

Orange County – Public Works

Operation of Golf Carts on County Roadways

Board of County Commissioners

February 11, 2020



Presentation Overview

- **Background**
- **Florida Statutes**
- **Draft Ordinance Provisions**
- **Action Request**



Background

- On August 20, 2019, the Board of County Commissioners (BCC) directed staff to develop a draft ordinance to address the operation of golf carts on public roads and streets in unincorporated Orange County
- In January 2020, staff conducted individual meetings with each of the Commissioners to discuss particulars and receive input prior to finalizing the proposed ordinance
- Today we are here to present the draft ordinance for the BCC's consideration



Florida Statutes

Golf Cart - Definition

Section 320.01 (22), Florida Statutes:

A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purpose and that is not capable of exceeding speeds of 20 MPH



Florida Statutes

Section 316.212 (1), Florida Statutes, provides that operation of golf carts on public roads is prohibited except when:

- Local government determines that golf carts may safely travel on or cross the public road or street, considering factors such as the speed, volume, and character of motor vehicle traffic using the road
- Local government designates the public road for use by golf carts and posts appropriate signs



Florida Statutes

Section 316.212 (5), (6), and (7), Florida Statutes, sets forth general operational requirements for a golf cart:

- May be operated only between sunrise and sunset, unless the local government has determined that a golf cart may be operated between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals and a windshield
- Must be equipped with brakes, steering apparatus, safe tires, a rear view mirror, and red reflectorized devices in front and rear
- May not be operated on public roads by anyone under the age of 14



Florida Statutes

Section 316.212 (8), Florida Statutes, says that a local government may enact an ordinance relating to:

- Golf cart operation and equipment that is more restrictive than enumerated in Sections 316.212 (5), (6) and (7)
- Golf cart operation on sidewalks





Draft Ordinance Provisions

1. Intent and purpose
2. Definitions
3. Determination process
 - Application
 - Board decision
 - Registration
4. Prohibitions
5. Operating requirements for golf carts
6. Assumption of risk, indemnification and liability insurance
7. Penalties and remedies



Draft Ordinance Provisions

1. Intent and purpose

- To allow the operation of golf carts on designated public roads and streets in the unincorporated area of the County, subject to the requirements of the ordinance

2. Definitions

The proposed terms shall be defined as follows:

- Board* means the Orange County Board of County Commissioners



Draft Ordinance Provisions

- *Designated streets* mean public roads and streets in the unincorporated area that have been designated by the Board for the operation of golf carts
- *Golf cart* means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour, as defined by Section 320.01, Florida Statutes



Draft Ordinance Provisions

3. Determination process

- A Florida not-for-profit corporation representing a single-family residential development, such as a mandatory or voluntary homeowners association, or a combination of such not-for-profit corporations, whose members are the owners of property in the development, or developments, may file an application, subject to paying an application fee



Draft Ordinance Provisions

- A sworn, notarized statement indicating that at least a majority of the owners of private lots within the development responded to the question whether to allow golf carts, and at least a majority of those owners responded in favor
- If the not-for-profit corporation proposes to allow golf carts to travel on or cross a public road or street with a speed limit of more than 25 miles per hour, a signed and sealed report from a traffic engineer licensed in the State of Florida is required



Draft Ordinance Provisions

–Staff recommends a \$250.00 fee for the review of an application to cover staff's administration costs

- **Application**

Traffic Engineering Division will identify all the public roads and streets where golf carts would operate and make a recommendation to the Board whether to approve the application and the traffic engineering study, if applicable



Draft Ordinance Provisions

- **Board decision**

The Board decides, in its sole discretion, whether to allow golf carts in a development on designated public roads and streets

- **Registration**

- The owner of the golf cart registers the golf cart with the Traffic Engineering Division, pays a registration fee in the amount established by the Board, and affixes a registration decal on the rear of the golf cart

- Staff recommends a \$25.00 one-time registration fee



Draft Ordinance Provisions

4. Prohibitions

- A golf cart shall not be operated on a public road or street that is not designated for such use, or on a public sidewalk, a public path, or a public trail
- A golf cart shall not be operated on a public road or street that is a part of the State Highway System unless specifically authorized by FDOT
- A child under the age of six years shall be prohibited from being transported in a golf cart unless the child is secured in a crash-tested, federally approved child restraint device, and the golf cart is being operated by a person who is at least eighteen years of age



Draft Ordinance Provisions

5. Operating requirements

- ***Age of driver.*** A golf cart may be operated only by a person who is the age of sixteen years or older
- ***Driver's license or learner's permit required.*** A golf cart shall not be operated by anyone not in possession of a valid driver's license or learner's permit
- ***Hours of operation.*** A golf cart may be operated only between sunrise and sunset
- ***Required equipment.*** A golf cart shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, seat belts, and red reflectorized warning devices in both the front and rear



Draft Ordinance Provisions

- ***Number of passengers.*** A golf cart shall be occupied by no more people than for whom there are seatbelts in the golf cart
- ***Seatbelts.*** Whenever the golf cart is in motion, the occupants of the golf cart, including a child under the age of six years sitting in a child restraint device, shall be secured by seatbelts

6. Assumption of risk, indemnification and liability insurance

- Any person operating a golf cart on designated streets does so at his/her own risk and agrees to defend, release, indemnify and hold harmless the County, its officials and employees for and regarding any and all claims, demands, or damages of any nature as a result of such operation



Draft Ordinance Provisions

- Any owner and/or operator of a golf cart on designated streets shall be responsible for purchasing and maintaining liability insurance that includes insuring the owner and/or operator against loss from liability for death, bodily injury, and property damage arising out of the ownership, maintenance, or use of a motor vehicle, and is not less than the minimum requirements under state law

7. Penalties and remedies

- ***Penalties for violations.*** Any violation of the ordinance is a non-criminal traffic infraction punishable by uniform traffic citation as follows:
 - (1) 1st violation: \$25.00;
 - (2) 2nd violation, if the violation occurs within two years of the 1st, \$50.00;
 - (3) 3rd violation, if the violation occurs within four years of the 2nd, \$100.00



Draft Ordinance Provisions

- ***Other penalties.*** Violations of traffic infractions shall also be punishable by any other method as provided by law
- ***Remedies.*** Orange County may institute any appropriate action or proceeding to enjoin, prevent, restrain, correct, or abate a violation of the ordinance



Action Request

Approve the ordinance allowing golf carts on designated County roadways