

Municipalities, golf carts on city and state roads

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The Honorable Henry C. Graham
Mayor of Wauchula
Post Office Box 818
Wauchula, Florida 33873

Dear Mayor Graham:

This office is in receipt of your letter requesting assistance in the drafting of an ordinance to permit golf carts to be used to read meters. Attorney General Butterworth has asked me to respond to your letter.

I am enclosing a copy of this office's Statement Concerning Attorney General Opinions. As discussed therein, this office is authorized to render opinions to public officials on questions relating to their own duties under state law. How a municipal ordinance should be drafted and what provisions it may contain, however, should be addressed to the city's attorney who is initially and primarily responsible for advising the city.

In an effort to be of assistance, I would note that section 316.212, Florida Statutes, prohibits the operation of a golf cart on the public roads or streets of this state except as provided therein. A golf cart may be operated only on a city street that has been designated by a city for use by golf carts. Prior to making such a designation, the city must first determine that golf carts may safely travel on or cross the public road or street, considering such factors as the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the city must post appropriate signs to indicate that such operation is allowed. The county has similar authority over county roads.[1]

Subsection (2) of section 316.212, Florida Statutes, provides that a golf cart may be operated on a part of the State Highway System only under the following conditions:

"(a) To cross a portion of the State Highway System which intersects a county road or city street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed."

Since your inquiry concerns the use of golf carts on a state road, you may wish to contact the Department of Transportation on this matter.

Section 316.2126, Florida Statutes, also provides:

"In addition to the powers granted by ss. 316.212 and 316.2125, municipalities older than 400 years old are hereby authorized to utilize golf carts, as defined in s. 320.01, upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

- (1) Golf carts operated beyond the authority granted in ss. 316.212 and 316.2125, may only be operated by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- (2) In addition to the safety equipment required in s. 316.212(6), such golf carts must be equipped with sufficient lighting and turn signal equipment.
- (3) The golf carts may only be operated on state roads that have a posted speed limit of 30 miles per hour or less."

During the 1999 legislative session, the Legislature created section 316.2122, Florida Statutes, to authorize the use of low-speed vehicles on public roads and streets subject to certain restrictions.[2] This legislation, enacted as Chapter 99-1163, Laws of Florida, amended section 320.01, Florida Statutes. The section provides that a golf cart may not exceed speeds of 20 miles per hour, and defines a low-speed vehicle as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour. I am enclosing a copy of the bill for your consideration.

I trust that the above informal advisory comments may be of some assistance to you in resolving these issues.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tgk

Enclosures

[1] Section 316.212(1), Fla. Stat. *And* see s. 316.2125, Fla. Stat., which permits the reasonable operation of a golf cart equipped as provided in s. 316.212(5), Fla. Stat., within any self-contained retirement community provided that the county or municipality has not prohibited the use of such carts on the streets within their jurisdiction, or the Department of Transportation has not prohibited the use of golf carts on those roads within its jurisdiction.

[2] Section 1, Ch. 99-163, Laws of Florida.