

SUMMARY:

The answer to your question is that the absence of specific legislative grants giving you the authority to disburse state funds to pay the medical expenses incurred by an escaped state prisoner would prohibit the disbursement of such funds by your office.

The only statutory authority the Division of Corrections has for the treatment of state prisoners is §945.12, F. S. Section 945.12(1), in addition to several specified categories, provides that the Division of Corrections is authorized to transfer other prisoners requiring specialized medical treatment to an appropriate institution. Then again, §945.12(3) provides that the division is authorized to reimburse the institution furnishing treatment at a figure agreed upon by the division and the controlling authority of such institution.

Your question does not pose the situation of an inmate being transferred, but rather the situation where an inmate has escaped from the custody of the Florida state prison system. There is no statutory authority authorizing your department to disburse funds for treatment of injuries sustained by an escaped prisoner during the period he is outside the custody and control of the Florida state prison system.

073-323—September 6, 1973

TRAFFIC CONTROL

**APPLICABILITY OF UNIFORM TRAFFIC CONTROL LAW
TO PRIVATE PROPERTY**

To: Donald Parton, Chief of Police, Sea Ranch Lakes

Prepared by: Wallace E. Allbritton, Assistant Attorney General

QUESTIONS:

1. Is §316.160, F. S., regulating automobile parking applicable to a shopping center?
2. Does Ch. 316, F. S., the Florida Uniform Traffic Control Law, control traffic at a shopping center within a municipality?

SUMMARY:

Local police authorities are authorized to enforce the Uniform Traffic Control Law on private property, including shopping centers, where the public has a right to travel by motor vehicle. The Uniform Traffic Control Law is applicable to shopping centers within a municipality.

The statutory provision mentioned in your telegram was repealed by Ch. 71-135, Laws of Florida, effective January 1, 1972. However, similar statutory provisions are found in Ch. 316, more particularly as follows:

316.160 Stopping, standing or parking prohibited in specified places.—

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (a) Stop, stand or park a vehicle:

9. At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

* * * * *

6. At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:

* * * * *

2. At any place where official signs prohibit parking.

Your questions are answered in the affirmative as qualified below. The enforcement authority of municipalities with respect to Ch. 316, F. S., is as follows:

316.016 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

* * * * *

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972 relating to “hot pursuit” without the boundaries of the municipality.

It follows, therefore, that municipalities have enforcement authority with respect to traffic violations and accidents occurring on “private property” where the public has the right to travel by motor vehicle. Whether this “right” does exist in any one given situation appears to be a mixed question of fact and law. However, the apparent intent of the legislature is to make Ch. 316, *supra*, applicable with regard to such privately owned “public” or “quasi-public” facilities as shopping centers, parking lots, etc. See AGO 051-183, June 28, 1951, Biennial Report of the Attorney General, 1951-1952, p. 481, and AGO’s 058-144, 066-59, and 072-383.

In providing for the enforcement of Ch. 316, F. S., the legislature did not distinguish between public roadways and private property where the public has a right to travel by motor vehicle. There does not appear to be any reasonable basis for such a distinction. Indeed, §316.051(1) provides that Ch. 316 shall apply “upon all state maintained highways, county maintained highways, and municipal streets and alleys and wherever vehicles have the right to travel.”

073-324—September 6, 1973

WARRANTS

BY WHOM SERVED; SUFFICIENCY

MUNICIPALITIES

ADOPTION OF STATE MISDEMEANORS; RULES AND COSTS
IN MUNICIPAL COURT

To: Richard A. Gordon, Chief of Police, Niceville

Prepared by: Wallace E. Allbritton, Assistant Attorney General

QUESTIONS:

1. May an arrest warrant addressed to a chief of police be served by