9) "ROV" means any motorized recreational off-highway
17 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
18 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
19 nonhighway tires, having nonstraddle seating and a steering
20 wheel, and manufactured for recreational use by one or more
21 persons. The term "ROV" does not include a golf cart as defined
22 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
23 defined in s. 320.01(42).

24 Section 39. Subsection (9) of section 317.0003, Florida
25 Statutes, is amended to read:

26 317.0003 Definitions.—As used in this chapter, the term:

27 (9) "ROV" means any motorized recreational off-highway
28 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
29 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
30 nonhighway tires, having nonstraddle seating and a steering
31 wheel, and manufactured for recreational use by one or more
32 persons. The term "ROV" does not include a golf cart as defined
33 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
34 defined in s. 320.01(42).

35 Section 40. Subsection (7) is added to section 316.008,
36 Florida Statutes, to read:

37 316.008 Powers of local authorities.—

38 (7) A county or municipality may enact an ordinance to
39 permit, control, or regulate the operation of vehicles, golf
40 carts, mopeds, motorized scooters, and electric personal
41 assistive mobility devices on sidewalks or sidewalk areas when
42 such use is permissible under federal law. The ordinance must

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43 restrict such vehicles or devices to a maximum speed of 15 miles
44 per hour in such areas.

45 Section 41. Section 316.1995, Florida Statutes, is amended
46 to read:

47 316.1995 Driving upon sidewalk or bicycle path.—

48 (1) Except as provided in s. 316.008 or s. 316.212(8), a
49 person may not ~~shall~~ drive any vehicle other than by human
50 power upon a bicycle path, sidewalk, or sidewalk area, except
51 upon a permanent or duly authorized temporary driveway.

52 (2) A violation of this section is a noncriminal traffic
53 infraction, punishable as a moving violation as provided in
54 chapter 318.

55 (3) This section does not apply to motorized wheelchairs.

56 Section 42. Subsection (8) of section 316.212, Florida
57 Statutes, is amended to read:

58 316.212 Operation of golf carts on certain roadways.—The
59 operation of a golf cart upon the public roads or streets of
60 this state is prohibited except as provided herein:

61 (8) A local governmental entity may enact an ordinance
62 relating to:

63 (a) ~~Regarding~~ Golf cart operation and equipment which is
64 more restrictive than those enumerated in this section. Upon
65 enactment of such ordinance, the local governmental entity shall
66 post appropriate signs or otherwise inform the residents that
67 such an ordinance exists and that it will be enforced within the
68 local government's jurisdictional territory. An ordinance
69 referred to in this section must apply only to an unlicensed
70 driver.

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71 (b) Golf cart operation on sidewalks adjacent to specific
72 segments of municipal streets, county roads, or state highways
73 within the jurisdictional territory of the local governmental
74 entity if:

75 1. The local governmental entity determines, after
76 considering the condition and current use of the sidewalks, the
77 character of the surrounding community, and the locations of
78 authorized golf cart crossings, that golf carts, bicycles, and
79 pedestrians may safely share the sidewalk;

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

82 3. The ordinance restricts golf carts to a maximum speed
83 of 15 miles per hour and permits such use on sidewalks adjacent
84 to state highways only if the sidewalks are at least 8 feet
85 wide;

86 4. The ordinance requires the golf carts to meet the
87 equipment requirements in subsection (6). However, the ordinance
88 may require additional equipment, including horns or other
89 warning devices required by s. 316.271; and

90 5. The local governmental entity posts appropriate signs
91 or otherwise informs residents that the ordinance exists and
92 applies to such sidewalks.

93 Section 43. Section 316.2128, Florida Statutes, is amended
94 to read:

95 316.2128 Operation of motorized scooters and miniature
96 motorcycles; requirements for sales.-

97 (1) A person who engages in the business of, serves in the
98 capacity of, or acts as a commercial seller of motorized

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99 scooters or miniature motorcycles in this state must prominently
100 display at his or her place of business a notice that such
101 vehicles are not legal to operate on public roads, ~~or sidewalks~~
102 ~~and~~ may not be registered as motor vehicles, and may not be
103 operated on sidewalks unless authorized by an ordinance enacted
104 pursuant to s. 316.008(7) or s. 316.212(8). The required notice
105 must also appear in all forms of advertising offering motorized
106 scooters or miniature motorcycles for sale. The notice and a
107 copy of this section must also be provided to a consumer prior
108 to the consumer's purchasing or becoming obligated to purchase a
109 motorized scooter or a miniature motorcycle.

110 (2) Any person selling or offering a motorized scooter or
111 a miniature motorcycle for sale in violation of this section
112 commits an unfair and deceptive trade practice as defined in
113 part II of chapter 501.

114 Section 44. Ronshay Dugans Act.-

115 (1) This section may be cited as the "Ronshay Dugans Act."

116 (2) The first week of September is designated as "Drowsy
117 Driving Prevention Week" in this state. During Drowsy Driving
118 Prevention Week, the Department of Highway Safety and Motor
119 Vehicles and the Department of Transportation are encouraged to
120 educate the law enforcement community and the public about the
121 relationship between fatigue and performance and the research
122 showing fatigue to be as much of an impairment as alcohol and as
123 dangerous while operating a motor vehicle.

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T I T L E A M E N D M E N T

Between lines 197 and 198, insert:

providing procedures for background screening; amending ss. 261.03 and 317.0003, F.S.; revising the definition of the term "ROV" to include vehicles of an increased width and weight for purposes of provisions relating to off-highway vehicles; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas under certain conditions; requiring the ordinance to restrict such vehicles or devices to a certain maximum speed; amending s. 316.1995, F.S.; specifying exceptions to restrictions on operating vehicles upon a bicycle path, sidewalk, or sidewalk area; amending s. 316.212, F.S.; providing for a local governmental entity to enact an ordinance relating to golf cart operation on sidewalks in certain areas if certain conditions are met; amending s. 316.2128, F.S.; revising requirements for signage which must be displayed by certain sellers of motorized scooters or miniature motorcycles; creating the "Ronshay Dugans Act"; designating Drowsy Driving Prevention Week; encouraging the Department of Highway Safety and Motor Vehicles and the Department of Transportation to educate the law enforcement community and the public about the relationship between fatigue and driving performance;

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