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Client Alert: Golf Carts, Low-Speed Vehicles, and Public Roads, Oh My!

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Recent years have seen more and more drivers adopting golf carts and low-speed vehicles as alternative modes of transportation in and around, and even outside, their communities. No longer relegated to the greens, sand traps, and clubhouses within a community, Florida has adopted several laws to regulate these vehicles when it comes to public streets and highways.

With few exceptions, Florida law prohibits the operation of a golf cart on Florida's public roads and highways. Typically, a developer dedicates the streets and roads within a community for use by the public at the time of development. However, following a process outlined in Section 316.212, Florida Statutes, a community may petition its local governmental entity (characteristically the county or municipality) to designate a public road for golf cart operation. The process involves, among other considerations, conducting a safety analysis to determine that golf carts may safely travel on or cross the public road. This analysis may include, but is not limited to, factors such as the speed, volume, and character of motor vehicle traffic using the road.

Enthusiasts should keep in mind the differences between "golf carts" and "low-speed vehicles," as defined in the applicable sections of the Florida Statutes. Section 316.003(29), Florida Statutes, defines a "golf cart" as "[a] motor vehicle designed and manufactured for operation on a golf course for sporting and recreational purposes." Section 320.01(22) supplements this definition by further defining a "golf cart" as "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*" (emphasis added). Conversely, a "low-speed vehicle" is defined in Section 320.01(41) as "any four-wheeled electric 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" (emphasis added). Florida law does not prohibit the operation of low-speed vehicles on public roads, provided the posted speed limit of the roadway is less than 35 miles per hour and as long as the vehicle complies with federal and state safety standards, including title, insurance, registration, licensure, and vehicle equipment requirements.

If golf cart operation is allowed on a designated public road, under current Florida law the golf cart operator must be at least 14 years old; however, no driver's license is required for operation of a golf cart on designated public roads, according to Section 316.212(7), Florida Statutes. New licensure requirements for

golf cart operation take effect on October 1, 2023 under Ch. 2023-67, a bill signed into law during the 2023 legislative session. Under the new law, a person under 18 years of age operating a golf cart on public roads must possess a valid learner's or driver's license, and a person 18 years of age or older must possess a valid form of government-issued photo ID.

Communities interested in permitting the operation of golf carts on public roads should consult with counsel to understand how this process works.