

Golf Carts, LSVs and ATVs on Perdido Key

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Many Pensacola area residents, visitors, businesses and hotels/condominiums find golf carts a useful and fun means of transportation well beyond the golf course. Electric ones in particular provide quiet and environmentally friendly ways to get around. Golf carts, along with their close relatives “low speed vehicles (LSVs)” and “neighborhood electric vehicles (NEVs),” plus the also compact “all-terrain vehicles (ATVs)” have the ability to travel on roads, open ground and even into buildings. Their narrow width lets them access places automobiles, trucks and SUVs cannot enter, but also sidewalks and paths frequented by pedestrians and bicycles creating potential personnel dangers. When used on roadways, their small profiles and low speeds can cause safety hazards and traffic congestion. Golf carts, LSVs (hereafter including NEVs) and ATVs are sometimes seen on Perdido Key roads and sidewalks/pedestrian-bicycle paths while they are commonplace at the Lost Key Golf and Beach Resort.¹

Some Florida communities allow expansive use of golf carts such as The Villages in central Florida where they are the only authorized means of motorized transportation for portions of the development. Perdido Key is not a golf cart community and golf cart, LSV and ATV use on its public roads and sidewalks/paths is governed by Florida Statutes. This paper seeks to improve understanding and make recommendations for current and future use of these vehicles on Perdido Key.²

Golf Carts

A “golf cart” is defined in Florida Statute 320.01 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.”³ Rules for their use are contained in Florida Statute 316.212 – “Operation of golf carts on certain roadways.”⁴ Golf carts must have proper brakes and tires and can only be operated between sunrise and sunset unless specifically authorized and equipped for night-time operation, such as with headlights and other safety equipment. Insurance is not required to operate a golf cart but may be considered.⁵ Florida Statute 316.2126 – “Authorized use of golf carts, low-speed vehicles, and utility vehicles” contains additional provisions such as exceptions for government and seasonal delivery use of golf carts on roads with speed limits of 30 MPH or less.⁶

Beyond the exceptions of Statute 316.2126, golf cart use on Florida public roads is prohibited unless specifically approved by appropriate authority. For Perdido Key, this can only occur after Escambia County “determines that golf carts may safely travel on or cross the public road or street” after which “the responsible entity shall post appropriate signs to indicate such operation is allowed.”⁷ A driver’s license is not required to operate a golf cart in Florida, but operators must be at least 14 years of age to operate the cart on a public road. Since no Escambia County authorization for golf cart use has been granted or appropriate signs posted, golf carts should not operate on any Perdido Key public road.

Statute 316.212 also prohibited golf cart use on Florida sidewalks/paths unless specifically authorized. For their use on Perdido Key, Escambia County would need to determine “golf carts, bicycles, and pedestrians may safely share the sidewalk,” consult with the Florida Department of Transportation (FDOT), ensure the sidewalks or paths are at least eight feet wide and restrict cart speed to 15 MPH. The County would also be required to post appropriate signs and could mandate additional golf cart safety

equipment such as horns.⁸ There are three significant public sidewalks/paths on Perdido Key: the two miles of completed Perdido Key Multi-Use Path from the west end of Perdido Key State Park to the Alabama border, the River Road path following the length of River Road with a spur on Don Carlos Drive and the Johnson Beach Road path. All are about eight feet wide but Escambia County has neither designated them for golf cart use nor posted required signs, so their use by golf carts is not allowed.⁹

Low-Speed Vehicles (LSVs)

A “low-speed vehicle (LSV)” is defined in Florida Statute 320.01 as “any four-wheeled 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.”¹⁰ Federal regulations limit LSV gross vehicle weight rating to less than 3,000 pounds and any vehicle modified to exceed 25 mph becomes subject to passenger vehicle safety requirements.¹¹ LSV rules are contained in Florida Statute 316.2122 – “Operation of a low-speed vehicle, mini truck, or low-speed autonomous delivery vehicle on certain roadways” as well as previously mentioned Statute 316.2126.¹² While similar in overall appearance to golf carts, LSVs must have equipment such as head lights, stop lights, turn signals, and seat belts as well as Vehicle Identification Numbers (VIN), be registered and titled, and have license plates and insurance; operators must have valid driver’s licenses in their possession. LSVs in Florida are restricted to public streets with a maximum speed limit of 35 mph though they may cross streets with higher speed limits. As per Statute 316.2126, special rules apply for LSV use by government entities as well as “low-speed autonomous [driverless] delivery vehicles” which can travel as far as a mile on roads with speed limits up to 45 MPH.¹³ Local authorities “may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction” if determined necessary for safety.

Except for Perdido Key Drive, all roads on Perdido Key including River Road and Johnson Beach Road have speed limits less than 35 MPH while the “big curve” portion of Perdido Key Drive just west of the Johnson Beach Road intersection also has a 35 MPH speed limit. LSVs could operate on these roadways if meeting the other requirements of Statute 316.2122 for equipment and licensing. Florida Statutes also allow them to cross Perdido Key Drive at locations such as between River Road and Beach Access #3 and between the Lost Key Golf and Beach Resort main entrance and its Beach Club, despite Perdido Key Drive’s 45 MPH speed limit.

All-Terrain Vehicles (ATVs)

Rules for ATVs are contained in Florida Statute 316.2074 “All-terrain vehicles” where an “ATV” is defined as a “motorized off-highway vehicle 55 inches or less in width which has a dry weight of 1,500 pound or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons.”¹⁴ They may operate on Florida unpaved roadways where the posted speed limit is less than 35 MPH but only during daylight hours, though a county may waive this requirement or designate and post certain unpaved roadways for ATV operation with speed limits less than 35 MPH. Anyone under the age of 16 operating an ATV on public land must be supervised by an adult and have proof of completing a Florida Department of Agriculture and Consumer Services (DACS) safety course and wear approved safety helmets and eye protection. ATVs are titled but not registered and are not required to be insured.¹⁵

Other than by government agencies, the only authorized ATV use on Perdido Key would be on privately owned land. While not specifically mentioned in Florida Statutes, because LSVs and ATVs are more

robust and pose greater danger to pedestrians and cyclists than golf carts it is unlikely their use would be authorized on Perdido Key sidewalks/paths.

Lost Key Rules

The Lost Key Golf and Beach Resort is privately owned and does not fall under Florida Statutes for road and sidewalk/path usage of golf carts, LSVs, and ATVs, though the community has published regulations for their use. Golf carts are of course allowed on the Lost Key Golf Course as well as for management and sales activities, but are not permitted at private homes and lots or on its roads and sidewalks/paths. LSVs are permitted, but must be licensed and tagged, have only two-person capacity, operate on roadways not sidewalks/paths, and cannot be used for transportation to and from the Resort. ATVs are not addressed in Lost Key documents but their use would likely be similarly restricted.¹⁶

Neighboring Community Regulations

Pensacola Beach – Golf cart, LSV and ATV regulations for Pensacola Beach are similar to Perdido Key because Florida Statutes are the only documents governing their use. In 2014 the Santa Rosa Island Authority (the branch governing authority for Pensacola Beach) hoped to have a County ordinance allowing street-legal golf cart use on Pensacola Beach, but Escambia County Commissioners declined the request and noted Pensacola Beach can rely on Florida LSV regulations. According to then Escambia County director of traffic Colby Brown, “Bottom line, if it’s registered (it has a tag) it is allowed to operate on all roadways signed 35 mph or less, [which is] essentially all roads on Pensacola Beach.”¹⁷ LSVs are a visible means of transportation on Pensacola Beach where they transport visitors on guided and self-tours of the island, among other uses. With the 45 MPH speed limit prohibiting their use on Perdido Key Drive and perhaps for other reasons, LSVs are less visible on Perdido Key than Pensacola Beach.

Gulf Breeze – The Gulf Breeze Town Council voted in February 2019 to allow individuals with valid driver’s licenses and 15-year-olds with valid learner’s driver licenses to operate golf carts on Gulf Breeze streets with posted speed limits of 25 miles per hour or less. “Sec. 18-152 – Operation of golf carts on city streets” stipulates the carts cannot be operated on US 98, Shoreline Drive, Fairpoint Drive, State Road 399, South Sunset Drive or Daniel Drive, though they may cross Shoreline and Fairpoint Drive to get to designated streets on the other side. “Sec. 18-153” lists safety equipment required and limits golf cart use to between sunrise and sunset but allows carts equipped with headlights and other equipment to operate after sunset. “Sec. 18-156” states that unlicensed drivers may not text while driving a golf cart and adds stipulations prohibiting use on sidewalks and the Hwy 98 overpass, limiting Shoreline Park use to roadways and exempting government entities from some restrictions.¹⁸ Florida Statutes for LSVs and ATVs remain effective for Gulf Breeze.

The golf cart ordinance passed in response to years of citizens’ demands. A long-term goal for Gulf Breeze is reportedly the “Fairpoint to Shoreline Loop project” creating a multi-use path for pedestrians, cyclists, and golf carts.¹⁹

Orange Beach and Gulf Shores – Alabama golf cart regulations are more limiting than Florida’s and prevent standard golf carts from operating on public roads.²⁰ Like Florida, however, LSVs may operate on public roads but Alabama government regulations identify them as “golf carts.” Alabama law also leaves room for local initiatives on golf cart use.

Baldwin County’s “Alabama Constitution of 1901 Local Amendments Baldwin County § 15.70” requires golf cart inspection, safety equipment, and verification the “operator of the golf cart on a municipal street or public road is covered by a policy of liability insurance held by the owner of the golf cart” to the same liability limits as a motor vehicle. If these requirements are met, the golf cart owner can purchase a permit for operation from the municipality. The carts can be operated only on streets with a 25 MPH or less speed limit.²¹ Orange Beach Ordinance No. 2021 – 1398 authorized golf cart use on many Orange Beach streets after appropriate signage is in place.²² The 2021 amendment to Gulf Shores ordinance Section 21-13 similarly authorizes golf cart use on Gulf Shores streets after appropriate signage is in place²³ Alabama regulations prohibit golf carts from operating on sidewalks.

Summary

Golf carts should not operate on Perdido Key public roads and sidewalks/paths because Escambia County has not approved their use and signs have not been posted indicating authorized use. While county actions could change the status on some roads and sidewalks/paths, the Perdido Key Multi-Use Path is funded specifically for nonmotorized use and will likely become part of the Florida Greenways project, so golf carts et al. should never be allowed on the Path. Federal law [U.S.C. §217(h) (5)] generally prohibits the use of motorized vehicles including golf carts and LSVs on federally funded trails and pedestrian walkways.²⁴

Fully equipped and registered LSVs can be operated by licensed drivers on Perdido Key roads with speed limits of 35 MPH or less, such as River Road and Johnson Beach Road. Discussion to lower Perdido Key Drive’s 45 MPH speed limit for portions or all of its length have occurred from time-to-time but no changes have been proposed to Escambia County Commissioners in recent years. The road was switched from State to County control in late-2019 making it easier to modify roadway status and regulations, such as adding crosswalks and changing speed limits. Perdido Key Drive just west of the Johnson Beach Road has a 35 MPH speed and the roundabout planned for the Perdido Key Drive/Johnson Beach Road intersection will require lowered speed limits for Perdido Key Drive’s north and south approaches to the roundabout permitting LSV operation. If the speed limit is lowered to 35 MPH or less for additional portions of Perdido Key Drive, LSV use could increase substantially and may create greater safety hazards and congestion than the current 45 MPH speed limit. Except for government use, ATVs can only be operated on private property on Perdido Key.

Recommendations

The following recommendations are forwarded for discussion and consideration by Escambia County authorities:

1. Retain the prohibition on golf cart use on Perdido Key roads,
2. Retain the prohibition on golf cart, LSV, and ATV use on Perdido Key sidewalks/paths (in the “2020 Perdido Key Owner Survey” 69.0% favored only pedestrian and cyclist use on the Perdido Key Multi-Use Path),
3. Retain the 45 MPH speed limit on Perdido Key Drive except for approaches to the Perdido Key Drive/Johnson Beach Road roundabout (in the “2020 Perdido Key Owner Survey” 70.2% favored keeping the 45 MPH speed limit on Perdido Key Drive),

4. Post signs on Perdido Key sidewalks/paths indicating they are for pedestrians and bicycle use only; this is a particular need as construction of the Perdido Key Multi-Use Path moves forward,
5. Consider erecting barriers such as bollards to discourage golf cart/LSV/ATV use of the Perdido Key Multi-Use Path,
6. Publicize and enforce Perdido Key golf cart, LSV, and ATV regulations.
7. Rely on Florida Statutes to govern golf cart, LSV, and ATV use on Perdido Key but consider a special ordinance if current procedures prove insufficient or if additional rules are needed to address motorized bicycles, scooters, and skateboards.

Charles Krupnick
 President, Perdido Key Association

¹ For a quick reference on authorized golf cart, LSV, and ATV use in Florida, see FDOT’s “Guide to Owning Low Speed Vehicles” at <https://www.flhsmv.gov/pdf/mv/low-speed-vehicles.pdf>

² For a comprehensive study of the use and hazards of golf carts and LSVs, see AARP Public Policy Institute *Insight on the Issues* September 2011 article “Policy and Design Considerations for Accommodating Low-Speed Vehicles and Golf Carts in Community Transportation Networks” by Amanda Taylor Poncy, Hannah Twaddell, Renaissance Planning Group Jana Lynott, and AARP Policy Planning Institute at <https://assets.aarp.org/rgcenter/ppi/liv-com/insight54.pdf>

³ Florida Statute 320.01 Motor Vehicles, Definitions, at http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0320/Sections/0320.01.html

⁴ Florida Statute 316.212 – “Operation of golf carts on certain roadways” at <https://www.flsenate.gov/Laws/Statutes/2011/0316.212>

⁵ For discussion of golf cart insurance, see the February 4, 2021 *Forbes Advisor* article “Golf Cart Insurance For The Savvy Retiree” by Jason Metz at <https://www.forbes.com/advisor/car-insurance/golf-cart-insurance/>.

⁶ Florida Statute 316.2126 – Authorized use of golf carts, low-speed vehicles, and utility vehicles” at http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0316/Sections/0316.2126.html

⁷ Florida Statute 316.212 “Operation of golf carts”

⁸ Florida Statute 316.212 “Operation of golf carts”

⁹ For additional discussion of golf cart use on sidewalks in Florida, see the September 6, 2021 *Par3Near Me* article “Can You Drive a Golf Cart on the Sidewalk in Florida” at <https://par3nearme.com/can-you-drive-a-golf-cart-on-the-sidewalk-in-florida/>

¹⁰ Florida Statute 320.01 Motor Vehicles, Definitions

¹¹ Electric Car Company article “Florida LSV and NEV State Law” at <https://www.electriccartcompany.com/check-out-our-florida-lsv#:~:text=In%20Florida%2C%20LSVs%20are%20restricted,safety%20requirements%20of%20passenger%20cars>

¹² Florida Statute 316.2122 – “Operation of a low-speed vehicle, mini truck, or low-speed autonomous delivery vehicle on certain roadways” at http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0316/Sections/0316.2122.html

¹³ Florida Statute 316.2126 “Authorized use of golf carts, low-speed vehicles, and utility vehicles”

¹⁴ Florida Statute 316.2074 – “All-terrain vehicles” at http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0316/Sections/0316.2074.html

¹⁵ For further discussion on LSVs and ATVs, see Florida Highway Safety and Motor Vehicles article “Low Speed and All-Terrain Vehicles” at <https://www.flhsmv.gov/safety-center/consumer-education/low-speed-vehicles/>

¹⁶ Article 6.38 “Golf Carts and Electric Carts” in Amended and Restated Master Declaration for Lost Key Golf & Beach Club

¹⁷ For information on the Pensacola Beach golf cart initiative, see the July 29, 2014 *Pensacola News Journal* article “Street legal, insured golf carts OK on Pensacola Beach” by Kimberly Blair at <https://www.pnj.com/story/news/2014/07/29/street-legal-insured-golf-carts-ok-pensacola-beach/13321889/>

¹⁸ Gulf Breeze Code of Ordinance, Chapter 18, Traffic and Vehicles, Article IX – Golf Carts at https://library.municode.com/fl/gulf_breeze/codes/code_of_ordinances?nodeId=PTIICOOR_CH18TRVE_ARTIXGOCA_S18-152OPGOCAST&wdLOR=c3BCDBC91-5987-47D7-8247-267D869AB6C5

¹⁹ February 19, 2019 *Pensacola News Journal* article “Gulf Breeze slated to pass long-awaited golf cart ordinance” by Annie Banks at <https://www.pnj.com/story/news/2019/02/19/gulf-breeze-golf-cart-ordinance-expected-pass-council-meeting/2905379002/>

²⁰ For summarized information on Alabama golf cart regulations, see Fairhope AL Police Department document “Golf Carts & Low-Speed Vehicles” at <https://www.fairhopeal.gov/Home/ShowDocument?id=23286>

²¹ Alabama Constitution of 1901 Local Amendments Baldwin County § 15.70 on Baldwin County golf cart regulations by Findlaw Staff at <https://codes.findlaw.com/al/alabama-constitution-of-1901/al-const-baldwin-county-sect-15-70.html>

²² “Ordinance No. 2021 – 1398 An Ordinance Amending Chapter 70 of the Code of Ordinances for the City of Orange Beach, Alabama to Regulate the Operation of Golf Carts on Certain Streets within the City” at <https://www.orangebeachal.gov/sites/default/files/pdfs/Ord%202021-1398%20Amd%20Ch%2070%20Regulate%20Golf%20Carts.pdf>

²³ Code of Ordinances, Chapter 21, Traffic, Article i. in general, Section 21-13 Permitting and Regulating the Operation of Golf Carts and Licensed Low Speed Vehicles on certain Public Streets within the City of Gulf Shores at subsection 1 (b) <https://www.gulfshoresal.gov/AgendaCenter/ViewFile/Item/8615?fileID=17301#:~:text=All%20persons%20who%20operate%20or,and%20hold%20the%20City%2C%20its>

²⁴ See AARP *Insight* “Policy and Design for Low-Speed Vehicles and Golf Carts”