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# Public Hearing

## MEMORANDUM

DATE: January 7, 2020

TO: Katie Smith, Deputy Clerk of the Board of County Commissioners, Comptroller Clerk's Office

THRU: Cheryl Gillespie, Supervisor Agenda Development Office

FROM: Humberto Castillero, Interim Manager, Traffic Engineering Division  
Contact: (407) 836-7891 / Email to: Humberto.castillero@ocfl.net

RE: **Request for Public Hearing at 2:00 p.m. on February 11, 2020** before the Board of County Commissioners to Consider an Ordinance Creating Article IX Under Chapter 21 of the Orange County Code to Permit the Use of Golf Carts on Designated Public Roads and Streets in the Unincorporated Area of Orange County; and Providing an Effective Date

JAN 8 '20 AM 11:01




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Title of Ordinance: **AN ORDINANCE CREATING ARTICLE IX UNDER CHAPTER 21 OF THE ORANGE COUNTY CODE TO PERMIT THE USE OF GOLF CARTS ON DESIGNATED PUBLIC ROADS AND STREETS IN THE UNINCORPORATED AREA OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE**

Applicant: Staff

Location: All Districts

Estimated time required for public hearing: Two minutes

Hearing controversial: No

LEGISLATIVE FILE # 20-036

Feb. 11, 2020 @ 2pm

Memo to Katie Smith  
Re: Golf Carts Ordinance  
January 7, 2020  
Page 2

Advertising requirement: Publish once in the legal notices section of a local newspaper of general circulation.

Advertising timeframe: At least 10 days prior to the public hearing.

Hearing required by Fla. Statute # or code: Section 316.212, Florida Statutes

The following materials will be submitted as backup for this public hearing request:

1. Memo to the Mayor and Board of County Commissioners
2. Draft copy of the Ordinance

**SPECIAL INSTRUCTIONS TO CLERK:**

1. Please return one executed copy of the Ordinance to Humberto Castillero via email attachment: [Humberto.castillero@ocfl.net](mailto:Humberto.castillero@ocfl.net).

c: Byron W. Brooks, AICP, County Administrator  
Jeffrey J. Newton, County Attorney  
Randy Singh, Deputy County Administrator

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ORDINANCE NO. 2019-\_\_\_\_

AN ORDINANCE CREATING ARTICLE IX UNDER CHAPTER 21 OF THE ORANGE COUNTY CODE TO PERMIT THE USE OF GOLF CARTS ON DESIGNATED PUBLIC ROADS AND STREETS IN THE UNINCORPORATED AREA OF ORANGE COUNTY; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

*Section 1. Creation of Article IX, Chapter 21, Orange County Code, Use of Golf Carts on Designated Streets.* Article IX is hereby created in Chapter 21 of the Orange County Code to read as follows:

ARTICLE IX.

USE OF GOLF CARTS ON DESIGNATED STREETS

**Section 21-291. Title.**

This article shall be known and may be cited as the “Orange County Golf Cart Ordinance.”

**Section 21-292. Intent and purpose.**

(a) As authorized by Section 316.212, Florida Statutes, it is the intent and purpose of this article 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 this article.

(b) It is not the intent and purpose of this article to prohibit or address the operation of golf carts within any self-contained retirement community, as permitted under Section 316.2125, Florida Statutes.

**Section 21-293. Definitions.**

38 For purposes of this article, the following terms shall be  
defined as follows:

40 *Board* means the Orange County Board of County  
Commissioners.

42 *Designated streets* mean public roads and streets in the  
unincorporated area that have been designated by the Board for the  
44 operation of golf carts, subject to the requirements of this article.

46 *Golf cart* means a motor vehicle that is designed and  
manufactured for operation on a golf course for sporting or  
48 recreational purposes and that is not capable of exceeding speeds  
of 20 miles per hour, as defined by Section 320.01, Florida  
Statutes.

50 **Section 21-294. Determination for operation on designated  
roads and streets; registration; signage.**

52 (a) *Determination.* After considering all relevant factors,  
including the speed, volume, and character of motor vehicle traffic  
54 using certain public roads and streets, the Board may determine, in  
its sole discretion, that golf carts may safely travel on or across  
56 certain public roads and streets in the unincorporated area, and  
designate those public roads and streets for the operation of golf  
58 carts, subject to the requirements of this article. The process for  
seeking such a determination shall be as follows:

60 (1) a Florida not-for-profit corporation  
representing a single-family residential development, such as a  
62 mandatory or voluntary homeowners association, or a combination  
of such not-for-profit corporations, whose members are the owners  
64 of property in the development, or developments, may file a  
petition with the Orange County Traffic Engineering Division for  
66 permission to operate golf carts on one or more public roads and  
streets within the development or developments, and between the  
68 developments, subject to paying an application fee in an amount  
established by the Board, and presenting the following  
70 information:

72 A. a sworn, notarized statement from an  
authorized officer with the not-for-profit corporation that the  
74 question of whether the use of golf carts on public roads and streets  
in the single-family development should be permitted was  
presented to all the owners of private lots within the development,  
76 and at least a majority of the owners of private lots within the

78 development who responded to the question support the use of golf  
carts on public roads and streets in the development; and

80 B. a signed and sealed report from a  
82 traffic engineer licensed in the State of Florida identifying the  
84 public roads and streets proposed for use by golf carts, and offering  
a professional opinion that golf carts may safely travel on or cross  
the public roads or streets, considering factors including the speed,  
volume, and character of motor vehicle traffic using the public  
roads and streets;

86 (2) The Traffic Engineering Division shall  
88 review the traffic engineering report, and make a recommendation  
to the Board to accept or reject the conclusions of the traffic  
engineer's report.

90 (3) If the Board, in its sole discretion, accepts  
92 the conclusion of the traffic engineer's report, the Board may make  
a determination in the form of a Resolution designating the public  
94 roads and streets that may be used by golf carts, subject to the  
requirements of this article. Such designation shall remain in  
effect until the Resolution is repealed by the Board.

96 (b) *Registration.* A golf cart shall not be operated on  
98 designated streets unless the owner of the golf cart registers the  
golf cart with the Traffic Engineering Division, pays a registration  
100 fee in an amount established by the Board, and affixes a  
registration decal on the rear of the golf cart.

102 (c) *Signage.* The Traffic Engineering Division shall be  
responsible for posting appropriate signage on designated streets  
104 indicating that the operation of golf carts is allowed pursuant to  
this article.

**Section 21-295. Prohibitions.**

106 (a) Any vehicle that does not meet the definition of a  
108 golf cart shall not be afforded any of the rights provided in this  
article.

110 (b) A golf cart shall not be operated on a public road or  
street that is not designated for such use under this article.

112 (c) A golf cart may not be operated on a public road or  
street that is a part of the State Highway System unless specifically  
114 authorized by the department of transportation, as provided in  
Section 316.212(2).

116 (d) A golf cart shall not be operated on a public  
sidewalk.

118 (e) Children under the age of six years shall be  
prohibited from being transported in golf carts.

120 **Section 21-296. Requirements for operation of golf carts on  
designated streets.**

122 (a) A golf cart operator shall comply with all applicable  
state and local traffic laws and may be ticketed for a traffic  
124 violation in the same manner as the motor operator of a motor  
vehicle under state laws.

(b) *Operating requirements.*

126 (1) *Age of driver.* A golf cart may be operated  
only by a person who is the age of sixteen years or older.

128 (2) *Driver's license or learner's permit*  
*required.* A golf cart shall not be operated on designated streets by  
130 anyone not in possession of a valid driver's license or learner's  
permit.

132 (3) *Hours of operation.* A golf cart may be  
operated on designated streets only between sunrise and sunset.

134 (4) *Required equipment.* A golf cart operating  
on designated streets shall be equipped with efficient brakes,  
136 reliable steering apparatus, safe tires, a rear view mirror, a  
windshield, headlights, brake lights, turn signals, seat belts, and red  
138 reflectorized warning devices on the front and rear.

(5) *Number and age of passengers.* A golf cart  
140 operating under this article shall be occupied by no more  
passengers than for whom there are seatbelts in the golf cart. Only  
142 children over the age of six years who do not require the use of  
crash-tested, federally approved child restraint device specified in  
144 Section 316.613(1)(a), Florida Statutes, qualify to be transported as  
passengers in a golf cart.

146 (6) *Seatbelts.* All the occupants of a golf cart  
shall use the seatbelts whenever the golf cart is in motion.

148 **Section 21-297. Assumption of the risk; indemnification and  
hold harmless.**

150           The County extends the privilege of operating a golf cart on  
152 designated streets on the express condition that any person  
operating a golf cart on any designated street does so at his/her  
154 own risk; must operate such golf cart with due regard for the safety  
and convenience of passengers, other motor vehicles, bicyclists  
156 and pedestrians; assumes sole responsibility and liability for  
operating the golf cart on designated streets; and by such operation  
158 agrees to defend, release, indemnify and hold harmless the County,  
its officials and employees for and regarding any and all claims,  
160 demands, or damages of any nature whatsoever arising from such  
operation.

**Section 21-298.        Liability insurance.**

162           Any owner and/or operator of a golf cart on designated  
streets shall be responsible for purchasing and maintaining liability  
164 insurance that includes insuring the owner and/or operator against  
loss from liability for death, bodily injury, and property damage  
166 arising out of the ownership, maintenance, or use of a motor  
vehicle and is not less than the minimum requirements described in  
168 Section 324.021(7), Florida Statutes.

**Section 21-299.        Penalties; remedies.**

170           (a)   *Moving violations.* A violation of subsections 21-  
295(b), (c), and (d), and subsections 21-296(b) (3) and (5), is a  
172 non-criminal traffic violation punishable as a moving violation  
pursuant to Section 316.212(8), Florida Statutes, and Chapter 318,  
174 Florida Statutes.

176           (b)   *Nonmoving violations.* A violation of subsections  
21-296(b)(1), (2) and (4), is a noncriminal traffic violation  
178 punishable as a nonmoving violation pursuant to Section  
316.212(8), Florida Statutes, and Chapter 318, Florida Statutes.

180           (c)   *Penalties for violations.* Any violation of this article  
is a non-criminal traffic infraction punishable by uniform traffic  
citation as follows:

182                   (1)   1<sup>st</sup> violation: \$25.00;

184                   (2)   2<sup>nd</sup> violation, if the violation occurs within  
two years of the first violation: \$50.00;

186                   (3)   3<sup>rd</sup> violation, if the violation occurs within  
four years of the second violation: \$100.00.

188 (d) *Other penalties.* In addition to the foregoing,  
violations of traffic infractions shall also be punishable by any  
other method as provided by law.

190 (e) *Remedies.* In addition to the penalties described  
above, Orange County may institute any appropriate action or  
192 proceeding to enjoin, prevent, restrain, correct, or abate a violation  
of this article. To the extent not inconsistent with Florida law, a  
194 violation of this article shall be subject to an injunction, temporary  
or permanent, without the necessity of a showing of irreparable  
196 harm.

**Sections 21-300 – 21-305. Reserved.**

198  
*Section 2. Effective date.* This ordinance shall become effective on January  
200 31, 2020.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

204 **ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

206  
208 By: \_\_\_\_\_  
210 Jerry L. Demings,  
Orange County Mayor

212  
214 **ATTEST:** Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

216 By: \_\_\_\_\_  
Deputy Clerk

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224 s:\jprinsell\ordres\golf carts on designated streets - redlined changes to 10-09-19 draft - 10-10-19.doc