

ORDINANCE NO. 08-2023

AN ORDINANCE OF THE CITY OF GULF BREEZE AMENDING SECTION 18-152 OF CHAPTER 18, ARTICLE IX, OF THE CITY CODE OF ORDINANCES PERTAINING TO THE OPERATION OF GOLF CARTS ON CITY STREETS IN ACCORDANCE WITH SECTION 316.212, FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS OR PORTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENOR'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gulf Breeze ("City") has the authority, under Article VIII, Section 2(b), of the Florida Constitution, and under Sections 166.221 and 316.212, Florida Statutes, to authorize and regulate the operation of golf carts on municipal streets within the jurisdictional boundaries of the City ("City streets"); and

WHEREAS, in 2019, pursuant to that authority, the City Council adopted Ordinance 02-2019 amending Chapter 18 of the City's Code of Ordinances to add Article IX, Sections 18-151 through 18-159, pertaining to the operation of golf carts on City streets in accordance with certain restrictions; and

WHEREAS, in its 2023 legislative session, the Florida legislature enacted 2023-67, Laws of Florida, to amend Section 316.212, Florida Statutes, to prohibit the operation of golf carts by persons under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license; and

WHEREAS, in its 2023 legislative session, the Florida legislature enacted 2023-67, Laws of Florida, to amend Section 316.212, Florida Statutes, to prohibit the operation of golf carts by persons over 18 years of age unless he or she possesses a valid form of government-issued photographic identification; and

WHEREAS, the City Council desires to amend Section 18-152 of Chapter 18, Article IX, on the operation of golf carts on City streets to ensure consistency with amendments to Section 316.212, Florida Statutes, enacted through the passage of 2023-678, Laws of Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF GULF BREEZE, FLORIDA, AS FOLLOWS:

SECTION 1 - RECITALS. The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated herein by this reference.

SECTION 2 – AMENDMENT AND RESTATEMENT OF SECTION 18-152 OF CHAPTER 18, ARTICLE IX, OF THE CITY CODE OF ORDINANCES.

- A. Words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.
- B. Section 18-152 of Chapter 18, Article IX, - Operation of golf carts on city streets - of the Code of Ordinances of the City of Gulf Breeze is hereby amended and restated to read as follows:

Sec. 18-152 Operation of Golf Carts on City Streets.

(a) ~~Anyone age 15, or older, may operate a golf cart~~ A person who meets the requirements of section 18-152(b), may operate a golf cart, registered under section 18-157 of this Article; on city streets, except that golf carts may not be operated on:

- (1) United States Highway 98;
- (2) Shoreline Drive;
- (3) Fairpoint Drive;
- (4) State Road 399;
- (5) South Sunset Drive;
- (6) Daniel Drive; or
- (7) On a street with a posted speed limit in excess of twenty-five (25) miles per hour.

(b) ~~A person who is 15 years of age and operating a golf cart on City streets under this Article must hold a valid learner's drivers licensed, issued under Chapter 322.1615, Florida Statutes.~~ A golf cart may not be operated on city streets by a person:

- (1) Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.
- (2) Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.

(c) A golf cart being operated upon a city street as authorized by section 18-152(a) above may, for the sole purpose of continuing travel, cross a roadway with a speed limit that does not exceed thirty-five (35) miles per hour, including Shoreline Drive and Fairpoint Drive.

SECTION 3 – SEVERABILITY.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid, or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

SECTION 4 – CONFLICT.

The provisions of this Ordinance shall be deemed to control, prevail over, and repeal any ordinance, resolution, policy, or portion thereof in conflict with the terms hereof.

SECTION 5 – CODIFICATION AND CORRECTION OF SCRIVENOR'S ERRORS.

It is the intention of the City Council that the provisions of this Ordinance shall be codified and that sections of this Ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager or their designee without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 6 - EFFECTIVE DATE.

This Ordinance shall become effective upon passing after the second reading by the City Council.

PASSED ON THE FIRST READING ON THE 21ST DAY OF AUGUST, 2023.

ADVERTISED ON THE 24TH DAY OF AUGUST, 2023.

PASSED ON THE SECOND READING ON THE 6TH DAY OF SEPTEMBER, 2023.

CITY OF GULF BREEZE, FLORIDA

By: 
Cherry Fitch, Mayor

ATTESTED TO BY:


Leslie Guyer, CMC, City Clerk

