MEMORANDUM

TO: City Council, City of Chipley
FROM: Michelle Blankenship Jordan, City Attorney
DATE: November 3, 2026
SUBJECT: Legal Framework and Local Options for Regulating Golf Carts and Electric Bicycles (E-Bikes) in the City of Chipley

I. INTRODUCTION AND EXECUTIVE SUMMARY

As community interest in alternative, low-cost transportation grows across Northwest Florida, many municipalities are evaluating options to safely manage golf carts on neighborhood streets and electric bicycles (e-bikes) on public streets, sidewalks, and multiuse paths.

When considering local rules for these conveyances, the City of Chipley must operate strictly within Florida's statewide traffic laws. Under Chapter 316 of the Florida Statutes (the Florida Uniform Traffic Control Law), the State of Florida retains general jurisdiction over public roadways. The City cannot enact local traffic regulations unless state statutes explicitly authorize municipal action.

This legal memorandum outlines municipal regulatory authority under Florida law regarding golf carts and e-bikes, summarizes ordinances adopted by regional neighbors in Bay, Okaloosa, Escambia, and Leon counties, and provides structured policy options for the City Council.

Key Points for City Council:

- **Golf Carts:** Under state law, golf carts are prohibited on public roadways by default. The City Council has the authority to pass an ordinance designating specific city streets (with posted speed limits of 30 mph or less) for golf cart use, but only after completing a traffic safety evaluation and posting statutory warning signs. However, based on state statutory exemptions and Attorney General opinions, Chipley cannot mandate annual city registration fees, compulsory inspection stickers, or require adult operators to possess a driver's license.
- **Electric Bicycles (E-Bikes):** Statutorily compliant e-bikes are treated like traditional bicycles by default and may operate wherever regular bicycles are permitted, without requiring a driver's license, vehicle registration, or insurance. However, Section 316.20655, Florida Statutes, grants the City Council express authority to restrict or ban e-bikes on sidewalks, multiuse paths, and parks, and to regulate their operation on city streets (although an outright ban on city streets carries elevated preemption risk, as discussed in Section IV.D). The City Council may also establish a minimum operating age (e.g., 15 or 16) and require e-bike operators to carry photo identification.
- **Regional Ordinance Precedents:** Neighboring Panhandle jurisdictions provide useful models. Municipalities such as Panama City Beach, Crestview, and Destin have adopted

tailored sidewalk speed limits (e.g., 10 mph), downtown pedestrian dismount zones, careless operation prohibitions on paths/sidewalks, youth helmet requirements, and escalating civil penalties.

- **Illegal "E-Motos":** High-powered electric dirt bikes or unregistered "e-motos" are not legally classified as e-bikes if they meet any one of the following criteria: the motor is rated at 750 watts or more, the device exceeds 28 mph under motor power, or it lacks operable pedals. Such devices constitute unregistered motor vehicles, and local law enforcement can cite or impound them under existing state traffic statutes.

II. STATE PREEMPTION AND MUNICIPAL AUTHORITY

To evaluate any proposed municipal traffic ordinance, the City must adhere to Florida's statutory preemption framework. While Florida municipalities possess broad "home rule" powers under Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, the regulation of traffic on public rights-of-way is preempted to the state.

A. The Uniform Traffic Control Law

Section 316.002, Florida Statutes, establishes that traffic regulation must be uniform throughout the State of Florida. Section 316.007, Florida Statutes, expressly mandates that local authorities cannot pass or enforce any ordinance on a matter covered by Chapter 316 unless explicit statutory authority is granted.

The Florida Supreme Court reaffirmed this limitation in *Masone v. City of Aventura*, 147 So. 3d 492 (Fla. 2014), holding that municipal traffic ordinances are invalid if they conflict with state law or attempt to regulate traffic matters absent clear legislative authorization. Furthermore, Section 318.121, Florida Statutes, preempts local governments from imposing unauthorized fees, administrative costs, or fines for traffic violations.

B. Specific Municipal Authority Under Section 316.008

Section 316.008, Florida Statutes, delineates specific supplemental powers reserved to local authorities. Within its jurisdiction, the City of Chipley may:

1. Regulate or prohibit the stopping, standing, or parking of vehicles;
2. Regulate bicycle and pedestrian traffic;
3. Establish speed limits in public parks;
4. Designate one-way streets; and
5. Restrict heavy truck or through-traffic on designated municipal streets.

Any local regulation enacted under Section 316.008 must be passed by formal municipal ordinance.

III. REGULATING GOLF CARTS ON RESIDENTIAL STREETS

Golf cart operations are governed by Section 316.212, Florida Statutes. Under Section 316.003, a

"golf cart" is defined as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes, incapable of exceeding 20 miles per hour on level ground.

A. Statutory Procedure to Designate City Streets

The baseline rule under Section 316.212 is that golf carts are prohibited on public roads. Chipley may permit golf cart use on municipal streets only upon satisfaction of three statutory prerequisites under Section 316.212(1):

1. **Safety Determination:** The City Council must formally determine that golf carts may safely travel on or cross the street after evaluating traffic volume, speed, and character.
2. **Speed Limit Threshold:** Golf carts may only be authorized on streets with posted speed limits of 30 mph or less.
3. **Required Signage:** The City must post official warning signs alerting motorists that golf carts are operating on designated roadways.

State and County Roads: Golf carts are prohibited on the State Highway System (such as U.S. 90 and State Road 77), subject to narrow crossing exceptions approved by FDOT under Section 316.212(2). Under Section 316.212(1), a city may designate a two-lane county road located within city limits for golf cart use; the Florida Attorney General has noted that county approval is not strictly required within municipal boundaries (AGO 98-48). However, intergovernmental coordination with Washington County through a formal interlocal agreement under Section 163.01, Florida Statutes, is strongly advised prior to designating any county-maintained rights-of-way, to address maintenance responsibilities and liability allocation.

B. Operating Hours, Required Equipment, and Driver Rules

- **Operating Hours:** By default, golf carts may operate only between sunrise and sunset (Section 316.212(4)). A municipal ordinance may allow nighttime driving only if the cart is equipped with headlights, brake lights, turn signals, and a windshield, in addition to meeting all baseline equipment requirements under Section 316.212(6).
- **Required Equipment:** Every golf cart operated on designated public roads must have efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflex reflectors on the front and rear (Section 316.212(6)).
- **Driver Requirements (Section 316.212(7)):**
    - *Under 15 years of age:* Prohibited from driving a golf cart on public roads.
    - *Ages 15 to 17:* Must hold a valid learner's permit or driver's license.
    - *Ages 18 and older:* Must possess a valid form of government-issued photographic identification.

C. Legal Limitations on City Authority

When drafting a golf cart ordinance, the Council must avoid provisions preempted by state statute:

1. **Adult Driver's License Mandates:** While the Legislature added a statutory requirement for minors to hold a permit/license and adults to hold photo ID (§ 316.212(7)), the City cannot

mandate that adults hold a full driver's license, as Section 322.04(1)(e) expressly exempts golf cart operators from motor vehicle licensure.

2. **Mandatory Registration and Decal Fees:** In AGO 2004-17 (City of Cedar Key), the Attorney General concluded that a city cannot mandate local registration, annual inspections, or inspection decals, nor impose added mandatory equipment (such as seat belts) on general operators beyond Section 316.212. Furthermore, Section 320.105 explicitly exempts golf carts from vehicle registration. Chipley may, however, establish an entirely voluntary registration and decal program to aid in property recovery.
3. **Stricter Rules Apply Only to Unlicensed Drivers:** Under Section 316.212(8)(a), a municipality may enact local operating or equipment requirements more restrictive than state law, but such rules *must apply only to an unlicensed driver*. In AGO 2016-07 (City of Winter Garden), the Attorney General confirmed that enhanced local restrictions cannot be enforced against licensed drivers, nor may a city bar unlicensed drivers from operating altogether. *Separately, Section 316.212(8)(b) permits a municipality to authorize golf cart operation on sidewalks adjacent to designated streets, subject to the conditions and speed limitations set forth in that subsection.*

D. Golf Carts vs. Low-Speed Vehicles (LSVs)

The City Council must maintain the legal distinction between golf carts and Low-Speed Vehicles (LSVs):

- **Low-Speed Vehicles (LSVs):** Defined under Section 320.01(41) as four-wheeled motorized vehicles with top speeds exceeding 20 mph but not exceeding 25 mph. Governed by Section 316.2122 and required to comply with Federal Motor Vehicle Safety Standard No. 500 (49 C.F.R. § 571.500), LSVs may operate on roads with speed limits up to 35 mph, must possess a VIN, title, registration, insurance, headlamps, seat belts, and turn signals, and must be driven by a licensed driver.
- LSVs are state-regulated motor vehicles; the City cannot alter LSV equipment or licensing standards via a local golf cart ordinance. However, Section 316.2122(1) expressly authorizes the City Council to prohibit LSV operation on any municipal street if determined necessary in the interest of safety.

E. Regional and Statewide Municipal Approaches

- **City of Panama City (Ordinance No. 3233):** Authorizes golf cart use on designated 30 mph residential streets within neighborhoods such as The Cove and St. Andrews, prohibits them on state highways and sidewalks, and bans commercial golf cart rentals.
- **City of Wildwood (Code § 12-151):** Focuses on seating safety by requiring passengers to be seated in factory-installed seats and prohibiting lap-riding for children (subject to enforcement on unlicensed drivers pursuant to § 316.212(8)(a)).
- **City of Winter Springs (Code § 12-73):** Restricts golf carts from sidewalks, multiuse trails, and city parks, while administering a voluntary police department registration sticker program.

IV. REGULATING ELECTRIC BICYCLES (E-BIKES)

Electric bicycles are regulated statewide under Section 316.20655, Florida Statutes.

A. Statewide Baseline and Classifications

Under Section 316.003, an e-bike is defined as a bicycle or tricycle equipped with operable pedals, a seat or saddle, and an electric motor rated at less than 750 watts. Florida categorizes e-bikes into three distinct classes:

- **Class 1:** Motor assists only when the rider pedals; ceases assist at 20 mph.
- **Class 2:** Motor may propel the bicycle via throttle without pedaling; ceases assist at 20 mph.
- **Class 3:** Motor assists only when the rider pedals; ceases assist at 28 mph.

Statewide Operational Baseline: Under Section 316.20655(1)–(2), e-bikes and their operators possess all rights and privileges of traditional bicycles and are exempt from driver's license, vehicle registration, and insurance mandates. Operators and passengers under 16 years of age must wear a helmet pursuant to Section 316.2065(3)(d).

B. Scope of Municipal Authority Under Section 316.20655

Unlike the limited statutory authority over golf carts, the Legislature granted municipalities substantial discretionary control over e-bikes:

- **Sidewalk and Pedestrian Restrictions:** Section 316.20655(1) and Section 316.008 preserve the City's right to regulate, restrict, or prohibit e-bike operation on sidewalks and sidewalk areas and to regulate e-bike operation on city streets. Chipley can enact dismount zones or ban e-bikes on high-density pedestrian sidewalks. An outright prohibition on city streets, however, carries elevated preemption risk (see Section IV.D).
- **Trails, Multiuse Paths, and Parks:** The City may restrict or prohibit e-bikes (or specific classes, such as Class 3) on municipal multiuse paths, bicycle trails, and park grounds, or establish local speed caps (e.g., 10 or 15 mph).
- **Minimum Age Requirements:** Under Section 316.20655(8), the City Council possesses explicit statutory authority to set an age floor (e.g., age 15 or 16) for e-bike operation within city jurisdiction.
- **Photo Identification:** Section 316.20655(8) authorizes the City to require e-bike operators to carry a government-issued photo ID. If a minimum age is set at 15 or 16, the ordinance should specify acceptable forms of identification for minors (e.g., a Florida identification card issued under § 322.051 or learner’s permit) to ensure practical enforceability.

C. Illegal "E-Motos" and Non-Compliant Devices

Motorized devices lacking operable pedals, possessing motors of 750 watts or greater, or providing motorized propulsion beyond 28 mph are not e-bikes under Section 316.003. Depending on their speed and specifications, they constitute mopeds (if incapable of exceeding 30 mph on level ground), motor-driven cycles, or motorcycles under Chapter 316. Law enforcement may cite operators on public roads or sidewalks for operating unregistered motor vehicles (§ 320.02),

driving without a license (§ 322.03), or operating non-compliant equipment, and may impound non-street-legal vehicles accordingly.

D. Survey of Florida Municipal and County E-Bike Ordinances

1. Northwest Florida & Panhandle Precedents

- **Panama City Beach (Bay County — Ordinance 1686, adopted Sept. 2026):** Prohibits Class 3 e-bikes on all public sidewalks; restricts Class 1 and Class 2 e-bikes on Front Beach Road sidewalks where adjacent multiuse lanes exist; bans e-bikes on Pier Park sidewalks; establishes a 10 mph sidewalk speed cap for all micromobility devices.
- **Crestview (Okaloosa County — Ordinance 2009, adopted Jan. 2026):** Prohibits e-bikes, motorized scooters, and micromobility devices on downtown Main Street sidewalks to preserve pedestrian streetscapes. Permits e-bikes on general sidewalks and trails subject to mandatory pedestrian yielding, youth helmet rules, functional lighting, and careless riding bans, enforced under escalating civil penalties (written warning up to $500).
- **Destin (Okaloosa County — Ordinance 26-19-CC, adopted Sept. 2026):** Regulates Class 1–3 e-bikes and scooters; allows sidewalk use with mandatory audible passing signals, pedestrian yielding, direction-of-traffic requirements, and youth helmets (16 and under, which is stricter than the state under-16 baseline in § 316.2065(3)(d)). Prohibits careless operation (including handheld device use while operating) and enforces tiered civil fines (written warning for a first offense, escalating to [$___] for subsequent offenses).
- **Niceville & Fort Walton Beach (Okaloosa County):** Enacted coordinated model ordinances with Crestview and Destin establishing unified youth helmet mandates, pedestrian audible warning rules, and commercial corridor sidewalk restrictions under escalating civil fines.
- **Pensacola & Escambia County:** Pensacola ended its shared rental micromobility program in late 2025 and enforces state statutory baselines on private e-bikes. Escambia County enforces 15 mph speed caps and pedestrian zones on Pensacola Beach.
- **Tallahassee (Leon County — Ordinance 20-O-09AA):** Enforces a 15 mph cap and geofenced 6 mph zones in pedestrian-dense areas (e.g., Cascades Park) for rental fleets, leaving private e-bikes under standard statutory rules.

2. Statewide Precedents

- **Village of Key Biscayne:** Implemented a blanket prohibition barring e-bikes, motorized scooters, and micromobility devices on municipal streets, sidewalks, and multiuse paths. Note: A blanket ban covering municipal streets (as opposed to sidewalks and paths) carries elevated preemption risk under Section 316.20655(1), which grants e-bikes the same roadway rights as traditional bicycles; staff does not recommend that Chipley adopt a street ban.
- **Manatee County:** Enacted a 15 mph sidewalk speed cap, barred operators under 16 from Class 3 e-bikes, and prohibited devices over 750 watts on paths.
- **City of Palm Coast:** Mandated an 11-year-old minimum operating age floor, required photo

ID, required helmets for riders 16 and under, and set pedestrian-pace speeds in school zones.

- **Winter Park & Tampa:** Winter Park prohibits sidewalk e-bike riding in the Central Business District; Tampa bans shared e-bikes/scooters on high-density pedestrian corridors like the Tampa Riverwalk and Bayshore Boulevard.
- **Tarpon Springs & St. Petersburg:** Tarpon Springs enforces mandatory pedestrian dismount zones in its historic downtown sponge docks district (fines of $100 to $250); St. Petersburg maintains a 10 mph cap on the North Bay Trail.
- **Miami-Dade County (Ordinance 26-51):** Regulates micromobility on causeways and beachfront paths, enforcing civil penalties between $250 and $500.

V. COMPARATIVE SUMMARY MATRIX

Statutory Feature	**Golf Carts (§ 316.212)**	**Low-Speed Vehicles (§ 320.01(41))**	**Electric Bicycles (§ 316.20655)**
Speed Limit Cap	Maximum 20 mph	Top speed 20 to 25 mph	Class 1 & 2: 20 mph; Class 3: 28 mph
Driver's License / ID	Age <18: Learner's or Driver's License. Age 18+: Valid photo ID.	Valid Driver's License required for all operators.	Exempt from driver's license. City may require photo ID by ordinance.
Vehicle Registration	Exempt from state tag/registration.	Required (tag, title, and insurance).	Exempt from state tag/registration.
Default Roadway Access	Prohibited by default. Permitted only on city-designated streets (30 mph or less).	Permitted on roadways with posted speeds of 35 mph or less.	Permitted by default on roadways and bike facilities where traditional bicycles ride.
Sidewalk	Prohibited by	Prohibited on	Permitted by

Operation	default. City may authorize sidewalk use adjacent to designated streets under § 316.212(8)(b) for unlicensed operators only (15 mph cap).	sidewalks.	default. City may restrict or ban by ordinance.
Municipal Authority	**Narrow:** May designate specific streets and adjacent sidewalks; stricter equipment/operation rules apply only to unlicensed drivers; cannot charge mandatory registration fees.	**Preempted:** Regulated as standard motor vehicles under state law. City may *prohibit* LSVs on specific city streets for safety (§ 316.2122).	**Broad:** May ban or restrict on sidewalks and multiuse paths and regulate on streets (street bans carry elevated preemption risk); may set age floors, photo ID rules, and local speed limits.

VI. RECOMMENDATIONS AND OPTIONS FOR THE CHIPLEY CITY COUNCIL

Should the City Council choose to adopt local ordinances regulating alternative transportation, staff recommends considering the following policy options:

Option A: Golf Cart Ordinance Guidelines

If Chipley elects to permit golf carts on select municipal streets:

1. **Designate Specific Roadways:** Identify low-speed residential streets (posted speed limits of 30 mph or less) suitable for cart traffic.
2. **Document Formal Safety Findings:** Ensure the City Council explicitly includes legislative findings in the ordinance recitals documenting that traffic volume, vehicle speed, and safety characteristics were reviewed pursuant to Section 316.212(1). Retain the underlying traffic data, engineering analysis, and accident history as part of the permanent administrative record to support the reasonableness of the designation in the event of a liability claim.
3. **Install Signage:** Direct Public Works to erect official warning signs prior to authorizing cart operation.
4. **Draft Operating Rules within Statutory Limits:** Any local operating rules that exceed

state standards (e.g., passenger seating mandates, banning lap-riding) should be framed to apply to unlicensed drivers pursuant to Section 316.212(8)(a). Equipment cannot exceed Section 316.212 mandates for licensed drivers.

5. **Avoid Registration Preemption:** Do not impose mandatory registration, inspection fees, or mandatory city decals. If tracking is desired for theft recovery, establish an expressly voluntary police department registration program, ensuring compliance with public records obligations under Chapter 119, Florida Statutes, and appropriate data retention policies.

Option B: Electric Bicycle Ordinance Guidelines

If Chipley elects to enact local safety regulations for e-bikes:

1. **Downtown Pedestrian Dismount Zones:** Establish pedestrian dismount zones (requiring riders to dismount and walk) in high-density pedestrian corridors or historic commercial blocks, drawing from Crestview and Tarpon Springs.
2. **Sidewalk Access and Speed Caps:** Restrict Class 3 e-bikes to roadways and multiuse paths, while permitting Class 1 and Class 2 e-bikes on general sidewalks under an enforceable 10 mph or 15 mph speed cap. Ensure draft language includes an express exemption for motorized devices used by persons with mobility disabilities, consistent with ADA requirements and 28 C.F.R. § 35.137 (other power-driven mobility devices), and consult with the City's ADA coordinator during drafting.
3. **Establish Minimum Age Floors and ID Requirements:** Utilize Section 316.20655(8) to set an age floor (e.g., age 15 or 16) for Class 3 or all e-bike operations, and require riders to carry photo identification.
4. **Careless Riding Conditions and Enforcement Mechanics:**

- *Preemption Safeguard:* Under *Masone v. City of Aventura* and Section 318.121, the City cannot convert general Chapter 316 traffic violations (such as careless driving under § 316.1925 or failure to yield under § 316.2065) into municipal code citations. Moving infractions on public roadways must remain enforceable as state uniform traffic citations.
- *Conditions of Facility Use:* To lawfully enforce tiered civil penalties, Chipley should draft local rules (e.g., prohibition of handheld cell phone use, requiring audible passing warnings, sidewalk speed violations) strictly as *conditions of use* for City-owned sidewalks, paths, and parks under Section 316.20655(1). This approach is most defensible on park paths and trails located outside the public right-of-way; because most municipal sidewalks lie within the right-of-way and are subject to Chapter 316, code enforcement of conditions on those sidewalks carries greater preemption risk under Masone and Section 318.121. The ordinance should include clear definitions distinguishing City-owned facilities from public rights-of-way and a severability clause to guard against preemption challenges. Violations on these municipal facilities may then be enforced as tiered municipal civil infractions through Chapter 162 code enforcement (e.g., written warning for a first violation, followed by escalating fines of [$___] and [$___] for subsequent violations).

5. **Guidance on Illegal E-Motos:** Include legislative recitals clarifying that electric dirt bikes and e-motos exceeding 750 watts or 28 mph are non-compliant motor vehicles. Direct law enforcement to enforce registration (§ 320.02) and licensing (§ 322.03) requirements under

standard state procedures.

VII. CONCLUSION

Florida law gives the City Council distinct avenues to regulate alternative transportation. Golf carts require affirmative council action, technical safety evaluations, and physical signage before they may operate on local streets. Designating streets also entails municipal exposure under Section 768.28, Florida Statutes (subject to the sovereign immunity caps of $200,000 per claim and $300,000 per incident, which remain in effect following the June 2026 veto of HB 145, although the Legislature may revisit the caps in future sessions), meaning the City should consult with its insurance carrier prior to passing a street designation or e-bike regulatory ordinance. Conversely, e-bikes are permitted statewide by default, but Section 316.20655 grants the City broad authority to enact sidewalk speed caps, dismount zones, minimum operator ages, and photo identification mandates.

Legal counsel is prepared to draft an ordinance incorporating the Council's preferred policy choices.