

ORDINANCE NO. 23-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY ORDINANCE NO. 09-22, RELATING TO THE USE OF GOLF CARTS UPON DESIGNATED COUNTY ROADS ON CAPTIVA ISLAND; PROVIDING FOR ENHANCED SAFETY RULES GOVERNING THE USE OF GOLF CARTS ON CAPTIVA ISLAND; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida ("Board") is the governing body in and for Lee County ("County"); and

WHEREAS, the Board has and continues to recognize Captiva for its unusual natural and serene environment and beautiful beaches, and the necessity of preserving the island's irreplaceable natural features for use and enjoyment by residents and visitors alike; and,

WHEREAS, the narrow streets of Captiva are without sidewalks and are heavily traveled by residents and tourists alike;

WHEREAS, the streets of Captiva are shared by pedestrians, automobiles, bicycles and golf carts, and it is vital that shared use and congestion does not create a hazardous condition endangering the well-being of motorists, bicyclists, and pedestrians alike; and,

WHEREAS, Section 316.212(1), Florida Statutes, permits counties to allow golf carts to be operated on county roads provided the county first determines that they may safely travel on or cross such public roads upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

WHEREAS, the Lee County Department of Transportation has determined that golf carts may safely travel on Captiva's County roads in the area between South Seas Island Resort and the 'Tween Waters Island Resort & Spa, and has posted the appropriate signage to indicate where the operation of golf cars is allowed; and

WHEREAS, Section 316.212(7), Florida Statutes, allows counties to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in Section 316.212 on unlicensed golf cart operators.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida:

## **SECTION ONE: AMENDMENT TO LEE COUNTY ORDINANCE**

Lee County Ordinance No. 09-22 is amended as follows with strikethrough identifying deleted text and underline identifying new text.

## **SECTION TWO: SECTION TWO OF LEE COUNTY ORDINANCE NO. 92-22 IS HEREBY AMENDED AS FOLLOWS:**

### **SECTION TWO: USE OF GOLF CARTS UPON DESIGNATED COUNTY ROADS ON CAPTIVA ISLAND.**

#### **(a) Roads.**

- (1) Golf carts may be operated on those county roads on Captiva Island or portions thereof as designated by Lee County Department of Transportation. These designations shall be in accordance with F.S. § 316.212 and shall be made in accordance with Lee County Administrative Code 11-3, Traffic Regulation Orders and Control Measures.
- (2) In addition to the requirements of F.S. § 316.212, which is applicable to the operation of golf carts on the aforementioned designated roads, the following restrictions shall also apply:
  - a. No persons shall operate golf carts on designated county roads on Captiva Island without a valid driver's license issued in his or her home state or country.
  - b. All golf carts operated under this division shall be restricted to a maximum attainable speed of twenty (20) miles per hour.
  - c. All golf carts operating subject to this division must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear at all times while operated on the designated roads.
  - d. Golf carts may only be operated on the designated county roads on Captiva Island during the hours between sunrise and sunset, unless otherwise designated by Lee County Department of Transportation.
  - e. All golf carts that are leased or rented for use on Captiva, or that are provided by rental properties on Captiva for use by renters, must have a visible company or property identification and number on both sides of the golf cart and a permanent sticker on the dashboard or windshield advising clients that unlicensed drivers, open containers of an alcoholic beverage, driving on the beach, on road shoulders, and outside of permitted golf cart zones are strictly prohibited.

Companies that lease or rent golf carts for use on Captiva must provide County-approved written notice to their customers at the time of the rental of the rules set forth in this ordinance governing the use of golf carts on Captiva.

- f. Golf carts equipped with headlights, brake lights, turn signals, and windshields may operate at night, if nighttime operation is designated by the Lee County Department of Transportation. In accordance with the provisions of F.S. § 322.16, a person who operating a golf cart after 11:00 p.m. and before 6:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least twenty-one (21) years of age, unless that person is driving directly to or from work. In accordance with the provisions of F.S. § 322.16, a person who holds a driver's license who is seventeen (17) years of age, when operating a golf cart after 1:00 a.m. and before 5:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least twenty-one (21) years of age, unless that person is driving directly to or from work.

### **SECTION THREE: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted ordinances or statutes, the most restrictive requirements will apply.

### **SECTION FOUR: SEVERABILITY**

It is the Board of County Commissioners' intent that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance. The Board of County Commissioners further declares its intent that this Ordinance would have been adopted if such unconstitutional provision was not included.

### **SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code of Ordinances. Sections of this Ordinance can be renumbered or relettered and the word "ordinance" can be changed to "section," "article," or other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

## SECTION SIX: MODIFICATIONS THAT MAY ARISE FROM PUBLIC HEARING

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION SEVEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Ruane made a motion to adopt the foregoing ordinance, seconded by Commissioner Pendergrass. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 4th day of April 2023.

ATTEST:  
KEVIN KARNES, CLERK

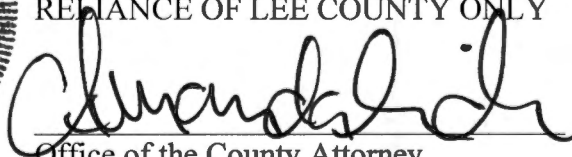
BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

  
Office of the County Attorney



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

April 10, 2023

Honorable Kevin Karnes  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attn: Chris Jagodzinski

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 23-07, which was filed in this office on April 7, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh

**RECEIVED**

*By Chris Jagodzinski at 10:32 am, Apr 10, 2023*