

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 949 Operation of a Golf Cart

**SPONSOR(S):** Local Administration, Federal Affairs & Special Districts Subcommittee; Transportation & Modals Subcommittee; Stevenson and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** CS/SB 1290

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**FINAL HOUSE FLOOR ACTION:** 102 Y's      0 N's            **GOVERNOR'S ACTION:** Pending

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### SUMMARY ANALYSIS

CS/CS/HB 949 passed the House on April 28, 2023, as amended, and subsequently passed the Senate on May 1, 2023.

The operation of a golf cart on Florida's public roads is generally prohibited; however, if specified conditions are met, a road may be designated for use by golf carts. Under current law, the golf cart operator must be at least age 14, and no driver license is required for operation of a golf cart on public roads that have been designated for use by golf carts.

The bill authorizes a water control district to designate for use by golf carts a road that the district owns and maintains, provided the district receives approval from the county where such road is located.

The bill requires that a person operating a golf cart on public roads or streets who is under 18 years of age must possess a valid learner's driver license or valid driver license, and a person who is 18 years of age or older must possess a valid form of government-issued photographic identification.

The bill makes conforming changes to the exemption from licensure for a person lawfully operating a golf cart on public roads or streets such that the exemption applies to persons 18 years of age or older.

The bill has no fiscal impact on the state, local governments, or the private sector.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2023.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Background

#### Operation of Golf Carts on Certain Roadways

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> Section 316.212, F.S, prohibits the operation of a golf cart upon the public roads or streets of this state, unless specifically authorized as described below.

A golf cart may be operated upon a county road that has been designated by a county, a municipal street that has been designated by a 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 such 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>2</sup>

A golf cart may be operated on a part of the State Highway System<sup>3</sup> under the following conditions:<sup>4</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 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 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 unit if 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. DOT 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>5</sup>

Upon its determination that golf carts may be operated on a given road, DOT must post appropriate signs on the road to indicate that such operation is allowed.<sup>6</sup>

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<sup>1</sup> S. 316.003(29), F.S. Section 320.01(22), F.S., also defines golf cart to mean 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*. The effect of this definition is that golf carts not capable of exceeding 20 miles per hour, when operated in accordance with ss. 316.212 and 316.2126, F.S., are exempt from provisions of ch. 320, F.S., which require the registration of vehicles or the display of license plates. See s. 320.105, F.S.

<sup>2</sup> S. 316.212(1), F.S.

<sup>3</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>4</sup> S. 316.212(2), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

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>7</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>8</sup> if the posted speed limit is 35 miles per hour or less.<sup>9</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>10</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>11</sup>

A golf cart may not be operated on public roads or streets by any person under the age of 14.<sup>12</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>13</sup> The statutory base fine is \$30,<sup>14</sup> but with additional fees and surcharges, the total penalty may be up to \$108.<sup>15</sup>

#### Persons Exempt From Obtaining a Driver License

A 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>16</sup>

#### Learner's Driver Licenses

Section 322.1615, F.S, authorizes Department of Highway Safety and Motor Vehicles (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>17</sup>

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<sup>7</sup> S. 316.212(3), F.S.

<sup>8</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>9</sup> S. 316.212(4), F.S.

<sup>10</sup> S. 316.212(5), F.S.

<sup>11</sup> S. 316.212(6), F.S.

<sup>12</sup> S. 316.212(7), F.S.

<sup>13</sup> S. 316.212(9), F.S.

<sup>14</sup> S. 318.18(2), F.S.

<sup>15</sup> Florida Association of Clerks of Court, *2022 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines*. p. 39. [https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098\\_attach\\_2\\_2022\\_dist.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098_attach_2_2022_dist.pdf) (last visited May 1, 2023).

<sup>16</sup> S. 322.04(1)(e), F.S.

<sup>17</sup> S. 322.1615(1), F.S.

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>18</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>19</sup>

### Water Control Districts

Chapter 298, F.S., governs the creation and operation of water control districts (WCDs). 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>20</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>21</sup>

### **Effect of the Bill**

The bill authorizes a water control district to designate for use by golf carts a road that the district owns and maintains, provided the district receives approval from the county where such road is located.

The bill requires that a person operating a golf cart on public roads or streets who is under 18 years of age must possess a valid learner's driver license or valid driver license, and a person who is 18 years of age or older must possess a valid form of government-issued photographic identification.

The bill makes conforming changes to the exemption from licensure for a person lawfully operating a golf cart on public roads or streets such that the exemption applies to persons 18 years of age or older.

The bill has an effective date of October 1, 2023.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

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<sup>18</sup> S. 322.1615(2), F.S. A violation results in the imposition of the civil penalty imposed for a moving violation as set forth in ch. 318, F.S. See s. 322.1615(4), F.S.

<sup>19</sup> S. 322.1615(3), F.S. A violation results in the imposition of the civil penalty imposed for a moving violation as set forth in ch. 318, F.S. See s. 322.1615(4), F.S.

<sup>20</sup> S. 298.22, F.S.

<sup>21</sup> S. 298.22(3), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.