

By Senator Grall

29-01061-23

2023578__

1 A bill to be entitled
2 An act relating to side-by-side vehicles; amending s.
3 316.1995, F.S.; conforming a cross-reference; amending
4 s. 316.212, F.S.; authorizing the operation of side-
5 by-side vehicles under certain circumstances;
6 requiring side-by-side vehicles to have certain
7 equipment; prohibiting persons under a certain age
8 from operating a side-by-side vehicle on a public road
9 or street; authorizing local governmental entities to
10 enact certain ordinances pertaining to side-by-side
11 vehicles; amending s. 316.2125, F.S.; authorizing the
12 operation of side-by-side vehicles in a retirement
13 community under certain circumstances; authorizing
14 local governmental entities to enact certain
15 ordinances pertaining to side-by-side vehicles;
16 conforming cross-references; amending s. 316.2126,
17 F.S.; authorizing the operation of side-by-side
18 vehicles under certain circumstances; conforming
19 cross-references; making technical changes; amending
20 s. 316.21265, F.S.; authorizing law enforcement
21 agencies to operate side-by-side vehicles under
22 certain circumstances; making technical changes;
23 amending s. 316.2128, F.S.; conforming a cross-
24 reference; amending s. 320.01, F.S.; defining the
25 terms "side-by-side vehicle" and "UTV"; amending s.
26 322.04, F.S.; exempting a person from obtaining a
27 driver's license when operating a side-by-side vehicle
28 under certain circumstances; conforming a cross-
29 reference; making a technical change; providing an

29-01061-23

2023578__

30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (1) of section 316.1995, Florida
35 Statutes, is amended to read:

36 316.1995 Driving upon sidewalk or bicycle path.—

37 (1) Except as provided in s. 316.008, s. 316.20655, s.
38 316.212(9) ~~s. 316.212(8)~~, or s. 316.2128, a person may not drive
39 any vehicle other than by human power upon a bicycle path,
40 sidewalk, or sidewalk area, except upon a permanent or duly
41 authorized temporary driveway.

42 Section 2. Section 316.212, Florida Statutes, is amended to
43 read:

44 316.212 Operation of golf carts and side-by-side vehicles
45 on certain roadways.—The operation of a golf cart or side-by-
46 side vehicle upon the public roads or streets of this state is
47 prohibited except as provided herein:

48 (1) A golf cart or a side-by-side vehicle may be operated
49 only upon a county road that has been designated by a county, a
50 municipal street that has been designated by a municipality, or
51 a two-lane county road located within the jurisdiction of a
52 municipality designated by that municipality, for use by golf
53 carts or side-by-side vehicles. Before ~~Prior to~~ making such a
54 designation, the responsible local governmental entity must
55 first determine that golf carts or side-by-side vehicles may
56 safely travel on or cross the public road or street, considering
57 factors including the speed, volume, and character of motor
58 vehicle traffic using the road or street. Upon a determination

29-01061-23

2023578__

59 that golf carts or side-by-side vehicles may be safely operated
60 on a designated road or street, the responsible governmental
61 entity shall post appropriate signs to indicate that such
62 operation is allowed.

63 (2) A golf cart or a side-by-side vehicle may be operated
64 on a part of the State Highway System only under the following
65 conditions:

66 (a) To cross a portion of the State Highway System which
67 intersects a county road or municipal street that has been
68 designated for use by golf carts or side-by-side vehicles if the
69 Department of Transportation has reviewed and approved the
70 location and design of the crossing and any traffic control
71 devices needed for safety purposes.

72 (b) To cross, at midblock, a part of the State Highway
73 System where a golf course is constructed on both sides of the
74 highway if the Department of Transportation has reviewed and
75 approved the location and design of the crossing and any traffic
76 control devices needed for safety purposes.

77 ~~(3)(e)~~ A golf cart or a side-by-side vehicle may be
78 operated on a state road that has been designated for transfer
79 to a local government unit pursuant to s. 335.0415 if the
80 Department of Transportation determines that the operation of a
81 golf cart or a side-by-side vehicle within the right-of-way of
82 the road will not impede the safe and efficient flow of motor
83 vehicular traffic. The department may authorize the operation of
84 golf carts or side-by-side vehicles on such a road if:

85 (a)~~1.~~ The road is the only available public road along
86 which golf carts or side-by-side vehicles may travel or cross or
87 the road provides the safest travel route among alternative

29-01061-23

2023578__

88 routes available; and

89 (b)2- The speed, volume, and character of motor vehicular
90 traffic using the road is considered in making such a
91 determination.

92

93 Upon its determination that golf carts or side-by-side vehicles
94 may be operated on a given road, the department shall post
95 appropriate signs on the road to indicate that such operation is
96 allowed.

97 (4)3- Notwithstanding any other provision of this section,
98 a golf cart or a side-by-side vehicle may be operated for the
99 purpose of crossing a street or highway where a single mobile
100 home park is located on both sides of the street or highway and
101 is divided by that street or highway, provided that the
102 governmental entity having original jurisdiction over such
103 street or highway shall review and approve the location of the
104 crossing and require implementation of any traffic controls
105 needed for safety purposes. This subsection applies ~~shall apply~~
106 only to residents or guests of the mobile home park. If notice
107 is posted at the entrance and exit of any mobile home park where
108 residents of the park operate golf carts, side-by-side vehicles,
109 or electric vehicles within the confines of the park, it is not
110 necessary for the park to have a gate or other device at the
111 entrance and exit in order for such golf carts, side-by-side
112 vehicles, or electric vehicles to be lawfully operated in the
113 park.

114 (5)4- Notwithstanding any other provision of this section,
115 if authorized by the Division of Recreation and Parks of the
116 Department of Environmental Protection, a golf cart or a side-

29-01061-23

2023578__

117 by-side vehicle may be operated on a road that is part of the
118 State Park Road System if the posted speed limit is 35 miles per
119 hour or less.

120 ~~(6)-(5)~~ A golf cart or a side-by-side vehicle may be
121 operated only during the hours between sunrise and sunset,
122 unless the responsible governmental entity has determined that a
123 golf cart or a side-by-side vehicle may be operated during the
124 hours between sunset and sunrise and the golf cart or the side-
125 by-side vehicle is equipped with headlights, brake lights, turn
126 signals, and a windshield.

127 ~~(7)-(6)~~ A golf cart or a side-by-side vehicle must be
128 equipped with efficient brakes, reliable steering apparatus,
129 safe tires, a rearview mirror, and red reflectorized warning
130 devices in both the front and rear.

131 ~~(8)-(7)~~ A golf cart or a side-by-side vehicle may not be
132 operated on public roads or streets by any person under the age
133 of 14.

134 ~~(9)-(8)~~ A local governmental entity may enact an ordinance
135 relating to:

136 (a) Golf cart operation and equipment or side-by-side
137 vehicle operation and equipment which is more restrictive than
138 those enumerated in this section. Upon enactment of such
139 ordinance, the local governmental entity shall post appropriate
140 signs or otherwise inform the residents that such an ordinance
141 exists and that it will be enforced within the local
142 government's jurisdictional territory. An ordinance referred to
143 in this section applies ~~must apply~~ only to an unlicensed driver.

144 (b) Golf cart or side-by-side vehicle operation on
145 sidewalks adjacent to specific segments of municipal streets,

29-01061-23

2023578__

146 county roads, or state highways within the jurisdictional
147 territory of the local governmental entity if:

148 1. The local governmental entity determines, after
149 considering the condition and current use of the sidewalks, the
150 character of the surrounding community, and the locations of
151 authorized golf cart or side-by-side vehicle crossings, that
152 golf carts, side-by-side vehicles, bicycles, and pedestrians may
153 safely share the sidewalk;

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

156 3. The ordinance restricts golf carts or side-by-side
157 vehicles to a maximum speed of 15 miles per hour and permits
158 such use on sidewalks adjacent to state highways only if the
159 sidewalks are at least 8 feet wide;

160 4. The ordinance requires the golf carts or the side-by-
161 side vehicles to meet the equipment requirements in subsection
162 (7) ~~(6)~~. However, the ordinance may require additional
163 equipment, including horns or other warning devices required by
164 s. 316.271; and

165 5. The local governmental entity posts appropriate signs or
166 otherwise informs residents that the ordinance exists and
167 applies to such sidewalks.

168 (10) ~~(9)~~ A violation of this section is a noncriminal
169 traffic infraction, punishable pursuant to chapter 318 as a
170 moving violation for infractions of subsections (1)-(6) ~~(1)-(5)~~
171 or a local ordinance corresponding thereto and enacted pursuant
172 to subsection (9) ~~(8)~~, or punishable pursuant to chapter 318 as
173 a nonmoving violation for infractions of subsection (7) ~~(6)~~,
174 subsection (8) ~~(7)~~, or a local ordinance corresponding thereto

29-01061-23

2023578__

175 and enacted pursuant to subsection (9) ~~(8)~~.

176 Section 3. Section 316.2125, Florida Statutes, is amended
177 to read:

178 316.2125 Operation of golf carts and side-by-side vehicles
179 within a retirement community.—

180 (1) Notwithstanding ~~the provisions of~~ s. 316.212, the
181 reasonable operation of a golf cart or side-by-side vehicle,
182 equipped and operated as provided in s. 316.212(6), (7), and (8)
183 ~~s. 316.212(5), (6), and (7)~~, within any self-contained
184 retirement community is permitted unless prohibited under
185 subsection (2).

186 (2) (a) A county or municipality may prohibit the operation
187 of golf carts or side-by-side vehicles on any street or highway
188 under its jurisdiction if the governing body of the county or
189 municipality determines that such prohibition is necessary in
190 the interest of safety.

191 (b) The Department of Transportation may prohibit the
192 operation of golf carts or side-by-side vehicles on any street
193 or highway under its jurisdiction if it determines that such
194 prohibition is necessary in the interest of safety.

195 (3) A local governmental entity may enact an ordinance
196 regarding golf cart operation and equipment or side-by-side
197 vehicle operation and equipment which is more restrictive than
198 those enumerated in this section. Upon enactment of any such
199 ordinance, the local governmental entity shall post appropriate
200 signs or otherwise inform the residents that such an ordinance
201 exists and that it shall be enforced within the local
202 government's jurisdictional territory. An ordinance referred to
203 in this section applies ~~must apply~~ only to an unlicensed driver.

29-01061-23

2023578__

204 Section 4. Section 316.2126, Florida Statutes, is amended
205 to read:

206 316.2126 Authorized use of golf carts, low-speed vehicles,
207 side-by-side vehicles, and utility vehicles.—

208 (1) In addition to the powers granted by ss. 316.212 and
209 316.2125, municipalities are authorized to use golf carts, side-
210 by-side vehicles, and utility vehicles, as defined in s. 320.01,
211 upon any state, county, or municipal roads located within the
212 corporate limits of such municipalities, subject to the
213 following conditions:

214 (a) Golf carts, side-by-side vehicles, and utility vehicles
215 must comply with the operational and safety requirements in ss.
216 316.212 and 316.2125, and with any more restrictive ordinances
217 enacted by the local governmental entity pursuant to s.
218 316.212(9) ~~s. 316.212(8)~~, and may ~~shall~~ be operated only by
219 municipal employees for municipal purposes, including, but not
220 limited to, police patrol, traffic enforcement, and inspection
221 of public facilities.

222 (b) In addition to the safety equipment required in s.
223 316.212(7) ~~s. 316.212(6)~~ and any more restrictive safety
224 equipment required by the local governmental entity pursuant to
225 s. 316.212(9) ~~s. 316.212(8)~~, such golf carts, side-by-side
226 vehicles, and utility vehicles must be equipped with sufficient
227 lighting and turn signal equipment.

228 (c) Golf carts, side-by-side vehicles, and utility vehicles
229 may be operated only on state roads that have a posted speed
230 limit of 30 miles per hour or less.

231 (d) Golf carts, side-by-side vehicles, and utility vehicles
232 may cross a portion of the State Highway System which has a

29-01061-23

2023578__

233 posted speed limit of 45 miles per hour or less only at an
234 intersection with an official traffic control device.

235 (e) Golf carts, side-by-side vehicles, and utility vehicles
236 may operate on sidewalks adjacent to state highways only if such
237 golf carts, side-by-side vehicles, and utility vehicles yield to
238 pedestrians and if the sidewalks are at least 5 feet wide.

239 (2) State employees, state park volunteers, and state park
240 visitors are authorized to use golf carts, side-by-side
241 vehicles, and utility vehicles, as those terms defined in s.
242 320.01(22), (46), and (42), respectively s. 320.01, upon any
243 public roads within the boundaries of state parks managed by the
244 Division of Recreation and Parks of the Department of
245 Environmental Protection, subject to the following conditions:

246 (a) Golf carts, side-by-side vehicles, and utility vehicles
247 must comply with the operational and safety requirements in s.
248 316.212.

249 (b) Golf carts, side-by-side vehicles, and utility vehicles
250 may shall be operated only by state employees and state park
251 volunteers for state purposes and by state park visitors for
252 uses authorized by the Division of Recreation and Parks of the
253 Department of Environmental Protection.

254 (3) (a) As used in this subsection, the term:

255 1. "Golf cart" means a motor vehicle as defined in s.
256 320.01(22), including vehicles modified to have a cargo platform
257 or bin to transport parcels or a hitch to tow a trailer.

258 2. "Residential area" means areas zoned primarily or
259 exclusively for single-family or multifamily residential use.

260 3. "Seasonal delivery personnel" means employees of a
261 licensed commercial delivery service that has at least 10,000

29-01061-23

2023578__

262 persons employed in this state.

263 (b) Seasonal delivery personnel may use the following
264 vehicles solely for the purpose of delivering express envelopes
265 and packages having a maximum size of 130 inches for the
266 combined length and girth and weighing not more than 150 pounds
267 from midnight October 15 until midnight January 31 of each year:

268 1. Low-speed vehicles and utility vehicles as defined in s.
269 320.01(41) and (42), respectively, ~~s. 320.01~~ upon any public
270 road within a residential area that has a posted speed limit of
271 35 miles per hour or less.

272 2. Golf carts and side-by-side vehicles upon a public road
273 within a residential area that has a posted speed limit of 30
274 miles per hour or less.

275 3. Golf carts and side-by-side vehicles upon a public road
276 within a residential area that has a posted speed limit of 30 to
277 35 miles per hour, unless a municipality having jurisdiction
278 over the public road has enacted an ordinance restricting
279 personnel from driving on such roads.

280
281 Seasonal delivery personnel may pull a trailer from any of these
282 vehicles.

283 (c) All vehicles specified in this subsection must be:

284 1. Marked in a conspicuous manner with the name of the
285 delivery service.

286 2. Equipped with, at a minimum, the equipment required
287 under s. 316.212(7) ~~s. 316.212(6)~~.

288 3. Equipped with head lamps and tail lamps, in addition to
289 the safety requirements in s. 316.212(7) ~~s. 316.212(6)~~, if
290 operated after sunset.

29-01061-23

2023578__

291 (4) Anyone operating a golf cart, low-speed vehicle, side-
292 by-side vehicle, or utility vehicle pursuant to this section
293 must possess a valid driver license as required by s. 322.03.

294 (5) This section does not apply to the use of low-speed
295 autonomous delivery vehicles.

296 Section 5. Section 316.21265, Florida Statutes, is amended
297 to read:

298 316.21265 Use of all-terrain vehicles, golf carts, low-
299 speed vehicles, side-by-side vehicles, or utility vehicles by
300 law enforcement agencies.—

301 (1) Notwithstanding any provision of law to the contrary,
302 any law enforcement agency in this state may operate all-terrain
303 vehicles as defined in s. 316.2074, golf carts as defined in s.
304 320.01(22) ~~s. 320.01~~, low-speed vehicles as defined in s.
305 320.01(41) ~~s. 320.01~~, side-by-side vehicles as defined in s.
306 320.01(46), or utility vehicles as defined in s. 320.01(42) ~~s.~~
307 ~~320.01~~ on any street, road, or highway in this state while
308 carrying out its official duties.

309 (2) Such vehicles must be clearly marked as vehicles of a
310 law enforcement agency and may be equipped with special warning
311 lights, signaling devices, or other equipment approved or
312 authorized for use on law enforcement vehicles.

313 (3) The vehicle operator and passengers must wear safety
314 gear, such as helmets, which is ordinarily required for use by
315 operators or passengers on such vehicles.

316 Section 6. Subsection (5) of section 316.2128, Florida
317 Statutes, is amended to read:

318 316.2128 Micromobility devices, motorized scooters, and
319 miniature motorcycles; requirements.—

29-01061-23

2023578__

320 (5) A person who engages in the business of, serves in the
321 capacity of, or acts as a commercial seller of miniature
322 motorcycles in this state must prominently display at his or her
323 place of business a notice that such vehicles are not legal to
324 operate on public roads, may not be registered as motor
325 vehicles, and may not be operated on sidewalks unless authorized
326 by an ordinance enacted pursuant to s. 316.008(7) (a) or s.
327 316.212(9) ~~s. 316.212(8)~~. The required notice must also appear
328 in all forms of advertising offering miniature motorcycles for
329 sale. The notice and a copy of this section must also be
330 provided to a consumer prior to the consumer's purchasing or
331 becoming obligated to purchase a miniature motorcycle.

332 Section 7. Subsection (46) is added to section 320.01,
333 Florida Statutes, to read:

334 320.01 Definitions, general.—As used in the Florida
335 Statutes, except as otherwise provided, the term:

336 (46) "Side-by-side vehicle" or "UTV" means a motor vehicle
337 designed for operation off-road which has a minimum of two seats
338 positioned side by side and which is operated by foot controls
339 and a steering wheel.

340 Section 8. Paragraph (e) of subsection (1) of section
341 322.04, Florida Statutes, is amended to read:

342 322.04 Persons exempt from obtaining driver license.—

343 (1) The following persons are exempt from obtaining a
344 driver license:

345 (e) Any person operating a golf cart or side-by-side
346 vehicle, as those terms are defined in s. 320.01(22) and (46),
347 respectively ~~s. 320.01~~, which is operated in accordance with ~~the~~
348 ~~provisions of~~ s. 316.212.

29-01061-23

2023578__

349

Section 9. This act shall take effect July 1, 2023.