



**TOWN OF SURFSIDE**  
**Office of the Town Manager**  
MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009  
Telephone (305) 861-4863

**LETTER TO COMMISSION**  
No.: 13-2025

To: Mayor Charles W. Burkett, Vice Mayor Tina Paul, and  
Members of the Town Commission

From: Mark Blumstein, Acting Town Manager *MB*

Date: January 13, 2025

Subject: **Town Attorney Opinion – Private Security Officers**

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The purpose of this Letter to Commission (LTC) is to transmit the enclosed Town Attorney Opinion in response to an inquiry by Commissioner Vildostegui as to the authority of the Town's use of private security officers to assist the Town with the movement of traffic within the Town's jurisdiction.

The Opinion and supporting exhibits are attached for your ready reference. The Town Attorney is available to answer any further questions regarding same.

*If you have any questions or need additional information, feel free to contact me.*

Enclosure: Town Attorney Opinion dated 10 JAN 2025



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Telephone (305) 861-4863**

**TO: Mayor, Vice Mayor and Town Commissioners**

**CC: Town Manager**

**FROM: Thais Hernandez, Esq. *TH***

**DATE: January 10, 2025**

**SUBJECT: Legal Opinion On Traffic Proposal Involving Private Security Officers**

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The instant opinion is in response to Commissioner Vildostegui's January 2, 2025 request for a legal opinion on the traffic proposal to be discussed at the January 14, 2025 Commission meeting as follows:

**INQUIRY**

Whether the Town is authorized to engage private security officers with responsibilities including redirecting cut-through traffic away from the residential areas?

**OPINION** YES, as more specifically set forth below.

As you are aware, Miami-Dade County ("County") has, in a Nov. 7, 2024 letter to Mayor Burkett, expressed strong objections to prior traffic modifications including two arm gates that, according to the County, were implemented "without proper County approval." Whether Mr. Morales' conclusions are accurate, and even the issue of whether County approval was required is a matter for the courts.<sup>1</sup>

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<sup>1</sup> An analysis of the County's specific arguments in this letter was not requested and this opinion is not intended to address/respond to same.

Subsequently, Commissioner Vildostegui has now expressed concerns with resident and non-resident drivers' confusion and the negative publicity for the Town that the creation and subsequent removal of these traffic flow modifications (the gate arms, as well as the temporary closure of 95 St. last fall) has engendered, as well as his desire to avoid another scenario where the County attempts to overrule a traffic modification implemented by the Town.

I am currently monitoring a case in Miami-Dade Circuit Court which may relate to this issue, but an order has not yet been entered. I will provide same in due course. Regardless, the Town cannot control the County's reactions to actions taken by the Town in its effort to regulate traffic within its boundaries. As such, notwithstanding the analysis herein, there is no guarantee that the traffic modification created by the use of private security officers to regulate cut-through traffic through the Town will not be challenged by the County.

This opinion attempts to, first, provide Commissioner Vildostegui, and the Town Commission as a whole, with a clearer understanding of the legal bases of the Town's authority to control cut-through traffic prior to voting at the January 14, 2025 Commission meeting. It is also intended to prepare the Town to respond to any such challenge by the County should it arise in the future and the Town decides to hold its ground on the modification.

After reviewing the City Charter, applicable Florida Statutes, Attorney General Opinions, and Florida case law in this area, my opinion is that the Town's retention of private security staff (among other options) may be legally available to assist the Town in regulating the traffic within its boundaries.

To begin with, the Town is a chartered municipality. Code of the Town of Surfside, Preamble, Art. 1, Sec. 1. As such, pursuant to Fla. Stat. §316.006(2)(a),<sup>2</sup> the Town has original jurisdiction over all streets located within its boundaries.<sup>3</sup>

In passing Chapter 316, the State Uniform Traffic Control statute, the legislature explicitly recognized that "there are conditions which require municipalities to pass certain other traffic ordinances in regulation of municipal traffic that are not required to regulate the

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<sup>2</sup> Complete copies of the statutory authorities and Attorney General Opinions cited herein are attached hereto for ease of reference.

<sup>3</sup> Under this section, the Town also has jurisdiction to place and maintain traffic devices (in compliance with the Department of Transportation's specifications) it deems necessary to carry out the provisions of Chapter 316, or to "regulate, warn or guide traffic." *But* see n. 5 below.

movement of traffic outside such municipalities. Section 316.008 enumerates the areas within which municipalities may control certain traffic movement or parking in their respective jurisdictions.” Fla. Stat. §316.002. One can argue that the dangerous situation affecting Town residents created by non-residents utilizing the Town’s roadways exclusively to avoid traffic congestion on other non-Town streets is incompatible with the normal and safe movement of traffic in the Town,<sup>4</sup> creating precisely one of the conditions contemplated by the Florida legislature.

Section 316.008 lists the powers of local authorities with respect to streets and highways under their jurisdiction to be exercised within the reasonable and non-discriminatory use of the police power. Section 316.008(w) provides a legal basis for the use of private security officers “to control certain traffic movement” in its jurisdiction in this instance:

**(w) Regulating, restricting, or monitoring traffic by security devices<sup>5</sup> or personnel on public streets and highways, whether by public or private**

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<sup>4</sup> For example, Fla. AGO 93-22 suggested the City of St. Petersburg’s ban of commercial horse-drawn carriages on all streets under its jurisdiction would likely be precluded under F.S. §316.008. However, the opinion recognized that there may be certain heavily traveled streets in the municipality where such use of horse-drawn carriages may be incompatible with the normal and safe movement of traffic and could therefore be regulated by the City under F.S. §316.008.

<sup>5</sup> AGO 2004-13 answered in the negative the following question: Whether a municipality is authorized by Chapter 316 to erect signs that state “No Thru Street” on local, platted, municipally maintained roads for the purpose of preventing use of the road by motorists other than those who reside on the street or who are invitees of persons who reside on the street?

That case involved an effort by the City of Cape Coral to discourage “through traffic” on two-lane residential streets which were being used by motorists to more easily access “through” streets which led to bridges that crossed the City’s many canals by installing the “No Thru Street” signs. The Attorney General reasoned that neither Ch. 316 nor the Federal Highway Safety Administration Manual on Uniform Traffic Control Devices, adopted by the Florida Department of Transportation, authorized a municipality to erect such a sign. The Attorney General further noted that the roads upon which the signs were erected were “*municipal roadways on which the public has the right to travel.*” Finally, the Attorney General concluded that “While the municipality is authorized to provide regulatory or warning signage on municipal roadways to alert motorists to such things as posted speed limits or “watch for children”, *nothing in Chapter 316, Florida Statutes, or elsewhere authorizes the*

**parties** and providing for the construction and maintenance of such streets and highways.

(Emphasis added.) Note that “personnel” is an undefined term in the statute (Fla. Stat. 316.003) and can reasonably be interpreted to include private security officers, as well as public personnel, where there is no statutory exclusion of same.

Section 316.008(g) provides additional authority:

**(g) Restricting the use of streets.**

(Emphasis added.)

Additional powers are listed which might present alternatives (see subsections (b), (d), (f), (j), (l) and (p) for example) but consideration of those options is beyond the scope of this opinion.

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*city to limit the right of the public to use such roadways for the exclusive benefit of the homeowners in the area and their invitees.”* (Emphasis added.)

While this case is distinguishable from the Town’s proposed action on its facts (as it deals with signs and not personnel) the *italicized* language suggests that a municipality’s limitations on the rights of the public to use municipal roadways which exclusively benefit the homeowners in the area and their invitees, might run afoul of Chapter 316. To avoid such a result, the Town should focus on utilizing personnel as advised herein, not signs, which were the focus of that opinion. Additionally, the Town should not be attempting to create an exclusive benefit only for the homeowners in the area, but instead focus on regulating the traffic movement in the Town as a whole by demonstrating that the cut-through traffic is incompatible with the normal and safe movement of traffic in the Town overall.

## Municipalities, &quot;No-thru Street&quot; signs

**Number:** AGO 2004-13

**Date:** March 25, 2004

**Subject:**  
Municipalities, &quot;No-thru Street&quot; signs

Ms. Dolores D. Menendez  
Cape Coral City Attorney  
Post Office Box 150027  
Cape Coral, Florida 33915-0027

RE: MUNICIPALITIES–UNIFORM TRAFFIC CONTROL–ROADS–PUBLIC FUNDS–authority of municipality to erect traffic signs on public roads. s. 316.008, Fla. Stat.

Dear Ms. Menendez:

On behalf of the City of Cape Coral you have asked substantially the following questions:

1. Is a municipality authorized by Chapter 316, Florida Statutes, to erect signs that state "No Thru Street" on local, platted, municipally maintained roads for the purpose of preventing the use of the road by motorists other than those who reside on the street or who are invitees of persons who reside on the street?
2. If the answer to Question One is in the affirmative, can motorists who fail to obey such a sign be cited by a law enforcement officer for a violation of section 316.074, Florida Statutes?

Your questions are interrelated and can be answered together.

According to information submitted with your request, automobile traffic in the City of Cape Coral has increased dramatically due to recent growth in the area. The city is a pre-platted community that has more than four hundred miles of navigable canals traversing a major portion of the city. Only certain streets have bridges that cross those canals. In some areas in the city, motorists have discovered that they can access these "through" streets more readily by driving down local two-lane roads that are located in single-family residential areas. The city, in an effort to discourage this "through" traffic on two-lane residential streets, has installed signs on those streets that state "No Thru Street." The city has not, to date, sought to cite any motorists for violating such signs, but is being requested to do so by residents living on those streets.

Chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law, was enacted in order to make uniform traffic laws applicable throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities.[1] Section 316.006, Florida Statutes, vests jurisdiction to control traffic in the state, counties, and municipalities. Municipalities are given jurisdiction to control traffic within their jurisdictions by section 316.006(2), Florida Statutes, which provides:

"(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic."

Section 316.640, Florida Statutes, provides generally for the enforcement of traffic laws and, more specifically, states that municipalities shall enforce state traffic laws on municipal thoroughfares "wherever the public has the right to travel by motor vehicle."<sup>[2]</sup>

Municipalities are authorized by section 316.006(2)(a), Florida Statutes, to "place and maintain such traffic control devices *which conform to the manual and specifications of the Department of Transportation* upon all streets and highways under their original jurisdiction[.]"<sup>[3]</sup> (e.s.) Traffic control devices are defined for purposes of Chapter 316, Florida Statutes, as "[a]ll signs, signals, markings, and devices, *not inconsistent with this chapter*, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic."<sup>[4]</sup> (e.s.) Section 316.007, Florida Statutes, provides that "no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized." The Florida Department of Transportation has adopted the Federal Highway Safety Administration Manual on Uniform Traffic Control Devices<sup>[5]</sup> for use in this state. No provision of the manual and specifications adopted by the Department of Transportation or elsewhere in Chapter 316, Florida Statutes, authorizes the use or erection of a sign stating "No Thru Street."<sup>[6]</sup> Thus, a municipality has no authority to erect or enforce such a sign pursuant to Chapter 316, Florida Statutes.

The roads upon which the City of Cape Coral has erected signs are municipal roadways on which the public has a right to travel. This is not a situation involving private roads over which the municipality has been requested to exercise traffic control and must enter into an agreement with the private owners to exercise such control.<sup>[7]</sup>

While the municipality is authorized to provide regulatory or warning signage on municipal roadways to alert motorists to such things as posted speed limits or "watch for children", nothing in Chapter 316, Florida Statutes, or elsewhere authorizes the city to limit the right of the public to use such roadways for the exclusive benefit of the home owners in the area and their invitees.

Sincerely,

Charlie Crist  
Attorney General

CC/tgh

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<sup>[1]</sup> Section 316.002, Fla. Stat.

<sup>[2]</sup> Section 316.640(3)(a), Fla. Stat.

[3] *And see* s. 316.0745(4), Fla. Stat., which provides:

"It shall be unlawful for any public body or official to purchase, or for anyone to sell, any traffic control signal or device unless it conforms with the manual and specifications published by the Department of Transportation and is certified to be of such conformance prior to sale."

[4] *See* s. 316.003(23), Fla. Stat.

[5] *See* Rule 14-15.010, F.A.C., in which the Florida Department of Transportation adopts the MUTCD as Florida's manual of uniform traffic control devices and makes it a part of the administrative rules of the department. The manual may be viewed at <http://mutcd.fhwa.dot.gov/kno-millennium.htm>.

[6] *Compare* s. 316.008(1)(f), Fla. Stat., which authorizes a local authority to designate a street as a through street or designate any intersection as a stop or yield intersection.

[7] It is the availability of the area for travel and the right of general and common use that makes certain private property subject to public control pursuant to Chapter 316, Florida Statutes. Thus, this office has concluded that municipalities have enforcement authority regarding traffic violations and accidents occurring on "private property" where the public has the right to travel, such as shopping center parking lots. *See* Ops. Att'y Gen. Fla. 73-323 (1973) and 72-383 (1972). *And see* Op. Att'y Gen. Fla. 84-46 (1984) (if public has right to travel on access road owned and maintained by, and located within territorial limits of, airport authority, then provisions of Ch. 316, Fla. Stat., applicable). For those private roads or limited access roads where the public does not have a right to travel, however, section 316.006(3)(a), Florida Statutes, authorizes a municipality to exercise jurisdiction if the municipality has jurisdiction pursuant to a written agreement pursuant to section 316.006(2)(b), Florida Statutes, for municipal traffic control jurisdiction. *See* Op. Att'y Gen. Fla. 88-5 (1988). The agreement, which must be approved by the governing body of the municipality, must provide for reimbursement of the actual costs of traffic control and enforcement and for liability insurance and indemnification by the party who owns or controls such roads. Other terms, as may be mutually agreeable to the parties, may also be included. Section 316.006(2)(b)1., Fla. Stat. *And see* s. 316.006(2)(b)2., Fla. Stat., which states that the exercise of this jurisdiction is in addition to jurisdictional authority presently exercised by municipalities under law and that nothing in the paragraph shall be construed to limit or remove any such jurisdictional authority.



## Commercial horse-drawn carriages/Uniform Traffic Law

**Number:** AGO 93-22

**Date:** May 29, 1998

**Subject:**

Commercial horse-drawn carriages/Uniform Traffic Law

Mr. Michael S. Davis  
City Attorney  
City of St. Petersburg  
Post Office Box 2842  
St. Petersburg, Florida 33731

RE: MUNICIPALITIES--TRAFFIC CONTROL--ANIMALS--commercial horse-drawn carriages subject to Uniform Traffic Control Law; municipality precluded from prohibiting or regulating use of such carriages on streets except as authorized by state law. ss. 316.008, F.S.

Dear Mr. Davis:

You ask the following questions:

- 1) Are commercial horse-drawn carriages subject to the State Uniform Traffic Control Law, Ch. 316, F.S.?
- 2) If the previous question is answered in the affirmative, may commercial horse-drawn carriage operations be banned from operation on streets within the city for reasons other than those set forth in s. 316.008, F.S.?
- 3) If commercial horse-drawn carriages are not subject to Ch. 316, F.S., may the city ban such operations on its streets?

In sum, I am of the opinion:

- 1) Commercial horse-drawn carriages are subject to the State Uniform Traffic Control Law, Ch. 316, F.S.
- 2) Commercial horse-drawn carriage operations may not be banned from operation on streets within the city except as provided in s. 316.008, F.S., or other provision of state law.
- 3) In light of the response to Question One, it is unnecessary to respond to your third question.

Question One

The Florida Uniform Traffic Control Law, Ch. 316, F.S., was enacted "to make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to

apply in all municipalities." [1] In order to ensure that the provisions of Ch. 316, F.S., are given uniform application throughout the state, s. 316.002, F.S., provides that "[i]t is unlawful for any local authority to pass or to attempt to enforce any ordinance in conflict with the provisions of this chapter." [2]

In AGO 80-80 this office concluded that the use of public streets by horses, either ridden or driven, was covered by the Uniform Traffic Control Law. Such a conclusion was based upon an examination of various provisions of Ch. 316, F.S. For example, "traffic" is defined for purposes of Ch. 316, F.S., to mean "[p]edestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any street or highway for purposes of travel." [3] Section 316.073, F.S., expressly states that every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be subject to the provisions of Ch. 316, F.S., applicable to the driver of a vehicle, except those provisions which by their very nature can have no application. [4]

Sections 316.2225(7) and 316.231, F.S., specify the type of equipment required on animal-drawn vehicles. Thus, this office concluded that the use of public streets of a municipality by horses, ridden or driven, at least upon that portion of the street used for vehicular traffic, is uniformly regulated and preempted to the state by Ch. 316, F.S. I am not aware of any provision which distinguishes between commercial horse-drawn carriages and other animal-drawn conveyances. Accordingly, the conclusion reached in Attorney General Opinion 80-80 would appear to be equally applicable to the instant inquiry. I am, therefore, of the opinion that commercial horse-drawn carriages are subject to the State Uniform Traffic Control Law, Ch. 316, F.S.

## Question Two

In AGO 80-80 this office concluded that as the use of public streets of a municipality by horses, ridden or driven, is regulated and preempted by Ch. 316, F.S., a municipality may not regulate or prohibit such traffic on the streets within its jurisdiction unless expressly authorized to do so. [5] The Legislature, however, has recognized:

[T]here are conditions which require municipalities to pass certain other traffic ordinances in regulation of municipal traffic that are not required to regulate the movement of traffic outside of such municipalities. Section 316.008 enumerates the area within which municipalities may control certain traffic movements or parking in their respective jurisdictions. [6]

Chapter 316, F.S., therefore, does not prevent local authorities, [7] within the reasonable exercise of their police powers, from regulating those areas enumerated in s. 316.008, F.S., on the streets and highways within their jurisdiction. [8] Sections 316.008, F.S., authorizes a municipality, among other things, to regulate or prohibit stopping, standing, or parking, or to prohibit or regulate the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic. [9]

In light of the authority granted under s. 316.008, F.S., this office has stated that under certain conditions and in the reasonable and nondiscriminatory exercise of its police power, a municipality may regulate or prohibit the use of certain streets within the municipality by any

class or kind of traffic. Such limited authority, however, does not empower a municipality to absolutely bar or prohibit the riding or driving of horses or horse-drawn vehicles on all streets of the municipality or to unreasonably discriminate against such use of the public streets within the municipality.[10] Thus, there may be certain heavily traveled streets within a municipality where the use of horse-drawn carriages may be incompatible with the normal and safe movement of traffic; however, a municipality would appear to be precluded from prohibiting such carriages on all streets under its jurisdiction.

I am, therefore, of the opinion that commercial horse-drawn carriage operations may not be banned from operation on streets within the city except as provided in s. 316.008, F.S., or other provision of state law.

### Question Three

In light of the response to Question One, it is unnecessary to respond to your third question.

Sincerely,

Robert A. Butterworth  
Attorney General

RAB/tjw

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[1] See s. 316.002, F.S. *And see* the preamble to Ch.71-135, Laws of Florida, creating Ch. 316, F.S., in which the Legislature recognized that the movement of traffic had theretofore been controlled by "a hodgepodge of ordinances" which varied as to language and penalty and which caused an inconvenience and hazard to travelers.

[2] *And see* s. 316.007, F.S., providing that "no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized." *See also* s. 166.021, F.S., which grants municipalities broad home rule powers except on matters expressly prohibited by law or when the subject matter is expressly preempted to the state by general law.

[3] Section 316.003(57), F.S.

[4] *See* s. 316.003(42) and (53), F.S., respectively defining "[r]oadway" and "[s]treet or highway." *And see* s. 316.003(75), F.S., defining "vehicle" as "[e]very device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks."

[5] *See also* AGO 77-84 (municipality prohibited regulating mopeds or moped drivers except as authorized by Ch. 316, F.S.); AGO 74-361 (municipality may not regulate hitchhiking unless expressly authorized to do so by the Legislature).

[6] Section 316.002, F.S.

[7] See s. 316.003(20), F.S., defining "[l]ocal authorities" to include all officers and public officials of the several counties and municipalities of this state.

[8] See s. 316.006(2)(a), F.S., providing that chartered municipalities have original jurisdiction over all streets and highways located within their boundaries, except state roads.

[9] See s. 316.008(1)(a) and (n), F.S. See *also* s. 316.008(g),(m), and (p), F.S., authorizing municipalities to respectively restrict the use of streets, prohibit or regulate the use of controlled access roadways by any class or kind of traffic, designate or regulate traffic on play streets.

[10] Attorney General Opinion 80-80.

Select Year:

## The 2024 Florida Statutes

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[Title XXIII](#)

MOTOR VEHICLES

[Chapter 316](#)

STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

**316.002 Purpose.**—It is the legislative intent in the adoption of this chapter to make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities. The Legislature recognizes that there are conditions which require municipalities to pass certain other traffic ordinances in regulation of municipal traffic that are not required to regulate the movement of traffic outside of such municipalities. Section [316.008](#) enumerates the area within which municipalities may control certain traffic movement or parking in their respective jurisdictions. This section shall be supplemental to the other laws or ordinances of this chapter and not in conflict therewith. It is unlawful for any local authority to pass or to attempt to enforce any ordinance in conflict with the provisions of this chapter.

**History.**—s. 1, ch. 71-135.

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Select Year:  

## The 2024 Florida Statutes

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[Title XXIII](#)[MOTOR VEHICLES](#)[Chapter 316](#)[STATE UNIFORM TRAFFIC CONTROL](#)[View Entire Chapter](#)

**316.003 Definitions.**—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) **AUTHORIZED EMERGENCY VEHICLES.**—Vehicles of the fire department, fire patrol, police vehicles, emergency management vehicles, organ transport vehicles, and ambulances and emergency vehicles of municipal and county departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective departments or the chief of police of an incorporated city or any sheriff of any of the various counties.

(2) **AUTOCYCLE.**—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(3) **AUTOMATED DRIVING SYSTEM.**—The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain. The term:

(a) “Autonomous vehicle” means any vehicle equipped with an automated driving system.

(b) “Dynamic driving task” means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

(c) “Fully autonomous vehicle” means a vehicle equipped with an automated driving system designed to function without a human operator.

(d) “Operational design domain” means a description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.

(4) **BICYCLE.**—Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device.

(5) **BICYCLE LANE.**—Any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

(6) **BICYCLE PATH.**—Any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

(7) **BRAKE HORSEPOWER.**—The actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.

(8) **BUS.**—Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(9) **BUSINESS DISTRICT.**—The territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.

(10) **CANCELLATION.**—Declaration of a license issued through error or fraud as void and terminated. A new license may be obtained only as permitted in this chapter.

(11) **CHIEF ADMINISTRATIVE OFFICER.**—The head, or his or her designee, of any law enforcement agency which is authorized to enforce traffic laws.

(12) **CHILD.**—A child as defined in s. [39.01](#), s. [984.03](#), or s. [985.03](#).

(13) **COMMERCIAL MEGACYCLE.**—A vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements:

(a) Has four wheels and is operated in a manner similar to a bicycle.

(b) Has at least 5 but no more than 15 seats for passengers.

(c) Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.

(14) **COMMERCIAL MOTOR VEHICLE.**—Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

(a) Has a gross vehicle weight rating of 10,000 pounds or more;

(b) Is designed to transport more than 15 passengers, including the driver; or

(c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in s. [549.09\(1\)\(a\)](#), is not a commercial motor vehicle if it is not used for profit and corporate sponsorship is not involved. As used in this subsection, the term “corporate sponsorship” means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.

(15) **COURT.**—The court having jurisdiction over traffic offenses.

(16) **COVERED FARM VEHICLE.**—A straight truck, or an articulated vehicle, which is all of the following:

(a) Registered in a state with a license plate, or any other designation issued by that state, which allows law enforcement officers to identify it as a farm vehicle.

(b) Operated by the owner or operator of a farm or ranch or by an employee or a family member of an owner or operator of a farm or ranch in accordance with s. [316.302\(3\)](#).

(c) Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch.

(d) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (a)-(c) by a tenant pursuant to a crop-share farm lease agreement to transport the landlord’s portion of the crops under that agreement.

(17) **CROSSWALK.**—

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(18) **DAYTIME.**—The period from a half hour before sunrise to a half hour after sunset. The term “nighttime” means at any other hour.

(19) **DEPARTMENT.**—The Department of Highway Safety and Motor Vehicles as defined in s. [20.24](#). Any reference herein to the Department of Transportation shall be construed as referring to the Department of Transportation as defined in s. [20.23](#) or the appropriate division thereof.

(20) **DIRECTOR.**—The Director of the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(21) **DRIVER.**—Any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(22) **DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.**—Vehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle communications.

(23) **ELECTRIC BICYCLE.**—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(24) **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.**—Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

(25) **EXPLOSIVE.**—Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

(26) **FARM LABOR VEHICLE.**—Any vehicle equipped and used for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities. The term does not include:

(a) Any vehicle carrying only members of the immediate family of the owner or driver.

(b) Any vehicle being operated by a common carrier of passengers.

(c) Any carpool as defined in s. [450.28\(3\)](#).

(27) **FARM TRACTOR.**—Any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(28) **FLAMMABLE LIQUID.**—Any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(29) **GOLF CART.**—A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

(30) **GROSS WEIGHT.**—The weight of a vehicle without load plus the weight of any load thereon.

(31) **HAZARDOUS MATERIAL.**—Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in s. [403.703](#).

(32) **HOUSE TRAILER.**—



(a) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) A trailer or a semitrailer the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead, permanently or temporarily, for the advertising, sales, display, or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(33) IMPLEMENT OF HUSBANDRY.—Any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(34) INTERSECTION.—

(a) The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two roadways 30 feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection.

(35) LANED HIGHWAY.—A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(36) LIMITED ACCESS FACILITY.—A street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded or may be freeways open to use by all customary forms of street and highway traffic.

(37) LOCAL AUTHORITIES.—All officers and public officials of the several counties and municipalities of this state.

(38) LOCAL HEARING OFFICER.—The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under ss. [316.0083\(1\)\(a\)](#) and [316.1896\(1\)](#), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. [316.0083](#) or s. [316.1896](#). The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

(39) LOW-SPEED AUTONOMOUS DELIVERY VEHICLE.—A fully autonomous vehicle that meets the definition of a low-speed vehicle in 49 C.F.R. s. 571.3 and is not designed for, or capable of, human occupancy.

(40) MAXI-CUBE VEHICLE.—A specialized combination vehicle consisting of a truck carrying a separable cargo-carrying unit combined with a semitrailer designed so that the separable cargo-carrying unit is to be loaded and unloaded through the semitrailer. The entire combination may not exceed 65 feet in length, and a single component of that combination may not exceed 34 feet in length.

(41) MICROMOBILITY DEVICE.—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.

(42) MIGRANT OR SEASONAL FARM WORKER.—Any person employed in hand labor operations in planting, cultivation, or harvesting agricultural crops.

(43) MOBILE CARRIER.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and is intended primarily for transporting property;

- (b) Weighs less than 80 pounds, excluding cargo;
- (c) Has a maximum speed of 12.5 mph; and
- (d) Is equipped with a technology to transport personal property with the active monitoring of a property owner and primarily designed to remain within 25 feet of the property owner.

A mobile carrier is not considered a vehicle or personal delivery device unless expressly defined by law as a vehicle or personal delivery device.

(44) **MOPED.**—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(45) **MOTOR CARRIER TRANSPORTATION CONTRACT.**—

- (a) A contract, agreement, or understanding covering:
  - 1. The transportation of property for compensation or hire by the motor carrier;
  - 2. Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or
  - 3. A service incidental to activity described in subparagraph 1. or subparagraph 2., including, but not limited to, storage of property.

(b) “Motor carrier transportation contract” does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

(46) **MOTOR VEHICLE.**—Except when used in s. [316.1001](#), a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. [316.1001](#), “motor vehicle” has the same meaning as provided in s. [320.01\(1\)\(a\)](#).

(47) **MOTORCYCLE.**—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an auticycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(48) **MOTORIZED SCOOTER.**—Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

(49) **NONPUBLIC SECTOR BUS.**—Any bus which is used for the transportation of persons for compensation and which is not owned, leased, operated, or controlled by a municipal, county, or state government or a governmentally owned or managed nonprofit corporation.

(50) **OFFICIAL TRAFFIC CONTROL DEVICES.**—All signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(51) **OFFICIAL TRAFFIC CONTROL SIGNAL.**—Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(52) **ON-DEMAND AUTONOMOUS VEHICLE NETWORK.**—A passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.

(53) **OPERATOR.**—Any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(54) **ORGAN TRANSPORT VEHICLE.**—Any dedicated and marked vehicle operated by an organ procurement organization, transplant center, or its contracted service provider to transport organs or surgical teams for organ recovery and transplant. An operator of such vehicle must have completed a 16-hour emergency vehicle operator course.

(55) **OWNER.**—A person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

(56) **PARK OR PARKING.**—The standing of a vehicle, whether occupied or not occupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

(57) **PEDESTRIAN.**—Any person afoot.

(58) **PERSON.**—Any natural person, firm, copartnership, association, or corporation.

(59) **PERSONAL DELIVERY DEVICE.**—An electrically powered device that:

- (a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;
- (b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule;
- (c) Has a maximum speed of 10 miles per hour; and
- (d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

(60) **PERSONAL DELIVERY DEVICE OPERATOR.**—An entity or its agent that exercises direct physical control over or monitoring of the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term “agent” means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term “personal delivery device operator” does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

(61) **PNEUMATIC TIRE.**—Any tire in which compressed air is designed to support the load.

(62) **POLE TRAILER.**—Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(63) **POLICE OFFICER.**—Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations, including Florida highway patrol officers, sheriffs, deputy sheriffs, and municipal police officers.

(64) **PORT OF ENTRY.**—A designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within the state. The locations and the designated routes to such locations shall be determined by the Department of Transportation.

(65) **PRIVATE ROAD OR DRIVEWAY.**—Except as otherwise provided in paragraph (90)(b), any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(66) **RADIOACTIVE MATERIALS.**—Any materials or combination of materials which emit ionizing radiation spontaneously in which the radioactivity per gram of material, in any form, is greater than 0.002 microcuries.

(67) **RAILROAD.**—A carrier of persons or property upon cars operated upon stationary rails.

(68) **RAILROAD SIGN OR SIGNAL.**—Any sign, signal, or device erected by authority of a public body or official, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(69) **RAILROAD TRAIN.**—A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar. A railroad train is not a motor vehicle for purposes of this chapter.

(70) **RESIDENCE DISTRICT.**—The territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business.

(71) **REVOCATION.**—Termination of a licensee’s privilege to drive a motor vehicle. A new license may be obtained only as permitted by law.

(72) **RIGHT-OF-WAY.**—The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(73) **ROAD TRACTOR.**—Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

(74) **ROADWAY.**—That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term “roadway” refers to any such roadway separately, but not to all such roadways collectively.

(75) **SADDLE MOUNT; FULL MOUNT.**—An arrangement whereby the front wheels of one vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground, and only the rear wheels of the towed vehicle rest upon the ground. Such combinations may include one full mount, whereby a smaller transport vehicle is placed completely on the last towed vehicle.

(76) **SAFETY ZONE.**—The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

(77) **SANITATION VEHICLE.**—A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides garbage, trash, refuse, or recycling collection.

(78) **SCHOOL BUS.**—Any motor vehicle that complies with the color and identification requirements of chapter 1006 and is used to transport children to or from public or private school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. The term “school” includes all preelementary, elementary, secondary, and postsecondary schools.

(79) **SCHOOL BUS INFRACTION DETECTION SYSTEM.**—A camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates s. [316.172\(1\)\(a\)](#) or (b).

(80) **SEMITRAILER.**—Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(81) **SEPARATED BICYCLE LANE.**—A bicycle lane that is separated from motor vehicle traffic by a physical barrier.

(82) **SIDEWALK.**—That portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(83) **SPECIAL MOBILE EQUIPMENT.**—Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(84) **SPEED DETECTION SYSTEM.**—A portable or fixed automated system used to detect a motor vehicle’s speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation.

(85) **STAND OR STANDING.**—The halting of a vehicle, whether occupied or not occupied, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this chapter.

(86) **STATE ROAD.**—Any highway designated as a state-maintained road by the Department of Transportation.

(87) **STOP.**—When required, complete cessation from movement.

(88) **STOP OR STOPPING.**—When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not occupied, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

(89) **STRAIGHT TRUCK.**—Any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.

(90) **STREET OR HIGHWAY.**—

(a) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;

(b) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under s. [316.006](#)(2)(b) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place;

(c) Any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or

(d) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. [418.30](#) and the recreational facilities of which district are open to the general public.

(91) **SUSPENSION.**—Temporary withdrawal of a licensee’s privilege to drive a motor vehicle.

(92) **SWAMP BUGGY.**—A motorized off-road vehicle that is designed or modified to travel over swampy or varied terrain and that may use large tires or tracks operated from an elevated platform. The term does not include any vehicle defined in chapter 261 or otherwise defined or classified in this chapter.

(93) **TANDEM AXLE.**—Any two axles the centers of which are more than 40 inches but not more than 96 inches apart and are individually attached to or articulated from, or both, a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles.

(94) **TANDEM TRAILER TRUCK.**—Any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate as a complete unit.

(95) **TANDEM TRAILER TRUCK HIGHWAY NETWORK.**—A highway network consisting primarily of four or more lanes, including all interstate highways; highways designated by the United States Department of Transportation as elements of the National Network; and any street or highway designated by the Florida Department of Transportation for use by tandem trailer trucks, in accordance with s. [316.515](#), except roads on which truck traffic was specifically prohibited on January 6, 1983.

(96) **TELEOPERATION SYSTEM.**—The hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term “remote human operator” means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition as defined in s. [319.145](#)(2). A remote human operator must be physically present in the United States and be licensed to operate a motor vehicle by a United States jurisdiction.

(97) **TERMINAL.**—Any location where:

(a) Freight originates, terminates, or is handled in the transportation process; or



(b) Commercial motor carriers maintain operating facilities.

(98) THROUGH HIGHWAY.—Any highway or portion thereof on which vehicular traffic is given the right-of-way and at the entrances to which vehicular traffic from intersecting highways is required to yield right-of-way to vehicles on such through highway in obedience to a stop sign or yield sign, or otherwise in obedience to law.

(99) TIRE WIDTH.—The width stated on the surface of the tire by the manufacturer of the tire, if the width stated does not exceed 2 inches more than the width of the tire contacting the surface.

(100) TRAFFIC.—Pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances singly or together while using any street or highway for purposes of travel.

(101) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. [316.0083\(1\)\(b\)](#) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

(102) TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal's timing cycle.

(103) TRAILER.—Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(104) TRANSPORTATION.—The conveyance or movement of goods, materials, livestock, or persons from one location to another on any road, street, or highway open to travel by the public.

(105) TRI-VEHICLE.—An enclosed three-wheeled passenger vehicle that:

- (a) Is designed to operate with three wheels in contact with the ground;
- (b) Has a minimum unladen weight of 900 pounds;
- (c) Has a single, completely enclosed occupant compartment;
- (d) Is produced in a minimum quantity of 300 in any calendar year;
- (e) Is capable of a speed greater than 60 miles per hour on level ground; and
- (f) Is equipped with:
  1. Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems" (49 C.F.R. s. 571.207);
  2. A steering wheel used to maneuver the vehicle;
  3. A propulsion unit located forward or aft of the enclosed occupant compartment;
  4. A seat belt for each vehicle occupant certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);
  5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, "Glazing materials" (49 C.F.R. s. 571.205) and Federal Motor Vehicle Safety Standard No. 104, "Windshield wiping and washing systems" (49 C.F.R. s. 571.104); and
  6. A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R. s. 571.216).

(106) TRUCK.—Any motor vehicle designed, used, or maintained primarily for the transportation of property.

(107) TRUCK TRACTOR.—Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(108) UTILITY SERVICE VEHICLE.—A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides electric, natural gas, water, wastewater, cable, telephone, or communications services.

(109) VEHICLE.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary

rails or tracks.

(110) **VICTIM SERVICES PROGRAMS.**—Any community-based organization the primary purpose of which is to act as an advocate for the victims and survivors of traffic crashes and for their families. The victims services offered by these programs may include grief and crisis counseling, assistance with preparing victim compensation claims excluding third-party legal action, or connecting persons with other service providers, and providing emergency financial assistance.

(111) **VOLUNTEER AMBULANCE SERVICE.**—A faith-based, not-for-profit charitable corporation registered under chapter 617 which is licensed under part III of chapter 401 as a basic life support service or an advanced life support service; which is not a parent, subsidiary, or affiliate of, or related to, any for-profit entity; and which uses only unpaid volunteers to provide basic life support services or advanced life support services free of charge, is not operating for pecuniary profit or financial gain, and does not distribute to or inure to the benefit of its directors, members, or officers any part of its assets or income.

(112) **WORK ZONE AREA.**—The area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

**History.**—s. 1, ch. 71-135; s. 1, ch. 72-179; s. 1, ch. 74-213; s. 1, ch. 76-286; s. 1, ch. 77-174; s. 1, ch. 80-316; s. 23, ch. 82-186; s. 1, ch. 83-68; s. 1, ch. 83-164; s. 1, ch. 83-188; s. 1, ch. 83-298; s. 1, ch. 84-284; s. 9, ch. 85-309; s. 2, ch. 87-88; s. 5, ch. 87-161; s. 1, ch. 87-178; s. 1, ch. 87-270; s. 3, ch. 88-91; s. 2, ch. 88-93; s. 4, ch. 88-130; s. 63, ch. 89-282; s. 3, ch. 91-418; s. 8, ch. 94-306; s. 893, ch. 95-148; s. 1, ch. 95-247; s. 26, ch. 98-280; s. 2, ch. 98-308; s. 86, ch. 99-13; s. 80, ch. 99-248; s. 5, ch. 99-385; s. 41, ch. 2000-152; ss. 67, 133, ch. 2002-20; s. 955, ch. 2002-387; s. 27, ch. 2005-164; s. 1, ch. 2005-177; s. 1, ch. 2006-81; s. 5, ch. 2006-290; s. 1, ch. 2007-210; s. 62, ch. 2008-4; s. 1, ch. 2008-179; s. 2, ch. 2010-80; s. 1, ch. 2010-223; s. 8, ch. 2010-225; s. 11, ch. 2012-88; s. 2, ch. 2012-111; ss. 15, 106, ch. 2012-174; s. 2, ch. 2012-181; s. 4, ch. 2013-160; s. 3, ch. 2014-216; s. 1, ch. 2016-115; s. 3, ch. 2016-181; s. 5, ch. 2016-239; s. 11, ch. 2017-3; s. 1, ch. 2017-150; s. 5, ch. 2017-167; s. 1, ch. 2018-130; s. 1, ch. 2019-69; s. 1, ch. 2019-101; s. 1, ch. 2019-109; s. 2, ch. 2020-69; s. 1, ch. 2021-90; s. 1, ch. 2021-180; s. 1, ch. 2021-233; s. 1, ch. 2023-171; s. 1, ch. 2023-174; s. 1, ch. 2024-34.

Select Year:  

## The 2024 Florida Statutes

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[Title XXIII](#)[MOTOR VEHICLES](#)[Chapter 316](#)[STATE UNIFORM TRAFFIC CONTROL](#)[View Entire Chapter](#)**316.006 Jurisdiction.**—Jurisdiction to control traffic is vested as follows:

(1) **STATE.**—The Department of Transportation shall have all original jurisdiction over all state roads throughout this state, including those within the grounds of all state institutions and the boundaries of all dedicated state parks, and may place and maintain such traffic control devices which conform to its manual and specifications upon all such highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(2) **MUNICIPALITIES.**—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.
2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.
3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. [316.123](#).
4. The board of directors of a homeowners' association as defined in chapter 720 may, by majority vote, elect to have state traffic laws enforced by local law enforcement agencies on private roads that are controlled by the association.

(c) Notwithstanding any other provisions of law to the contrary, a municipality may, by interlocal agreement with a county, agree to transfer traffic regulatory authority over areas within the municipality to the county.

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.



(3) COUNTIES.—

(a) Counties shall have original jurisdiction over all streets and highways located within their boundaries, except all state roads and those streets and highways specified in subsection (2), and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

4. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. [316.123](#).

5. The board of directors of a homeowners' association as defined in chapter 720 may, by majority vote, elect to have state traffic laws enforced by local law enforcement agencies on private roads that are controlled by the association.

(c) If the governing body of a county abandons the roads and rights-of-way dedicated in a recorded residential subdivision, and simultaneously conveys the county's interest therein to a homeowners' association for the subdivision in the manner prescribed in s. [336.125](#), that county's traffic control jurisdiction over the abandoned and conveyed roads ceases unless the requirements of paragraph (b) are met.

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

(4) LEGISLATIVE DECLARATION.—The Legislature hereby finds and declares that the exercise by an authority of the powers conferred by written agreement pursuant to the provisions of chapter 87-88, Laws of Florida, serves a valid public purpose and function for which public credit may be pledged and public money may be expended.

**History.**—s. 1, ch. 71-135; s. 1, ch. 71-982; s. 2, ch. 79-246; ss. 1, 3, ch. 87-88; s. 32, ch. 94-306; s. 101, ch. 2002-20; s. 1, ch. 2002-235; s. 1, ch. 2005-34; s. 2, ch. 2005-164; s. 6, ch. 2006-290; s. 43, ch. 2007-5.

Select Year:  

## The 2024 Florida Statutes

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[Title XXIII](#)[MOTOR VEHICLES](#)[Chapter 316](#)[STATE UNIFORM TRAFFIC CONTROL](#)[View Entire Chapter](#)**316.008 Powers of local authorities.—**

(1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

- (a) Regulating or prohibiting stopping, standing, or parking.
  - (b) Regulating traffic by means of police officers or official traffic control devices.
  - (c) Regulating or prohibiting processions or assemblages on the streets or highways, including all state or federal highways lying within their boundaries.
  - (d) Designating particular highways or roadways for use by traffic moving in one direction.
  - (e) Establishing speed limits for vehicles in public parks.
  - (f) Designating any street as a through street or designating any intersection as a stop or yield intersection.
  - (g) Restricting the use of streets.
  - (h) Regulating the operation of bicycles.
  - (i) Regulating or prohibiting the turning of vehicles or specified types of vehicles.
  - (j) Altering or establishing speed limits within the provisions of this chapter.
  - (k) Requiring written crash reports.
  - (l) Designating no-passing zones.
  - (m) Prohibiting or regulating the use of controlled access roadways by any class or kind of traffic.
  - (n) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.
  - (o) Designating hazardous railroad grade crossings in conformity to criteria promulgated by the Department of Transportation.
  - (p) Designating and regulating traffic on play streets.
  - (q) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except on a crosswalk.
  - (r) Regulating pedestrian crossings at unmarked crosswalks.
  - (s) Regulating persons upon skates, coasters, and other toy vehicles.
  - (t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.
  - (u) Enacting ordinances or erecting signs in the rights-of-way to control, regulate, or prohibit hitchhiking on streets or highways, including all state or federal highways lying within their boundaries.
  - (v) Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision and enforcing violations under the provisions of this chapter and chapter 318.
  - (w) Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highways, whether by public or private parties and providing for the construction and maintenance of such streets and highways.
- (2) The municipality, through its duly authorized officers, shall have nonexclusive jurisdiction over the prosecution, trial, adjudication, and punishment of violations of this chapter when a violation occurs within the

municipality and the person so charged is charged by a municipal police officer. The disposition of such matters in the municipality shall be in accordance with the charter of that municipality. This subsection does not limit those counties which have the charter power to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers pertaining to the consolidation and unification of a traffic court system within such counties.

(3) No local authority shall erect or maintain any official traffic control device at any location so as to regulate the traffic on any state road unless approval in writing has first been obtained from the Department of Transportation.

(4) A county or municipality may enact an ordinance providing a fine for the violation of s. [316.1955](#) in excess of the fine specified by s. [318.18\(6\)](#), except that such a fine may not exceed \$250. Any such ordinance may provide for the deposit of such fines in a separate county or municipal account to be used in the following manner:

(a) One-third to be used to defray expenses for the administration of this subsection.

(b) Two-thirds to be used to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities in the county or municipality and to provide funds to conduct public awareness programs in the county or municipality concerning persons who have disabilities.

(5)(a) A county or municipality may enact an ordinance providing a fine for the violation of s. [316.1945\(1\)\(b\)2.](#) or 5. in excess of the fine specified by s. [318.18\(2\)](#), except that such fine may not exceed the fine specified in s. [318.18\(2\)](#) by more than \$3. However, such ordinance shall provide that the fines collected pursuant to this subsection in excess of the fines which would be collected pursuant to s. [318.18\(2\)](#) for such violations shall be used by the county or municipality for the purpose of funding a firefighter education program. The amount of the fines collected pursuant to this subsection in excess of the fines which would be collected pursuant to s. [318.18\(2\)](#) for such violations shall be reported on a monthly basis by the clerk of the court to the appropriate county or municipality.

(b) A county or municipality may enact an ordinance which dedicates a portion of any fine collected for a violation of such ordinance for the purpose of funding a firefighter education program, if such ordinance is limited to the regulation of parking within a firesafety zone.

(6) A county or municipality may enact an ordinance providing for the establishment of a “combat automobile theft” program, and may charge a fee for the administration of the program and the cost of the decal. Such a program shall include:

(a) Consent forms for motor vehicle owners who wish to enroll their vehicles.

(b) Decals indicating a vehicle’s enrollment in the “combat automobile theft” program. The Department of Law Enforcement shall approve the color, design, and other specifications of the program decal.

(c) A consent form signed by a motor vehicle owner provides authorization for a law enforcement officer to stop the vehicle when it is being driven between the hours of 1 a.m. and 5 a.m., provided that a decal is conspicuously affixed to the bottom left corner of the back window of the vehicle to provide notice of its enrollment in the “combat automobile theft” program. The owner of the motor vehicle is responsible for removing the decal when terminating participation in the program, or when selling or otherwise transferring ownership of the vehicle. No civil liabilities will arise from the actions of a law enforcement officer when stopping a vehicle with a yellow decal evidencing enrollment in the program when the driver is not enrolled in the program provided that the stop is made in accordance with the requirements of the “combat automobile theft” program.

(7)(a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, electric bicycles, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

(b)1. Except as provided in subparagraph 2., a personal delivery device and a mobile carrier may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices and mobile carriers.

2. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network created under s. [339.81](#) or components of the Florida Greenways and Trails System created under chapter 260.

(8)(a) A county or municipality may use traffic infraction detectors to enforce s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when a driver fails to stop at a traffic signal on streets and highways under its jurisdiction under s. [316.0083.](#) Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.

(b) Pursuant to paragraph (a), a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.

(c) Pursuant to s. [316.0083](#), a county or municipality may use traffic infraction detectors to enforce s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when a driver fails to stop at a traffic signal on state roads under the original jurisdiction of the Department of Transportation when permitted by the Department of Transportation.

(9)(a) A county or municipality may enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to s. [316.1895](#):

1. Within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program;
2. Within 30 minutes before through 30 minutes after the start of a regularly scheduled school session;
3. During the entirety of a regularly scheduled school session; and
4. Within 30 minutes before through 30 minutes after the end of a regularly scheduled school session

through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation. A school zone's compliance with s. [316.1895](#) creates a rebuttable presumption that the school zone is properly maintained.

(b) A county or municipality may place or install, or contract with a vendor to place or install, a speed detection system within a roadway maintained as a school zone as provided in s. [316.1895](#) to enforce unlawful speed violations, as specified in s. [316.1895\(10\)](#) or s. [316.183](#), on that roadway.

(c) A county or municipality must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone as authorized by this subsection. As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to this subsection.

**History.**—s. 1, ch. 71-135; s. 3, ch. 71-982; s. 1, ch. 76-72; s. 2, ch. 83-164; s. 1, ch. 84-234; s. 1, ch. 85-227; s. 1, ch. 85-325; s. 3, ch. 86-154; s. 1, ch. 89-34; s. 25, ch. 90-330; s. 1, ch. 93-30; s. 33, ch. 94-306; s. 1, ch. 96-200; s. 4, ch. 96-350; s. 81, ch. 99-248; s. 4, ch. 2010-80; s. 1, ch. 2010-163; s. 44, ch. 2010-223; s. 16, ch. 2011-4; s. 2, ch. 2017-150; s. 2, ch. 2018-130; s. 3, ch. 2020-69; s. 2, ch. 2023-174.