

RESOLUTION NO. 05-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, EXPRESSING THE CITY COUNCIL'S DISSATISFACTION WITH CURRENT FLORIDA LAW REGARDING THE REGULATION OF GOLF CARTS BY LOCAL GOVERNMENTS; SUGGESTING THAT CURRENT FLORIDA LAW REGARDING THE REGULATION OF GOLF CARTS IS INADEQUATE TO PROTECT THE HEALTH SAFETY AND WELFARE OF CITIZENS OF FLORIDA WHO LIVE IN JURISDICTIONS WHERE GOLF CARTS ARE UTILIZED; FURTHER SUGGESTING THAT ALL LOCAL GOVERNMENTS SHOULD BE GRANTED THE AUTHORITY TO ENACT SPECIFIC GOLF CART REGULATIONS WHICH ARE MORE RESTRICTIVE THAN THOSE FOUND IN CURRENT FLORIDA LAW; OFFERING SUGGESTED LEGISLATION TO ACCOMPLISH THIS GOAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Doral, Florida is a golfing community, providing numerous golfing opportunities for its citizens; and

WHEREAS, many citizens of the City utilize personal golf carts throughout the jurisdictional limits of the City; and

WHEREAS, many other jurisdictions within the State of Florida offer numerous golfing opportunities to their residents and experience similar usage of golf carts by their citizens; and

WHEREAS, by virtue of Chapter 316, Florida Statutes, the City along with all other local governments in Florida, is presently limited in its ability to regulate the use of golf carts; and

WHEREAS, the City Council of the City of Doral, Florida wishes to endorse legislation that would allow all local governments throughout Florida to enact golf cart

regulations that are more restrictive than the regulations found in Chapter 316, Florida Statutes; and

WHEREAS, the City Council of the City of Doral, Florida believes that this proposed legislation serves to promote the health, safety and welfare of its citizens and all the citizens of Florida.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council of the City of Doral, hereby endorses proposed legislation, attached hereto in Exhibit "A'", which grants authority to all local governments within the State of Florida to enact local golf cart regulations that are more restrictive than those currently found in Chapter 316, Florida Statutes.

Section 2. The City Clerk is directed to transmit copies of this resolution to the Miami-Dade County Legislative Delegation, the Miami-Dade County League of Cities and the Florida League of Cities.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Pedro Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

PASSED and ADOPTED this 9th day of March, 2005.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



SHEILA PAUL, CMC, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, ESQ., CITY ATTORNEY

EXHIBIT "A"

A bill to be entitled

An act relating to the regulation of golf cart use within all local jurisdictions of the State of Florida; amending s. 316.212, F.S.; granting all local jurisdictions of the State of Florida the authority to enact golf cart use regulations that are more restrictive than the regulations provided by state law; further amending s. 316.2126, F.S.; requiring the use of golf carts by all local jurisdictions of the State of Florida to comply with both state and local golf cart use regulations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.212, Florida Statutes, is amended to read:

316.212 Operation of golf carts on certain roadways.— The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road that has been designated by a county, or a ~~city~~ municipal street that has been designated by a ~~city~~ municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including 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 responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) 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~~ municipal 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.

(3) Any other provision of this section to the contrary notwithstanding, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review

and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. Any other provision of law to the contrary notwithstanding, if notice is posted at the entrance and exit to any mobile home park that residents of the park utilize golf carts or electric vehicles within the confines of the park it shall not be necessary that the park have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(5) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(6) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(7) Regulations regarding golf cart operation and equipment that are more restrictive than those enumerated in this Section may be enacted by the responsible local governmental entity. Upon enactment of any such regulations, the responsible local governmental entity shall post appropriate signs or otherwise inform the citizens that such regulations exist and shall be enforced within its jurisdictional territory.

~~(7)~~ (8) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of subsection (1), subsection (2), subsection (3), or subsection (4), or local regulations corresponding thereto enacted pursuant to Subsection (7); or as a nonmoving violation for infractions of subsections (5) and (6), or local

regulations corresponding thereto enacted pursuant to Subsection (7).

Section 2. Section 316.2126, Florida Statutes, is amended to read:

316.2126 Use of golf carts and utility vehicles by municipalities. – In addition to the powers granted by ss. 316.212 and 316.2125, municipalities are hereby authorized to utilize golf carts and utility vehicles, 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 and utility vehicles must comply with the operational and safety requirements in ss. 316.212 and 316.2125, and any more restrictive regulations enacted by the responsible local governmental entity pursuant to s. 316.212(7), and shall 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(5), and any more restrictive safety equipment required by the responsible local governmental entity pursuant to s. 316.212(7), such golf carts and utility vehicles must be equipped with sufficient lighting and turn signal equipment.

(3) Golf carts and utility vehicles may only be operated on state roads that have a posted speed limit of 30 miles per hour or less.

(4) A municipal employee operating a golf cart or utility vehicle pursuant to this section must possess a valid driver's license as required by s. 322.03.

Section 3. This act shall take effect upon becoming a law.