

City of South Daytona

Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32121 • 386/322-3014



MEMORANDUM

To: James L. Gillis Jr., City Manager

From: Becky Witte, Deputy City Clerk

Re: Consideration of approving the Second and Final Reading of Ordinance No. 2023-13 to comply with recently enacted amendments to state law which requires Florida residents who are 18 or younger obtain a learner's permit or driver's license before they may legally drive a golf cart. *Public Hearing.*

Date: July 27, 2023

The City Council approved the first reading on Ordinance No. 2023-13 on July 25, 2023.

HB 949 was signed by Governor DeSantis on May 11, 2023 which requires Florida residents who are 18 or younger obtain a learner's permit or driver's license before they may legally drive a golf cart. This amendment requires a modification to the City of South Daytona City Code, Sec. 18-21. Use of golf carts within City of South Daytona.

The code will be modified to add:

(d) A golf cart may not be operated on public roads or streets by a person:

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

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

To coincide with HB 949, the Code will go into effect on October 1, 2023.

Staff recommends the City Council approve the Second and Final Reading of Ordinance No. 2023-13, to comply with recently enacted amendments to state law which requires Florida residents who are 18 or younger obtain a learner's permit or driver's license before they may legally drive a golf cart.

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING CHAPTER 18 (TRAFFIC), ARTICLE III (GOLF CART REGULATIONS), SECTION 18-21 (USE OF GOLF CARTS WITHIN CITY OF SOUTH DAYTONA) OF THE CODE OF ORDINANCES TO COMPLY WITH RECENTLY ENACTED AMENDMENTS TO STATE LAW; AND PROVIDING FOR RECITALS, ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the City; and

WHEREAS, HB 949 was signed by Governor DeSantis on May 11, 2023 which requires Florida residents who are 18 or younger obtain a learner's permit or driver's license before they may legally drive a golf cart; and

WHEREAS, the amendment of the City Code will bring the City's regulations into compliance with HB 949; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein, and adopted as findings of the City Council of the City of South Daytona.

Section 2. Amendment. The City Council of the City of South Daytona hereby amends Section 18-21 of the South Daytona Code of Ordinances to read as follows:

Sec. 18-21. Use of golf carts within City of South Daytona.

- (a) In accordance with the provisions of F.S. § 316.212 relating to the operation of golf carts on roadways, the operation of a golf cart upon the streets of the city is permitted on streets within the municipal limits of South Daytona in the area that is east of Nova Road, West of U.S. 1 and south of Beville Road. Reed Canal, Nova Road, U.S. 1, Big Tree Road and Beville Road are not included in the public streets that golf carts can travel on. Golf cart crossings are allowed at official traffic controlled intersections. The city council has

determined that golf carts may safely travel on and/or cross, considering the facts of speed, volume, and the character of pedestrian, nonmotorized travel and all motor vehicle traffic, using the streets within the above designated area of the City of South Daytona.

- (b) The city manager, or designee, shall post appropriate signs to alert the public of golf cart usage in designated areas.
- (c) A golf cart may be operated on those streets identified in (a) above at any time between sunrise and sunset as long as the golf cart complies with the safety requirements of F.S. § 316.212, as amended, for daylight driving. Golf carts are also allowed to be driven between sunset and 12:00 midnight on those public areas, parks and streets that are permitted and authorized provided the golf cart is equipped with equipment required by F.S. § 316.212, as amended, for night time driving. ~~In addition a licensed driver must be in the golf cart at all times when the golf cart is driven at any time, day or night.~~
- ~~(d)~~ A golf cart may not be operated on public roads or streets by a person:
 - (i) Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.
 - (ii) Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.
- ~~(d)~~(e) No golf cart shall be driven, operated, or controlled on the public areas, parks, road or streets of the City of South Daytona unless the golf cart has a visible City of South Daytona permit tag on the golf cart that is current and unrevoked indicating compliance with all necessary laws. An administrative fee, as outlined in chapter 21 of the city code, for the permit shall be issued only to a specific golf cart. The chief of police, or authorized designee, upon compliance with this section and all other applicable state and federal law, shall inspect each golf cart for compliance, issue and install required permits. Each permit shall be issued in the month of January or will be renewed in the month of January. Further, any permit issued is subject to administrative revocation by the city for noncompliance with any local, state, or federal law or regulation germane to the operation of golf carts. The chief of police, or designee, shall issue a letter of revocation to the permittee and the golf cart permit shall be returned to the issuing authority of the city.
- ~~(e)~~(f) Golf carts may access the eight-foot sidewalk on the south-east side of Big Tree Road and public parks including sidewalks within the parks that are located in eligible permitted golf cart designated areas. Golf carts must yield to pedestrians at all times. While driven on a side-walk golf carts must not exceed the speed of fifteen (15) mph.
- ~~(f)~~(g) Municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities, shall be authorized to operate golf carts, low-speed vehicles and utility vehicles pursuant and subject to the authority granted in F.S. § 316.2126, and subject to and in compliance with all the restrictions contained herein, except for the time limitations contained in subsection (c) above, which are waived, and is unrestricted.

Section 3. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

Section 4. Codification. The provisions of this Ordinance amending or adding to the City of South Daytona Code of Ordinances and/or Land Development Code shall be codified and shall become and be made a part of the City of South Daytona Code of Ordinances and/or Land Development Code, as applicable. The codified portions of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be

changed to "Section," "Article", or other appropriate words. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 5. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date. This Ordinance shall take effect October 1, 2023.

Passed upon first reading at a regular meeting of the City Council of the City of South Daytona, Florida on the 25th day of July, 2023.

Passed and adopted upon second and final reading at a regular meeting of the City Council of the City of South Daytona, held in South Daytona, Florida on the 8th day of August 2023.

SIGNED:

William C. Hall
Mayor

ATTEST:

James L. Gillis, Jr.
City Manager

CERTIFIED AS TO FORM:

Wade C. Vose, City Attorney