

Agenda Memorandum – *City of Inverness*

DATE: March 13, 2009

ISSUE: Scheduled Appearance – County Commissioner Winn Webb
Golf Carts on City Streets

FROM: City Manager

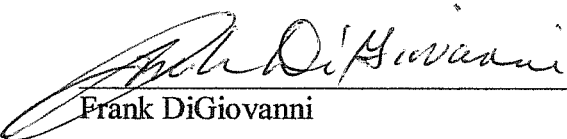
CC: N/A

ATTACHED: (Sample) Golf Cart Policy Clarification
Golf Cart Owner Registration Form, Town of Badin, North Carolina
Ordinance by St. Johns County (5-pages)
Ordinance by Shalimar, Florida (3-pages)
USA Today News Article – More golf carts leaving greens (3-pages)
Rules of the Road: Are golf carts permitted to use sidewalks on Florida State
Highways such as A1A? (2-pages)
FL Attorney General Opinion – Operation of motorized scooters (5-pages)

County Commissioner Winn Webb requested to appear and present information for consideration by City Council that would allow the operation of golf carts, and presumably like vehicles, on city streets. Data provided by Mr. Webb and supplemented by staff are included for your review.

The cost of fuel to operate standardized motor vehicles (cars and trucks) should not be the reason to consider alternate means of transportation. Smart Growth principles and Green policies should hold weight in this type consideration. However, we must be balanced in our approach to being “green” and exercising smart growth principles. Elements of safety and overall benefit to the community cannot be compromised in any such endeavor.

The fact a member of the County Commission made the effort to interact with City Council on the design of the community is welcomed and extremely positive. The exchange will be healthy and we expect that Council will defer the matter to staff and legal counsel for further research. Findings will be reported the latter part of this year.



Frank DiGiovanni

Golf Cart Policy Clarification

The Destin Golf Cart Policy was adopted by City Council on January 2, 2007 and contains nine policies. A complete copy can be made available upon request. The following information is provided as a public service.

1. Policies 1 – 2 are directly from Florida Statutes. The City will not set policy that conflicts with State Law.

- **Policy 1** Golf carts shall not be operated on any pedestrian facility.
Reference F.S. 316.1995 “Driving upon sidewalk or Bicycle path”
- **Policy 2** Golf carts shall not be operated on any public road.
Reference F.S. 316.212 “Operation of golf carts on certain roadways”

2. Policies 3 – 5 are statements only. They provide points of clarification and require no specific action. The 2 year phase in period will have no impact on these policies.

- **Policy 3** A standard golf cart **IS NOT** a Low Speed Vehicle (LSV)
- **Policy 4** City Council shall designate certain roadways as Low Speed Vehicle Accessible (all roads in the city limits except U.S. Hwy 98/S.R. 30, Airport Road, Main Street – south of Airport Road, Mountain Drive, Palmetto Drive, Marler Drive, Melvin Drive, Azalea Drive, Beach Drive – south of Mountain Drive, Benning Drive – south of Azalea Drive, Stahlman Avenue – south of Azalea Drive, Gulf Shore Drive – north of Shoreline Towers entry, Two Trees Road – south of Commons Drive)
- **Policy 5** A properly modified golf cart that complies with the conditions set forth in F.S. 316.2122 “Operation of a Low Speed Vehicle on certain roadways” becomes an LSV. These may be driven on streets designated as Low Speed Vehicle Accessible.

3. Policies 6 – 9 are policies which will require funding and time to coordinate with the State, adjacent counties, and provide training to implement. The 2 year phase in period will be necessary for the proper implementation of these policies and will not conflict with any existing State laws.

- **Policy 6** Provide for public education & information campaign to promote public awareness for the City's current policy. Erect signage around the City stating that motorized vehicles on pedestrian ways are prohibited under F.S. 316.1995. Erect signage around the City showing the designated LSV friendly roads.
- **Policy 7** Provide for regulatory enforcement by the City's Code Enforcement Department as well as all federal, state & local law enforcement officials.
- **Policy 8** Provide for an interlocal agreement with Okaloosa & Walton Counties to evaluate and designate LSV friendly roadways contiguous with the city boundaries.
- **Policy 9** Recommend that City Council direct City staff to coordinate with the Division of Motor Vehicles (DMV) to provide a location in the city for the purposes of registration, inspection and licensing the LSV's.

4. Registration: Division of Motor Vehicles (DMV)

- **LSV Conversions only**

Pensacola DMV	(850) 475-5415
185c West Airport Blvd	
Pensacola FL 32503	
Panama City DMV	(850) 872-4158
6030 County Road 2321	
Panama City FL 32404	
 - **Manufactured LSV's** Registration shall be at your local County Tax Collector office
-

GOLF CART OWNER REGISTRATION
TOWN OF BADIN, NORTH CAROLINA

(Please Print in Blue or Black Ink)

Golf cart owner's name(s): _____

Owner's Physical Address: _____

City/Town: _____ State: _____ Zip: _____

Owner's Mailing Address: _____

City/Town: _____ State: _____ Zip: _____

Owner's Telephone No. Daytime: (____) _____ Night time: (____) _____

Owner's Driver License Number: _____ State: _____

Make of golf cart (Mfg): _____

Color of golf cart: _____ Model (Year): _____

Serial Number of golf cart: _____

Assigned number of golf cart: _____

I have received, read and understand the "Golf Cart Ordinance." I have paid the registration fee for the above cart and agree to additional assessments as may be required in support of this ordinance. I acknowledge that I will assume all liability, and am fully responsible for the operation of the above cart on the streets and roads in the Town of Badin. I also acknowledge that the Town of Badin, in providing this privilege, is in no way endorsing the operation of this cart on the streets and roads, and does not and will not assume any liability in the operation of the cart. I agree to indemnify and hold harmless the Town of Badin for any and all liability arising from the use of this golf car/cart. **I also understand that the Badin Police Department's interpretation of all the rules and regulations are final.** I will insure that the assigned proof of compliance will remain attached to the driver's side of the cart at all times. I furthermore insure that I will obey all the rule and regulations set forth by the Town of Badin concerning the operation of a cart within the town limits.

Owner's Signature

Date

For Town's Use Only

Approved by: Chief of Police Town Manager Other: _____

Signature

Date

ORDINANCE NO. 2009- 1

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPLEMENTING PROVISIONS FOR THE OPERATION OF GOLF CARTS ON DESIGNATED COUNTY ROADS; REPEALING COUNTY ORDINANCE 1998-68; PROVIDING EQUIPMENT AND AGE REQUIREMENTS FOR OPERATION OF GOLF CARTS UPON ROADS WITHIN THE COUNTY; PROVIDING FINDING OF FACTS; PROVIDING DEFINITIONS AND PURPOSE; PROVIDING FOR DESIGNATION PROCEDURES AND STANDARDS; PROVIDING FOR A METHOD OF APPEAL; PROVIDING OPERATING REQUIREMENTS; PROVIDING GEOGRAPHIC APPLICATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, permits counties to allow Golf Carts to be operated on County Roads provided the county first determines that Golf Carts may travel on or cross such public roads or streets upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

WHEREAS, such designation for use of Golf Carts on County Roads must be preceded by a determination that the particular road or roads may be traveled upon or crossed considering factors including traffic speed, volume and character of motor vehicular traffic; and

WHEREAS, Section 316.212(5), Florida Statutes, allows Golf Carts to only operate on such public roads or streets during the hours between sunrise and sunset, unless the governmental agency determines that such Golf Carts may also operate during the hours between sunset and sunrise and the Golf Carts are equipped with headlights, brake lights, turn signals and windshields; and

WHEREAS, the operation of Golf Carts upon roads within the County by persons not holding a valid driver's license constitutes a threat to the health, safety, and welfare of the public; and

WHEREAS, the Board of County Commissioners believes that regulations proposed in this Ordinance promote and enhance the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. Findings of Fact. The above recitals are incorporated by reference into the body of this Ordinance, and such recitals are adopted as Findings of Fact.

Section 2. Repeal of Ordinance 98-68. Ordinance 98-68 is hereby repealed.

Section 3. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

- (a) "Board" shall mean the Board of County Commissioners of St. Johns County, Florida.
- (b) "County" means St. Johns County, Florida.
- (c) "County Road" means land in which the County owns the fee or has an easement devoted to or restricted for use as a transportation facility for the public use; a road opened to travel by the Public that is not maintained, nor owned by a Community Development District, Special District or a Private Entity.
- (d) "Designated County Road" means any County Road that has received approval from the responsible local county government for Golf Cart Use, consistent with this Ordinance.
- (e) "Golf Cart" means a powered 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 twenty (20) miles per hour; means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty (20) miles per hour and that is designed to carry not more than four persons including the driver.
- (f) "County Engineer" shall mean that county official designated or recognized to be performing as the Professional Engineer of the County.
- (g) "Applicant" for the purposes of this Ordinance, shall be defined as a person or entity who is requesting for a County Road to be permitted, as a Designated County Road.

Section 4. Purpose. The purpose of this Ordinance is to (1) provide for the orderly operation of Golf Carts on Designated County Roads; and (2) ensure that any Golf Cart operated on any Designated County Road in the County, shall be operated only by a person with a valid driver's license.

Section 5. Designation Procedures. Prior to any portion of any County Road being approved as a Designated County Road for Golf Cart use:

- (a) The County Engineer shall conduct, or review a study provided by the Applicant or in the alternative, at the request of the Applicant shall review the proposed construction plans during Development Review, to determine whether Golf Carts may travel across, or along the proposed Designated County Road, considering

factors including the speed, volume, and character of motor vehicle traffic using said road. The County Engineer shall review and permit the proposed Designated County Road, in accordance with Best Practices within the Industry local, state and federal design standards and guidelines.

- (b) In the event that the County Engineer denies permitting of a proposed Designated County Road, the County Engineer shall provide a written finding of facts to support the County Engineer's denial. The Applicant shall have thirty (30) days to file an appeal of the County Engineer's decision to the Board of County Commissioners.
- (c) Subsequent to a determination that Golf Carts may be operated on a Designated County Road, the County Engineer shall post, or shall cause to be posted appropriate signs to indicate that such Golf Cart use is allowed, subject to any permitting requirements for such signs. The Applicant, or a Designee of the Applicant, shall pay the County for such signage (any repair or replacement of said signage) in full, prior to sign installation. Such signage shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) standards, as issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT).

Section 6. Golf Cart Operation.

- (a) A Golf Cart shall not be operated on any County Road, except a Designated County Road that has been appropriately marked with signs by the County Engineer.
- (b) A Golf Cart may be operated on a Designated County Road only between sunrise and sunset, unless the County has determined that on the particular Designated County Road, a Golf Cart may also be operated between sunset and sunrise and the Golf Cart is equipped with headlights, brake lights, turn signals, and a windshield.
- (c) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license and who is under 17 years of age, when operating a Golf Cart after 11 p.m. and before 6 a.m., shall be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least 21 years of age, unless that person is driving directly to or from work.
- (d) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license who is 17 years of age, when operating a Golf cart after 1 a.m. and before 5 a.m., shall be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least 21 years of age unless that person is driving directly to or from work.

- (e) A Golf Cart operating on a Designated County Road shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.
- (f) Any driver of a Golf Cart on a Designated County Road shall have a valid driver's license.
- (g) It is recognized that in addition to the above provisions, the Florida Uniform Traffic Control Law (Chapter 316, Fla. Stat.) shall apply where applicable as per Florida Law.

Section 7. Geographic Limits of Ordinance. The Ordinance shall apply to the unincorporated portions of St. Johns County.

Section 8. Violations and Penalties. Violations of this Ordinance may be enforced by the Sheriff or Code Compliance Officers by any legal method prescribed by law, including but not limited to the following:

- (a) Any person or entity violating any of the provisions of this Ordinance adopted hereby (collectively, the "Ordinance") may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues, shall be deemed a separate offense.
- (b) This Ordinance may also be enforced under the provisions of Chapter 162, Florida Statutes (Code Enforcement Special Magistrate, or Citation).
- (c) Note: Uniform Traffic Citations shall only be used for violations that are also violations of the Florida Uniform Traffic Control Law.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance. This Ordinance shall be read with Florida Statute 316.212, as may be amended from time to time. If any conflict exists or arises between this Ordinance and said statute or any rule promulgated under that statute, the statute or rule shall control and automatically sever the conflicting Ordinance provision.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its being filed with the Secretary of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 6th day of January, 2009.

ATTEST: Cheryl Strickland, Clerk

By: Robert L. Pridemore
Deputy Clerk

Effective Date: 01-13-09

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

Rendition Date: 1/9/09

T/ORDINANCES/GOLF CART ORDINANCE NO.

ORDINANCE NUMBER 2008-04

AN ORDINANCE OF THE TOWN OF SHALIMAR, FLORIDA; ALLOWING THE USE OF GOLF CARTS UPON DESIGNATED MUNICIPAL ROADS IN THE TOWN OF SHALIMAR, FLORIDA SUBJECT TO SPECIFIED RESTRICTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, Section 316.212(1), Florida Statutes, permits municipalities to allow golf carts to be operated on municipal roads provided that they first determine that such carts may safely travel on or cross such public roads or streets upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

Whereas, Section 316.212(4), Florida Statutes, states that golf carts may only operate on such public roads or streets during the hours between official sunrise and official sunset, unless the governmental agency specifically determines that such golf carts may also operate during the hours between official sunset and official sunrise and the golf carts possess headlights, brake lights, turn signals and windshields; and

Whereas, Section 316.212(7), Florida Statutes, allows municipalities to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in the State Statutes as long as appropriate signs are posted or the residents are otherwise informed that the regulation of golf cart operation in the designated area will be in accordance with a stricter local ordinance; and

Whereas, the Shalimar Police Department has conducted a study and determined that golf carts may safely travel on or cross Shalimar roads or streets, considering the following factors: speed, volume, and the character of motor vehicle traffic using the relevant roads or streets; and

Whereas, the Shalimar Commission has determined that golf carts may safely be operated on Shalimar roads and streets; and

Whereas, the Shalimar Commission desires to provide additional regulations for the operation of golf carts on designated roads and streets in Shalimar, Florida; and

Whereas, the Shalimar Commission believes that regulations proposed in this ordinance promote and enhance the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SHALIMAR, FLORIDA, THAT THE FOLLOWING SECTION BE ADDED TO THE TOWN OF SHALIMAR ORDINANCES, CHAPTER 50, TRAFFIC AND MOTOR VEHICLES:

{NEW} Section 50-04, Use of Golf Carts on Public Town Roads and Streets:

- 1) The term "golf cart" shall be defined as stated in Florida Statutes, Subsection 320.01.
- 2) Golf carts may be operated on all Shalimar roads and streets in accordance with Florida Statute, Section 316.212.
- 3) In addition to the requirements of Florida Statutes, Section 316.212, which is applicable to the operation of golf carts on the aforementioned designated roads and streets, the following restrictions shall also apply:
 - a) The number of occupants in any golf cart operated on the Shalimar roads and streets shall be restricted to the number of seats on the golf cart. No occupants of a golf cart shall stand at any time while the golf cart is in motion.
 - b) All golf carts operating subject to this ordinance must be equipped with efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear at all times while operated on the designated roads and streets.
 - c) Golf carts may only be operated on the designated roads and streets, only during the hours between official sunrise and official sunset, and only by persons 16 years of age or older.
 - d) In addition to the basic operating equipment described in 3) b) of this section, only golf carts equipped with headlights, brake lights, turn signals, and windshields may be operated at night, and, only by a person who holds a Motor Vehicle License (Drivers License) authorizing motor vehicle operation in the United States.
 - e) Before golf carts may be operated under this section, the owners thereof must purchase and maintain liability insurance insuring against personal injury and damage to property of any nature relative to the operation of golf carts on the designated public roads and streets. Minimum required insurance will be the same as for motor vehicles registered in the State of Florida for personal use and as designated by Florida Statutes. Proof of such insurance must be possessed at all times while operating a golf cart on the designated roads.
 - f) No person shall drive any golf cart upon a bicycle path, sidewalk, sidewalk area, or other area not designated for motor vehicle use or not specifically designated for golf cart use.
- 4) Violations of this section shall constitute a non-criminal infraction enforceable pursuant to the provisions of Florida Statutes, Section 316.212(8). The use of a golf cart resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are enforceable according to Florida Statutes, Chapter 316 and 318. All other Shalimar Ordinances pertaining to the use of motor vehicles shall also

apply.

5) The Shalimar Maintenance Department shall post signs along roads and streets where golf cart operation is allowed advising motorists of the possible presence of golf cart traffic and alerting the public that the operation of such golf carts is subject to the various requirements of this ordinance.

SECTION 2: INCLUSION IN THE SHALIMAR CODE OF ORDINANCES

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Shalimar, Florida. The sections of the ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section" or any other appropriate word.

SECTION 3: CONFLICT AND SEVERABILITY

In the event this ordinance conflicts with any other ordinance of the Town of Shalimar, Florida, or other applicable law, the more restrictive shall apply. If any phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

IN WITNESS WHEREOF, the parties have caused this Ordinance to be executed by their duly authorized officers.

First Reading: May 13, 2008

Second Reading: June 10, 2008

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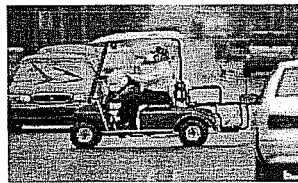
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More golf carts leaving greens

Updated 7/21/2008 1:27 AM | Comments 31 | Recommend 10 E-mail | Save | Print | Reprints & Permissions | 



 Enlarge By Matt Krygar, Indianapolis Star

Larry Terwilliger, City Council president of Gas City, Ind., uses an electric golf cart to get around.

By Tim Evans, USA TODAY

When Richard Fisher wants to meet friends for a cup of coffee, go to the grocery store or watch his grandkids play ball, he hops in his golf cart and zips off along the streets of Summitville, Ind.

The Central Indiana community of 1,100 is one of a growing number across the USA that have begun allowing golf carts on its streets in the past year.

"I'm saving money and wear and tear on my car," said Fisher, 82, whose cart is tricked out with seat belts, a boombox, flashing hazard light and wheel-rim spinners. A USA TODAY review found that in the past year, as gas prices surged past \$4 a

gallon, dozens of communities, — including Danforth, Ill.; Pulaski, Va.; Conover, N.C.; Osseo, Minn.; and Loveland, Colo. — have passed or debated ordinances to allow golf carts on local streets.

Most recently Winchester, Ind., approved an ordinance on July 7. Sandusky, Ohio, passed an ordinance last month that takes effect Wednesday.

"Gas prices were certainly a factor," said Dennis Murray, president of the Sandusky City Commission.

FIND MORE STORIES IN: Illinois | Colorado | Ohio | Kansas | National Highway Traffic Safety Administration | National Conference of State Legislatures | Fisher | Winchester | Crescent City | Loveland | Salina | Minn. | Fairfield County | National Association of Counties | Collier County | University of Alabama-Birmingham | Jim Reed | Danforth | Central Indiana | Journal of Trauma | Dennis Murray | Iroquois County

"Gas prices are the driving factor for most of the folks who are using golf carts here," said Summitville Police Chief Tony Hendrick. "But we needed an ordinance so we could regulate their use and safety."

The Danforth, Ill., ordinance went into effect in June. Council president Arnold Hess said officials in the community of about 500 were following the lead of Ashkum and Crescent City, neighboring Iroquois County towns that adopted ordinances this year.

Although gas costs were a factor, convenience was another reason many of the community's older residents wanted to use golf carts.

"It's easier to get into a golf cart than a car or truck," Hess said.

Not every community that has considered allowing golf carts on local streets has chosen to do so.

Bloomfield, Ind., decided to continue its golf cart ban in June, said Town Clerk Sondra Thompson. Last August, Salina, Kan., voted to ban golf carts from local streets, citing safety concerns, according to Nick Hernandez, the city's management assistant. Last July, the Collier County (Fla.) Commission turned down a request to make carts legal on the streets of the Isles of Capri, according to Kirk Colvin, president of the Isles of Capri Civic Association.

Jim Philipps, spokesman for the National Association of Counties, said some county and municipal agencies, including law enforcement, parks and utility departments, are also looking to the vehicles as a cost-effective alternative.

"I think the question has been: How high does the price of gas have to get before people start to change their behaviors?" Philipps said. "The answer seems to be \$4 a gallon."

Gas City, Ind., recently purchased golf carts for police to patrol parks and for the utility department to use when reading meters, city councilman Larry Terwilliger says.

The Fairfield County (Ohio) Sheriff's Office is using two golf carts to conduct patrols in some of the county's villages, where there is not a lot of geographic area to cover, added Sheriff Dave Phalen.

Officials are struggling to balance legal and safety concerns with the desires of those who want to use golf carts to get around town.

Laws in 26 states either allow low-speed electric vehicles to use some local streets or give communities the power to make that decision, said Jim Reed, Transportation Program Director for the National Conference of State Legislatures. As more golf carts roll onto public streets, the potential for injuries increases, said Gerald McGwin, a researcher at the University of Alabama-Birmingham. His study, published in the June edition of *The Journal of Trauma*, found about 1,000 people in the USA require emergency room treatment from golf cart injuries each month. Most of those injuries occur on golf courses, but about 20% are from incidents at home or on public roads.

The National Highway Traffic Safety Administration does not recognize golf carts as on-road vehicles, so they don't

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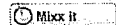
What's This?

have to meet the same federal safety standards as automobiles, said McGwin, who stressed the need for safety to be addressed in local ordinances.

"Once you use them in a setting they aren't designed for — or where they come in contact with other vehicles — the potential for serious injuries really increases," McGwin said.

Contributing: Evans reports for The Indianapolis Star.

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Posted 7/20/2008 6:39 PM

Updated 7/21/2008 1:27 AM

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Comments: (31) Showing: Newest first



FrugalDougalsgol wrote: 8/18/2008 4:14:03 PM

Take it one step further and convert your existing golf cart to a solar-powered electric hybrid. For every hour and three-quarters out in the sun, you can drive one mile without ever plugging in. For more information, go to www.frugaldougalsgol.com/solarroofpanel

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BeGreen wrote: 7/27/2008 3:57:09 PM

America needs to stay FOCUSED, AWARE and EDUCATED.

Focus:

History reminds us that every time oil prices peak and the North American market/consumers start to discuss alternative energy sources, the oil exporting countries start to trim down their prices. History also tells us that the oil exporting nations have been very successful in the past and in fact, we have lost our enthusiasm and dropped many of our alternative energy initiatives after oil prices are reduced.

WE need to stay focused this time.

- 1) Al Gore and his energy initiative is on course.
- 2) T. Boone Pickens and his wind power initiative is on course.
- 3) The BG Automotive Group mass production electric vehicle program is on course along with renewable solar energy charging option.
- 4) Richard Branson from the UK is on course w/his environmental programs..
- 5) The Gas Reduction Act of 2008 might not be the most environmentally sound solution, but yet it shows that Congress has finally realized that we have an energy crisis (again), and a real threat to our national security.

The continued dependence on foreign oil is a threat to our long term democratic values. We must become an energy independent nation, and with this, some sacrifices will have to be made by the American consumer.

Be aware!!

We are exporting approximately USD \$700 Billion dollars per year of U.S. currency. The majority of this money is being transferred to the Trillion dollar "sovereign wealth funds". This is USD \$700 Billion not being spent on America's educational system, health care and security.

The "sovereign wealth funds" are directly buying major interests (large blocks of stock) in U.S. companies, including most of the major banks. Also, billions of dollars of "sovereign wealth fund" money is being invested in our hedge funds, private equity firms, and the investment banking industry. A few of these firms are directly and indirectly investing large sums of money into our "gas combustion" automobile industry. Do we want our auto industry in the direct or indirect control of the firms that are supplying us oil? This is an interesting topic for an investigative reporter.

There are automotive consulting companies in Michigan (heart of our auto industry), lobbying States and our Federal Government, NOT to subsidize the Electric Vehicle industry. The latter seems to be contradictory to what the American public would like to see from our automobile industry. After the billions (excess of \$20 billion) the automotive companies have lost in the past 6 months producing gas combustion vehicles, you would think they too would change course. Changing course is not adding 2-4 miles per gallon w/Hybrids. Drastic measures in our auto industry must take place and NOW!

Do not let the temporary reduction in oil prices push us off course. AGAIN.

Educated:

Read, Read- Stay on top of the issues. Let's not be fooled again.

STAY FOCUSED, AWARE and EDUCATED!

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fireworksboi wrote: 7/22/2008 12:39:00 AM

I think that's awesome; everyone should be driving golf carts. brightfuture.us

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Scooter85 wrote: 7/22/2008 12:25:14 AM

Good for that Man to use his Golf Cart as Transportation.. (boom box) now that ' s funny)

> is this ok in every state ??? <

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Sky_King wrote: 7/21/2008 10:51:23 PM

Harry Callahan wrote: 22h 48m ago
The Horse and Buggy isn't far off.

Actually in our town.....horses are allowed on the streets at anytime day or night.

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tonynieves wrote: 7/21/2008 5:47:25 PM

It seems like a practical solution for short trips around the neighborhood, because we make a lot of them weekly. As long as is not raining or snowing

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RDSD wrote: 7/21/2008 5:24:01 PM

I own one of these golf carts. I bought it for my wife to drive approx. one mile back and forth the pool in the summer. I have been stopped and informed that they are illegal in my state. That is the only time we use it. However, they have told me that I can drive it on the sidewalk and there is nothing they can do about that.
Golf carts such as these are capable of traveling at top speeds of 18-20 mph. They should be allowed on streets with a posted 20 mph but not on the streets posted any higher. They are as large as some small cars. As far as safety, they are as safe or safer than a motor cycle and a lot easier to see. They should be required to have working head lights, turn signals, hazard lights, a horn, tail and brakes lights, rearview mirrors, seat belts and a windshield. They should require a licensed driver and insurance (liability at a minimum). The serial # should be registered as a VIN for tracking purposes and tags. Every vehicle should be registered and tagged. The DMV can also collect wheel tax in states where applicable.
I have all but tags and title for mine.

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racerx wrote: 7/21/2008 3:50:04 PM

That's ridiculous. Period.

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Harry Callahan wrote: 7/21/2008 2:34:16 PM

He could upgrade to a SMART car, but then where would he put his golf clubs?

Recommend 2 | Report Abuse



32Grizzly wrote: 7/21/2008 1:27:48 PM

This is just the change we need to "STICK IT TO THE MAN!!!" It is time for other transportation options. If the gov't want to allow the oil companies to get away with destroying our economy then we as Americans need to come up with ways to combat this...I'll go get a golf cart right now!!!

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Q: Are golf carts permitted to use sidewalks on Florida State Highways such as A1A?

[\[Edit\]](#)

In: [Rules of the Road](#) [\[Edit categories\]](#)

A:

[\[Edit\]](#)

NO.....

This is in response to your request for an opinion on the following question:

DOES THE PROHIBITION IN CH. 83-188, LAWS OF FLORIDA, AGAINST A GOLF CART BEING OPERATED ON "ANY PART OF THE STATE HIGHWAY SYSTEM" PRECLUDE GOLF CARTS CROSSING A STATE ROAD AT A CONTROLLED INTERSECTION OF A CITY STREET AND A STATE ROAD?

According to your letter, U.S. Alternate 19 runs along the western boundary of the Dunedin Golf Course and physically separates the golf course from a significant number of golf course members who live to the west of U.S. Alternate 19. You state that U.S. Alternate 19 intersects with a city street, Palm Boulevard, at a controlled intersection. A question has been raised as to whether recent legislation prohibiting the operation of golf carts on the state highway system is applicable to a golf cart traveling on a designated city street which intersects with a road on the state highway system.

Section 316.212, F.S.1983, as adopted by s 2, Ch. 83-188, Laws of Florida, provides in pertinent part:

The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein.

(a) A golf cart may not be operated on any part of the state highway system;

(b) A golf cart may be operated only upon a county road or city street which has been designated by a county or a city for use by golf carts

See, s 316.003(70), F.S.1983 (s 1, Ch. 83-188, Laws of Florida), which defines "golf cart" for purposes of Ch. 316, F.S., the Uniform Traffic Control Law, to mean "a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes." See also, s 320.01(29), F.S.1983 (s 3, Ch. 83-188, Laws of Florida), which similarly defines "golf cart" as used in the Florida Statutes except as otherwise provided.

You specifically refer to U.S. Alternate 19 as a "state road." See, s 334.03(11), F.S., which defines "state road" for purposes of the Florida Transportation Code, Chs. 334-339 and 341, F.S., as all streets, roads, highways and other public ways open to travel by the public generally and dedicated to the public use and designated by the Department of Transportation as part of the state highway system, "including the roadbed, right-of-way, embankments, slopes, retaining walls, sidewalks, bridges, tunnels and viaducts necessary for the maintenance of travel thereon and all ferries in connection therewith." And see, s 334.03(22), F.S. as amended by s 1, Ch. 83-52, Laws of Florida, which defines the state highway system. Compare, s 334.01(23) and (24), F.S., which respectively defines the county road system and the city road system. See also, s 334.03(9), F.S., which defines "right-of-way" as land which the state, the Department of Transportation, a county or a municipality owns the fee or has an easement devoted to or required for the use as a public road. Thus not only the roadbed but that land within the right-of-way of U.S. Alternate 19 is a part of the state road and of the state highway system. I am not aware of any provision of law which would exclude that portion of a state road which intersects with a county or city road from the state highway system, nor has any such provision been brought to the attention of this office. Moreover, I have been informed by your department that the Department of Transportation maintains the roadbed and right-of-way of U.S. Alternate 19 extending across this intersection (the maintenance of the traffic signal at the intersection is maintained by the city under an agreement with the department).

Subsection (a) of s 316.212, F.S.983, expressly provides that a golf cart may not be operated on any part of the state highway system. Cf., 3A C.J.S. Any p. 899 et seq. (word applies to every individual part without distinction; when appropriate to the context, "any" has been held to mean "any and all," "all or every," "each"). Section 316.212 generally prohibits the operation of a golf cart on the public roads and streets of this state except as provided therein. The statute, however, makes no exception for controlled intersections. See, *State v. Nourse*, 340 So.2d 966 (3 D.C.A.Fla., 1976) (any statutory exception to general prohibition is normally construed strictly against one attempting to take advantage of exception and unless right to exception is clearly apparent in statute, no benefits thereunder will be permitted); *Biddle v. State Beverage Department*, 187 So.2d 65 (4 D.C.A.Fla., 1966), cert. dismissed, 194 So.2d 623 (Fla.1966); *State Road Department v. Levato*, 192 So.2d 35 (4 D.C.A.Fla., 1966), cert. discharged, 199 So.2d 714 (Fla.1967) (express exceptions made in statute give rise to strong inference that no other exceptions are intended, and exceptions will not be implied where words of statute are free from ambiguity). Cf., *Thayer v. State*, 335 So.2d 815 (Fla.1976) (mention of one thing in statute implies exclusion of another--"expressio unius est exclusio alterius"); *Florida Legal Services, Inc. v. State*, 381 So.2d 1120 (1 D.C.A.Fla., 1979) (where Legislature creates specific exceptions to language in a statute, rule "expressio unius est exclusio alterius" may be applied to infer that had Legislature intended to establish other exceptions it would have done so clearly and unequivocally); AGO 74-225 (tractors operating on seaport property between leased storage lots and the dockside which must cross a public thoroughfare are subject to the safety equipment requirements of Ch. 316, F.S.; Ch. 316 contains no exemptions relevant to such tractors nor provides for administratively determined exemptions from safety equipment requirements).

Therefore, based upon the foregoing and in light of the express language of s 316.212, F.S.1983, prohibiting the operation of golf carts on any part of the state highway system, I am of the opinion, until and unless judicially or legislatively determined to the contrary, that a golf cart may not cross a state road at a controlled intersection of a city street and a state road.

Florida Attorney General Advisory Legal Opinion

Number: AGO 2003-44

Date: September 25, 2003

Subject: Operation of motorized scooters

Chief Larry W. Mathieson
Ormond Beach Police Department
170 West Granada Boulevard
Ormond Beach, Florida 32174

RE: MOTOR VEHICLES-ROADS-DRIVER'S LICENSE-DEPARTMENT OF HIGHWAY SAFETY AND
MOTOR VEHICLES-operation of motorized scooters on roads and sidewalks. ss.
316.003(21), (82) and (83), 316.1995, 316.2068, 320.01(1), 320.02, 322.01
(26), 322.03, Fla. Stat.

Dear Chief Mathieson:

You raise several questions regarding the use of "go-peds" or motorized scooters in Florida. Your questions may be stated as follows:

1. May motorized scooters be operated on public roads and, if so, is a driver's license required?
2. May such scooters be operated on sidewalks?

As your questions are interrelated, they will be answered together.

Several court decisions have concluded that motorized scooters constitute "motor vehicles." [1] As this office noted in Attorney General Opinion 02-47, the 2002 Florida Legislature removed "motorized scooters" from the definition of "motor vehicle" for purposes of Chapter 316, Florida

Statutes. The Legislature did not, however, similarly amend the definition of "motor vehicle" for other chapters relating to the operation of such vehicles in Florida. Thus, as the opinion pointed out, while the provisions of Chapter 316 that prescribe various equipment and safe driving requirements of motor vehicles are no longer applicable to "motorized scooters," the provisions of other chapters that do not exempt "motorized scooters" from the definition of motor vehicles may be applicable.

For example, the definition of "motor vehicle" contained in section 322.01 (26), Florida Statutes, for purposes of that chapter relating to driver's licenses, has not been amended and still defines "motor vehicle" as "any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and motorized bicycles as defined in s. 316.003." Section 322.03(1), Florida Statutes, provides that except as authorized in Chapter 322, Florida Statutes, "a person may not drive any motor vehicle upon a highway in this state unless such person has a valid driver's license under the provisions of this chapter." Since a motorized scooter still falls within the definition of "motor vehicle" as provided in section 322.01(26), section 322.03 would appear to prohibit a person from driving such a vehicle on the highways of this state unless licensed. [2] This office has been advised by the Department of Highway Safety and Motor Vehicles that a Class E license generally would be required.

Similarly, the definition of "motor vehicle" for purposes of Chapter 320, Florida Statutes, includes "[a]n automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds." [3] Such a definition would appear to include motorized scooters.

Section 320.02, Florida Statutes, requires, except as otherwise provided in Chapter 320, Florida Statutes, that every owner or person in charge of a motor vehicle operated or driven on the roads of this state register the

vehicle in this state. The Department of Highway Safety and Motor Vehicles, however, has stated that section 320.08, Florida Statutes, which provides for license taxes for the registration of motor vehicles, does not contain a classification for motorized scooters or go-peds. Thus, the department has stated that since section 320.02 requires that every motor vehicle operating on the roads of this state be registered and since such vehicles cannot be registered, they may not be operated on the roads of this state.[4]

Section 316.1995, Florida Statutes, provides that "[n]o person shall drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway. . . ." (e.s.) As noted above, section 316.003(21), Florida Statutes, excludes motorized scooters from the definition of "motor vehicle" for purposes of Chapter 316. Motorized scooters, however, are not exempted from the definition of "vehicle" in section 316.003(75), Florida Statutes, which defines that term 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." Thus, motorized scooters appear to be prohibited from operating on sidewalks.

As this office noted in Attorney General Opinion 02-47, the 2002 Legislature also created section 316.2068, which relates to electric personal assistive mobility devices and provides that such devices may be operated on roads where the posted speed is 25 miles per hour or less, on marked bicycle paths, and on sidewalks. The statute provides that a driver's license is not required to operate such a device and such devices need not be registered and insured in accordance with section 320.02, Florida Statutes. A person under 16 years of age may not operate, ride or be propelled on such a device unless wearing a bicycle helmet. The statute also recognizes the authority of local government and the Department of Transportation to prohibit such devices on roads within their jurisdiction when such a prohibition is necessary in the interests of safety. These provisions, however, relate only to electric personal assistive mobility devices as that term is defined in section 316.003(83), Florida Statutes. [5] Thus, section 316.2068, Florida Statutes, as the last expression of

the Legislature's intent, would permit electric personal assistive mobility devices to be operated on certain roads and on sidewalks without a driver's license and without being registered.[6]

Accordingly, I am of the opinion that pursuant to Chapter 322, Florida Statutes, the operator of any motor vehicle, including motorized scooters, on the public roadways is required to have a driver's license. The definition of "motor vehicle" in Chapter 320, Florida Statutes, also includes motorized scooters. While that chapter requires any motor vehicle to be registered, there is no classification for motorized scooters and the Department of Highway Safety and Motor Vehicles has therefore advised that since such vehicles may not be registered, they may not be operated on the public streets and roads. While motorized scooters are excluded from the definition of "motor vehicle" for purposes of Chapter 316, Florida Statutes, they still constitute "vehicles" as that term is defined in Chapter 316, and therefore are prohibited from operating on sidewalks. Electric personal assistive mobility devices, however, are specifically authorized to be operated on certain roads and on sidewalks without a driver's license and without being registered.

This office suggested in Attorney General Opinion 02-47 that the Legislature may wish to readdress these issues and clarify its intent regarding the operation of motorized scooters in this state. In light of the lack of consistency in the way these issues are treated in the Florida Statutes, I would suggest that the Legislature reexamine this area of the law.

Sincerely,

Charlie Crist
Attorney General

CC/tjw

[1] See, e.g., *State v. Riley*, 698 So. 2d 374 (Fla. 2d DCA 1997). And see, s. 316.003(82), Fla. Stat., defining "Motorized scooter" as "[a]ny vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground."

[2] See, s. 322.01(38), Fla. Stat., defining "Street or highway" for purposes of the chapter to mean "entire width between the boundary lines of a way or place if any part of that way or place is open to public use for purposes of vehicular traffic."

[3] See, s. 320.01(1)(a), Fla. Stat. And see, s. 320.01(1)(b), Fla. Stat.

[4] See, the department's webpage at: <http://www.fhp.state.fl.us/html/FAQ/fhpfagsa.html>.

[5] See, s. 316.003(83), Fla. Stat., defining "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" as "[a]ny 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 devices are not vehicles as defined in this section."

[6] See, e.g., *Askew v. Schuster*, 331 So. 2d 297 (Fla. 1976); *Florida Association of Counties, Inc. v. Department of Administration, Division of Retirement*, 580 So. 2d 641, 642 (Fla. 1st DCA 1991), approved, 595 So. 2d 42 (Fla. 1992) (general rule is that in cases of conflicting statutory provisions, latter expression of Legislature will prevail over former). And see, s. 316.003(83), Fla. Stat., defining electric personal assistive mobility device and stating that such devices are not vehicles as defined in s. 316.003.

03/12/2009 08:54
pcarnevale

VENDOR DOCUMENT	INVOICE	VOUCHER	DESCRIPTION	DUE DATE	DUE	03/18/09
	TOTALS FOR SUSAN L. LEE					1,850.00
	TOTALS FOR ACE HARDWARE CO OF INV INC					60.52
	TOTALS FOR AMERICAN RED CROSS					847.73
	TOTALS FOR AUTOZONE					87.10
	TOTALS FOR BURRELL ENGINEERING, INC					3,892.43
	TOTALS FOR CHARACTER COUNCIL OF FLORIDA					37.71
	TOTALS FOR CIT TECHNOLOGY FINANCIAL SERVICES					513.97
	TOTALS FOR GOLDEN X PLUMBING SUPPLY INC					30.00
	TOTALS FOR W W GRAINGER INC					19.54
	TOTALS FOR HAAG, HAAG & FRIEDRICH, PA					2,633.59
	TOTALS FOR HD SUPPLY WATERWORKS, LTD					5,265.96
	TOTALS FOR HERITAGE					259.80
	TOTALS FOR HOPPER ELECTRIC SUPPLY INC					108.33
	TOTALS FOR OFFICE DEPOT INC					158.49
	TOTALS FOR OFFICE MAX					107.50
	TOTALS FOR PAGE, DIXON, CHANDLER, SMITH PDCS, LLC					2,985.00
	TOTALS FOR SOUTHWEST DIRECT					2,089.69
	TOTALS FOR SPECTRUM INSTRUCTIONAL AIDES					390.00
	TOTALS FOR SPECTRUM VOICE & DATA INC.					136.00
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	TOTALS FOR STYPE TERMITE CONTROL					75.00
	TOTALS FOR VERTEKS CONSULTING, INC.					910.50
	TOTALS FOR M & S WHEELER LOCK & SAFE INC					12.00
	TOTALS FOR ZHA INFORMATION INC					2,915.00
	REPORT TOTALS					25,441.59

12/18/09