



Tom Edwards &lt;tedwards@townofbelleair.net&gt;

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## Golf cart regulation

2 messages

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Tue, Jan 28, 2014 at 12:42 PM

To: Chief Tom Edwards &lt;tedwards@townofbelleair.net&gt;

Cc: Micah Maxwell &lt;mmaxwell@townofbelleair.net&gt;

Tom,

I spoke with some of my partners who represent Brevard County, Town of Windermere, Haines City and Ft. Meade who have or who have considered golf course on streets ordinances. Attached is Windermere's ordinance whose terms sound like what you would prefer to see for Belleair (safety equipment including seat belts and only licensed drivers operating the vehicles). Regarding the state statute 316.212(8)(a) stating local restrictions apply only to unlicensed drivers, I checked the legislative staff reports relating to the 2005 law which changed ch 316 to permit local restrictions and nothing even mentioned the limitation to unlicensed drivers. Therefore, I think the better interpretation is that it means local restrictions apply only to "unlicensed vehicles". That makes sense since you should not be prohibited from requiring seatbelts just because you also require licensed drivers. That interpretation would make the Windermere ordinance (and those of other cities that are similar) consistent with the state law. Thus, my position is that Belleair can require seatbelts (and whatever else it wants).

I will also point out that one of my partners thinks the potential liability from accidents outweighs the benefit. A couple of cases are attached as examples of that. In addition to vehicle and driver restrictions, I like the idea of a map that shows where golf carts are allowed. I would think you might want to limit crossing Indian Rocks Road to only at the 4-way stop. However, that would limit residents north of Bayview/IRR somewhat.

Call me if you want to discuss further.

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