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July 18, 2024

To: Mayor Resch and Esteemed Commissioners
From: Torcivia, Donlon, Goddeau & Rubin, P.A.
Re: **Regulation of Golf Carts and Low-Speed Vehicles**

QUESTION PRESENTED

Whether an individual may be ticketed for operating a golf cart on the street within the City of Lake Worth Beach (the "City")?

BRIEF ANSWER

Yes, individuals may receive a traffic ticket for operation of a golf cart on the street within the City. Operation of golf carts on public streets is generally prohibited unless the City has designated such streets as safe for golf cart operation. Such designation is typically made by Ordinance. The City has not adopted any Ordinances related to golf cart operation or equipment.

ANALYSIS

Municipalities authority to regulate traffic is limited by state statute. Specifically, Chapter 316, Florida Statutes, which contains comprehensive regulations governing traffic control, states that the "provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized." § 316.007, Fla. Stat.

In addition to regulating traditional vehicles, these comprehensive regulations set forth rules relating to the operation of golf carts¹ and low-speed vehicles,² e.g., a converted golf cart that is street legal, on public roads. For example, the operation of a golf cart upon public roads or streets is prohibited within the City except as provided in sections 316.212 and 316.2126, Florida Statutes, which state in part:

- golf carts may be operated on streets specifically designated by the City only after the City has determined that golf carts may safely travel on or cross the public road or street and the City has posted appropriate signage to indicate such operation is allowed. Such golf carts must meet the following standards:
 - be equipped with sufficient lighting and turn signal equipment;
 - be operated only on state roads with posted speed limit of 30mph or less; and
 - cross a portion of the State Highway System with a posted speed limit of 45 mph or less only at an intersection with an official traffic control device.
- golf carts may be operated to cross a state highway system in limited circumstances within the City, which requires review and approval by the Florida Department of Transportation; and
- the City may adopt ordinances relating to operation of golf carts by unlicensed drivers that are more restrictive and/or relating to operation of golf carts on sidewalks.
- golf carts operated on public roads or streets must meet the following standards:
 - be operated only during the hours between sunrise and sunset, unless the City has determined golf carts 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;
 - be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear; and
 - a golf cart may not be operated on public roads or streets by a person under 18 unless they possess a valid learner's driver license or valid driver license.

In addition to the general prohibition on the operation of golf carts on public roads, Sections 316.2125 and 316.2126, Florida Statutes, provide the following allowances, that the City may prohibit:

- golf carts may be operated, if properly equipped, within a self-contained retirement community unless the City has prohibited such operation in the interest of safety;
- golf carts may be operated by seasonal delivery personnel upon a public road within a residential area with a posted speed limit of 30 mph or less; or of 30-35 mph if the City has not enacted an ordinance restricting such operation on such roads

¹ Golf cart means a 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 20 miles per hour. § 320.01(22), Fla. Stat.

² Low-speed vehicle means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. § 320.01(41), Fla. Stat.

While the use of golf carts on public roads and streets is generally prohibited, the use of low-speed vehicles on public roads and streets is generally allowed but must comply with the requirements of section 316.2122, Florida Statutes, which requires low-speed vehicles:

- only be operated on streets where the posted speed limit is 35 miles or less;
- be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers;
- be registered and insured in accordance with Section 320.02, Florida Statutes, and titled pursuant to Chapter 319, Florida Statutes; and
- be operated only by a person in possession a valid driver license.

Similar to golf carts, the City “may prohibit the operation of low-speed vehicles . . . on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.” § 316.2122(3), Fla. Stat.

Accordingly, except within the allowances provided for retirement communities and seasonal delivery personnel, operation of golf carts on public roads or streets within the City is prohibited unless the City takes action to designate such roads or streets as safe for operation of golf carts.

cc. Jamie Brown, Interim City Manager
Capt. Todd Baer, PBSO