

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; AMENDING CHAPTER EIGHTEEN (18) - MOTOR VEHICLES; SPECIFICALLY, ARTICLE I, IN GENERAL, SECTION 18-10, GOLF CARTS; CLARIFYING THE DEFINITION OF COUNTY ROAD; REMOVING REFERENCES TO SPECIFIC ROADS; UPDATING INVALID DEPARTMENT REFERENCES; PROVIDING PETITION REQUIREMENTS; MAINTAINING COMPLIANCE WITH CHAPTER 316.212, FLORIDA STATUTES AS AMENDED OCTOBER 1, 2023; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, provides that Golf Carts may be operated only upon a County Road that has been designated by the County for use by Golf Carts; and

WHEREAS, Section 316.212(1), Florida Statutes, provides that designation of a County Road for use by Golf Carts must be preceded by a determination by the County that Golf Carts may safely travel upon or cross the County Road, considering factors including the speed, volume, and character of motor vehicle traffic using the County Road; and

WHEREAS, a determination by the County that Golf Carts may safely travel upon or cross a County Road is a discretionary, planning- and policy-level determination; and

WHEREAS, on November 24, 2008, the Board of County Commissioners adopted Chapter 18, 18-10, Golf Carts; and

WHEREAS, the Florida Legislature enacted Chapter 2023-67 prohibiting a person under eighteen (18) years of age from operating a golf cart on certain roadways unless they possess a valid learner's driver license or valid driver license and persons over eighteen (18) years of age without a valid form of government-issued identification; and

WHEREAS, the Board of County Commissioners finds it necessary to Amend Chapter 18, Section 18-10, Golf Carts providing for clarification of County Road; and

WHEREAS, the Board of County Commissioners find it is in the best interests and welfare of the citizens of Nassau County to modify provisions for Golf Cart Roadway designation and usage to meet Florida Statute requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDING CHAPTER 18, ARTICLE I, SECTION 18-10 – Golf Carts

Sec. 18-10. - Golf carts.

(a) *Intent.* Pursuant to Florida Statutes, Section 316.212 (2007), it is the intent of the commission to allow and authorize operation of golf carts under the conditions specified herein and set forth in the above-referenced statute on the county roads designated in this section.

(b) *Definitions.* [The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

County roads: For the purposes of this section only, eCounty roads mean a street or road and all improvements located within a right-of-way owned by Nassau County. The roadway must have been dedicated or deeded to and accepted by Nassau County for maintenance. any road open for use to the public whether or not it has been dedicated to public use by plat or other means, and regardless of whether it is maintained by the county.

Golf cart: Pursuant to Florida Statutes, Section 320.01 a golf cart is a motor vehicle designed 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.

(c) *Limitations on operating golf carts.*

(1) Golf carts may be operated on designated eCounty roads only. Golf cart operation on roadways maintained by private homeowners' associations (HOA), property owners' associations (POA), or community development districts (CDD) shall be determined by said private HOA, POA, and/or CDD.

(2) Golf carts operated on designated eCounty roads 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.

(3) Golf carts may not be operated on any eCounty roads by a person: anyone under the age of sixteen (16) years.

(A) Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver's license.

(B) Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.

(4) Golf carts may be operated on designated eCounty roads during daylight (the hours between sunrise and sunset).

(5) Golf carts must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as a motor vehicle operator under Florida Law.

(6) Golf carts shall be registered by the county as provided in subsection (d) below.

(d) *Operator assumes risk, indemnifies and holds harmless.* Any person operating a golf cart on any ~~e~~County road does so at ~~his~~their own risk and must operate such a vehicle with due regard for the safety and convenience of other motor vehicles, bicyclist(s) and pedestrians. The county, in extending operating privileges to golf carts, does so on the express condition that the operator undertakes such operation at ~~his~~their own risk and assumes sole responsibility for operating said vehicle, and shall be deemed to defend, release, indemnify and hold harmless Nassau County, its officials and employees from any and all claims, demands, damages, or causes of action, known or unknown, of any nature arising from such operation by any person against Nassau County, its officials and employees. In return for this privilege, a golf cart owner shall register the golf cart with the Nassau County Engineering Development Services Department and shall pay the golf cart a fifteen dollar (\$15.00) registration fee as adopted by the Board of County Commissioners via Resolution. By registering the golf cart, the owner shall confirm compliance with this section; assume the risk of operating golf carts on publie County roads; and shall hold the county harmless for any loss suffered as a result of operating the golf cart on a publie County road.

(e) *Penalties.* Violation of this section is a non-criminal traffic infraction punishable as provided in Florida Statutes, Section 316.212, pursuant to Chapter 318, Florida Statutes.

(f) *Designated areas.*

(1) To alert motorist to the presence of golf cart traffic the ~~e~~County ~~coordinator~~Manager, or his designee, shall post signs in all designated areas approved for golf cart traffic.

~~(2) Golf carts traffic will be permitted on the following roads only:~~

~~a. Edwards Road from Royal Palm Drive to the dead end.~~

~~b. Randy Road and those roads connecting Randy Road with Edwards Road, more specifically known as Newell Road, Twisted Oak Drive, and Parrish Drive.~~

~~c. Easy Street off Edwards Road~~

~~d. Royal Palm Drive off Edwards Road; and~~

~~(32)~~ Golf cart traffic may be permitted on any ~~other~~ ~~e~~County road determined safe for golf cart traffic and approved for golf cart traffic by resolution of the ~~b~~Board of ~~e~~County ~~e~~Commissioners. Citizens shall petition the ~~board of county commissioners to authorize engineering Development s~~Services department to evaluate a ~~e~~County road for golf cart traffic, and the ~~b~~Board may approve a ~~e~~County road for golf cart traffic subject to a determination by engineering Development sServices that the road is safe for golf cart traffic. ~~When applicable, the Home Owners Association related to the road shall make or concur in the petition. Engineering Development s~~Services shall consider the roads on a case-by-case basis and shall consider all relevant factors including speed, volume, and character or motor vehicle traffic using the road or street when determining whether golf carts can be safely driven on the road.

(3) Petitions for golf cart traffic on County roads shall include the name, address, signature, and date for petitioners. Petitions shall include a minimum of 51% of owners, in favor of the operation of golf carts, for all lots that are accessed from the roadway being requested for golf cart traffic. In lieu of a petition, an HOA, POA, or CDD on County roads may request in writing for designation.

(4) The county may revoke any and all designations and may close a County road to golf cart traffic by resolution of the ~~b~~Board of ~~e~~County ~~e~~Commissioners.

SECTION 2. CODIFICATION.

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbered or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

SECTION 3. CONFLICTING PROVISIONS.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY.

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

**ADOPTED THIS _____ DAY OF _____, 2023 BY THE BOARD OF
COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

Klynt Farmer
Chairman

ATTEST AS TO CHAIRMAN’S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

DENISE C. MAY