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**ORDINANCE NO. 2023-04**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO THE OPERATION OF GOLF CARTS ON PUBLIC ROADS OR STREETS IN THE TOWN; PROVIDING FINDINGS; AMENDING ARTICLE III IN CHAPTER 20 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "GOLF CARTS" BY REQUIRING THAT A PERSON OPERATING A GOLF CART ON DESIGNATED TOWN ROADS OR STREETS POSSESS A VALID LEARNER'S DRIVER LICENSE OR VALID DRIVER LICENSE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:**

**Section 1. Findings.** During the 2023 session, the Florida Legislature adopted revisions to Section 316.212 of the Florida Statutes – “operation of golf carts on certain roadways.” The revisions require that a person operating a golf cart on public roads or streets must possess a valid learner’s driver license or valid driver license, the effect of which raises the minimum age to 15 for driving a golf cart on public roads or streets in the Town.

**Section 2. Amendments to Article III of Chapter 20.** Secs. 20-78 and 20-84 of Article III of Chapter 20 entitled “Golf Carts” is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**Sec. 20-78. Operation of golf carts.**

- (a) It shall be unlawful to operate a golf cart on any street or sidewalk within the corporate limits of the town unless expressly authorized by this article or Florida law. For purposes of this article, the term “golf cart” means 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.
- (b) Golf carts may be operated on town streets depicted in the official town “golf cart district map.” The map shall be adopted by resolution and may be amended by resolution from time-to-time at the discretion of the town council. To receive approval, a resolution proposed under this article must include the requisite legislative findings as required by F.S. § 316.212, and a plan for the placement of the signage on the golf cart permitted streets. The town council may approve or disapprove a resolution based upon its legislative determination as to whether golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume and character of motor vehicles using the road or street and such other factors as the town council may deem appropriate, including input received at any public hearing.
- (c) Golf carts may be operated on town streets within a subdivision governed by an association such as a community's or homeowners' association provided the streets are approved by the association and a written agreement has been entered into between the town and the association.

- 43 (d) The town shall post appropriate signs to indicate that golf cart operation is allowed on a  
 44 town street.
- 45 (e) Golf carts may be operated upon the sidewalks within the town subject to the following  
 46 restrictions and requirements:
- 47 (1) The maximum speed for golf carts on sidewalks is 15 miles per hour.
- 48 (2) Golf carts operated upon sidewalks must meet the equipment requirements of  
 49 section 20-80.
- 50 (3) Golf carts may only be operated on sidewalks which are at least eight feet wide.
- 51 (f) A golf cart may not be operated on town ~~streets or~~ sidewalks by any person under the age  
 52 of 14.
- 53 (g) A golf cart may not be operated on town roads or streets by any person:
- 54 (1) Who is under 18 years of age unless he or she possesses a valid learner's driver  
 55 license or valid driver license.
- 56 (2) Who is 18 years of age or older unless he or she possesses a valid form of  
 57 government-issued photographic identification.
- 58 (h) This article is in addition to and not in lieu of the Florida Uniform Traffic Control Law,  
 59 F.S. ch. 316. Golf carts shall comply with all applicable state traffic laws and provisions  
 60 of this article and may be ticketed for traffic violations in the same manner as motor  
 61 vehicles.

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63 **Sec. 20-84. Violations; penalties.**

- 64 (a) With the exception of section 20-81, violations of this article shall constitute a non-  
 65 criminal infraction punishable pursuant to the provisions of F.S. § 316.212(9). The use of  
 66 a golf cart resulting in violations of the Florida "Uniform Traffic Control" statute and the  
 67 Florida Uniform Disposition of Traffic Infractions Act" are punishable pursuant to F.S.  
 68 chs. 316, 318, and 319 as applicable.
- 69 (b) Violations.
- 70 (1) Violations of section 20-78(a) and (e), and section 20-80 shall be a noncriminal  
 71 traffic violation, punishable pursuant to F.S. ch. 318 as a moving violation.
- 72 (2) Violations of section 20-79 shall be a noncriminal traffic violation punishable  
 73 pursuant to F.S. ch. 318 as a nonmoving violation.
- 74 (3) Violations of sections 20-78(f) and 20-78(g) shall be punishable by a \$100.00  
 75 fine.
- 76 (4) Violations of section 20-81 shall be punishable as a Class 2 violation under the  
 77 town's code enforcement citation program.
- 78 (c) Any person receiving a civil citation pursuant to this article shall pay the assessed civil  
 79 penalty pursuant to instructions or contest the citation pursuant to the procedures set forth  
 80 in the citation.

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**Section 3. Severability.** If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

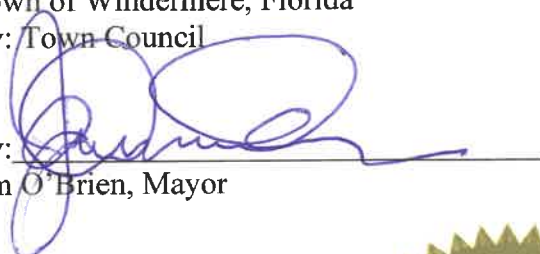
**Section 4. Codification.** The amendments in Section 2 of this Ordinance shall be codified and made part of the official Code of Ordinances of the Town of Windermere.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon its enactment.


**APPROVED AND ADOPTED** by the Town Council of the Town of Windermere on the 10th day of October 2023.

Town of Windermere, Florida

By: Town Council

By:   
Jim O'Brien, Mayor

Attest:

  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk



Serial Number  
23-03795W

# WEST ORANGE Times

West Orange Times  
Published Weekly  
Winter Garden , Orange County, Florida

COUNTY OF ORANGE

STATE OF FLORIDA

Before the undersigned authority personally appeared Lindsey Padgett who on oath says that he/she is Publisher's Representative of the West Orange Times a weekly newspaper published at Winter Garden , Orange County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on October 10, 2023  
Ordinance No. 2023-04

in the Court, was published in said newspaper by print in the

issues of 9/28/2023

Affiant further says that the West Orange Times complies with all legal requirements for publication in chapter 50, Florida Statutes.

\*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

**NOTICE OF PUBLIC HEARING TO ADOPT ORDINANCE 2023-04**  
The Town of Windermere, Florida, proposes to adopt Ordinance 2023-04. The Town Council of Windermere, Florida, will hold a public hearing at the Town Hall located at 520 Main Street, Windermere, Florida, on Tuesday, October 10, 2023, at 6:00 P.M. (or as soon thereafter as the matter may be considered) to hold a public hearing on and to consider passage of the proposed Ordinance 2023-04, the title of which reads as follows:

**ORDINANCE NO. 2023-04**  
AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO THE OPERATION OF GOLF CARTS ON PUBLIC ROADS OR STREETS IN THE TOWN; PROVIDING FINDINGS; AMENDING ARTICLE III IN CHAPTER 20 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "GOLF CARTS" BY REQUIRING THAT A PERSON OPERATING A GOLF CART ON DESIGNATED TOWN ROADS OR STREETS POSSESS A VALID LEARNER'S DRIVER LICENSE OR VALID DRIVER LICENSE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance.

This ordinance is available at the Town Clerk's Office, 614 Main Street, Windermere, Florida, for inspection during normal business hours of Mon-Fri 8:00 a.m. - 5:00 p.m. If any questions, please contact Dorothy Burkhalter, Town Clerk, Town of Windermere, at 407-876-2563, ext. 7.

Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meeting.

Persons are advised, pursuant to Section 286.0105 of the Florida Statutes, that, if they decide to appeal any decision made by the Town Council at this public hearing, they may need to ensure that a verbatim record of the proceeding is made, which record should include testimony and evidence upon which an appeal is based.  
September 28, 2023 23-03795W


  
Lindsey Padgett

REC'D OCT 02 2023

Sworn to and subscribed, and personally appeared by physical presence before me,

28th day of September, 2023 A.D.

by Lindsey Padgett who is personally known to me.

  
Notary Public, State of Florida  
(SEAL)



Kimberly S. Martin  
Comm.: HH 282034  
Expires: July 25, 2026  
Notary Public - State of Florida