

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1290

INTRODUCER: Transportation Committee and Senators Grall and Perry

SUBJECT: Operation of a Golf Cart

DATE: April 18, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Vickers</u>	<u>TR</u>	<b>Fav/CS</b>
2.	<u>Jones</u>	<u>Twogood</u>	<u>RC</u>	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1290 increases the minimum age and adds licensing requirements for operators of golf carts on certain roadways. The bill requires that a person operating a golf cart on the public road or street, as authorized by the responsible local government entity, must have a valid learner’s driver license or driver license that is not suspended or revoked.

The bill also authorizes water control districts to designate roads owned and maintained by the district for the operation of golf carts, provided the district receives approval from the county where the designated road is located.

The bill may have an indeterminate, likely insignificant, fiscal impact on state or local government, and the private sector.

The bill takes effect July 1, 2023.

**II. Present Situation:**

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>

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<sup>1</sup> Section 316.003(29), F.S.

For purposes of ch. 320 and 322, F.S., relating to motor vehicle licenses and driver licenses, 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 and that is not capable of exceeding speeds of 20 miles per hour.<sup>2</sup>

Golf carts are not required to be titled or registered with the Department of Highway Safety and Motor Vehicles (DHSMV), or to be operated by a licensed driver.<sup>3</sup>

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

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 public roads or streets of this state is prohibited.

A golf cart may be operated upon a county road designated by the county, a municipal street designated by the 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 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>4</sup>

A golf cart may be operated on a part of the State Highway System<sup>5</sup> under the following conditions:<sup>6</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 Florida Department of Transportation (FDOT) 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 FDOT 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 FDOT determines that the operation of a golf cart within the right-of-way of

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<sup>2</sup> Section 320.01(22), F.S.

<sup>3</sup> DHSMV, *Low Speed Vehicles*, <https://www.flhsmv.gov/safety-center/consumer-education/low-speed-vehicles/> (last visited March 30, 2023).

<sup>4</sup> Section 316.212(1), F.S.

<sup>5</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>6</sup> Section 316.212(2), F.S.

the road will not impede the safe and efficient flow of motor vehicular traffic. FDOT 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>7</sup>

Upon its determination that golf carts may be operated on a given road, FDOT must post appropriate signs on the road to indicate that such operation is allowed.<sup>8</sup>

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>9</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>10</sup> if the posted speed limit is 35 miles per hour or less.<sup>11</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>12</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>13</sup>

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

A local governmental entity may enact an ordinance relating to golf cart operation and equipment that is more restrictive than those enumerated in s. 316.212, F.S. However, such an ordinance must apply only to an unlicensed driver. Upon enactment of such ordinance, the local

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Section 316.212(3), F.S.

<sup>10</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>11</sup> Section 316.212(4), F.S.

<sup>12</sup> Section 316.212(5), F.S.

<sup>13</sup> Section 316.212(6), F.S.

<sup>14</sup> Section 316.212(7), F.S.

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.<sup>15</sup>

A violation of age or equipment requirements regarding the use of a golf cart is a noncriminal traffic infraction punishable as a nonmoving violation.<sup>16</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>17</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 FDOT in the interest of safety.

That statute authorizes a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than those enumerated s. 316.2125, F.S., relating to the operation of a golf cart in a retirement community. However, such an ordinance must apply only to an unlicensed driver. 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.<sup>18</sup>

### **Authorized Use of Golf Carts by Municipalities**

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; 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.<sup>19</sup>

Anyone operating a golf cart pursuant to s. 316.2126, F.S., must possess a valid driver license.<sup>20</sup>

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<sup>15</sup> Section 316.212(8)(a), F.S.

<sup>16</sup> Section 316.212(9), F.S. Section 318.18, F.S., provides the statutory base fine for a nonmoving violation is \$30 plus court costs and fees, which can increase the total penalty up to \$108.

<sup>17</sup> Section 316.212(9), F.S. Section 318.18, F.S., provides the statutory base fine for a moving violation is \$60 plus court costs and fees, which can increase the total penalty up to \$158.

<sup>18</sup> Section 316.2125(3), F.S.

<sup>19</sup> Section 316.2126(1)(a) and (b), F.S. This statute also applies to utility vehicles.

<sup>20</sup> Section 316.2126(4), F.S.

## 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>21</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>22</sup>

Prior to July 1, 1980, WCDs were created by the submission of a petition signed by a majority of the landowners in the area of the proposed district to the circuit court that had jurisdiction over the area.<sup>23</sup> Today, WCDs may be created only by special act or by county ordinance.<sup>24</sup>

## Persons Exempt from Obtaining a Driver License

A valid 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>25</sup>

## Learner's Driver Licenses

Section 322.1615, F.S, authorizes 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>26</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>27</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>28</sup>

<sup>21</sup> Section 298.22, F.S.

<sup>22</sup> Section 298.22(3), F.S.

<sup>23</sup> Section 298.01, F.S. (authorizing “water control districts established prior to July 1, 1980, pursuant to the process formerly contained in this section and former ss. 298.02 and 298.03, may continue to operate as outlined in this chapter.”) *See also* section 298.01, F.S. (1980).

<sup>24</sup> Section 289.01, F.S.

<sup>25</sup> Section 322.04(1)(e), F.S.

<sup>26</sup> Section 322.1615(1), F.S.

<sup>27</sup> Section 322.1615(2), F.S.

<sup>28</sup> Section 322.1615(3), F.S.

**III. Effect of Proposed Changes:**

The bill amends s. 316.212, F.S., to prohibit the operation of a golf cart on public roadways designated for golf cart use, unless the operator has a valid learner's driver license or driver license that is not suspended or revoked. This change, in effect, increases the minimum age a person may operate a golf cart on public roadways from 14 years of age to 15 years of age if the operator has a valid learner's permit.

The bill also amends s. 316.212, F.S., to authorize water control districts to designate roads owned and maintained by the district for the operation of golf carts, provided the district receives approval from the county where the designated road is located.

The bill amends s. 322.04, F.S., to remove the exemption from diver licensing requirements for a person operating a golf cart on a public roadway in accordance with s. 316.212, F.S.

The bill takes effect July 1, 2023.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill may have a negative fiscal impact on unlicensed drivers who regularly operate golf carts on designated public roadways, who will be required to have a valid driver

license to operate a golf cart because they will either need to obtain a valid driver license or may be subject to civil penalties associated with violating the provisions of the bill.

C. **Government Sector Impact:**

To the extent the bill increases the number of individuals obtaining a valid driver license or increases violations of the law, the bill may have an indeterminate positive fiscal impact on state and local government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Current Florida law authorizes local governments to enact ordinances relating to golf cart operation and equipment more restrictive than state law, but that only applies to unlicensed drivers. Since the bill requires valid licensure of drivers to operate golf carts on public roadways, the sponsor may wish to consider either removing such authorizations or allowing such ordinances apply to licensed drivers.<sup>29</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.212 and 322.04.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on April 4, 2023:**

The CS adds that water control districts may designate roads it owns and maintains for use by golf carts, providing the district receives approval from the county where the road is located.

B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>29</sup> See ss. 316.212(8)(a) and 316.2125(3), F.S.