

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

GOLF CART USE AGREEMENT

To receive a registration decal, please complete the AMSCD Golf Cart Use Agreement and return the form to:

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT OFFICE

5076 Annunciation Cr., #103

Ave Maria, Florida 34142

Phone – 239.867.4322

GOLF CART USE AGREEMENT

GOLF CART OWNER INFORMATION

GOLF CART OWNER NAME(s)

ADDRESS

TELEPHONE

EMAIL ADDRESS

SERIAL NUMBER AMSCD DECAL #

FLORIDA LICENSE PLATE # EXPIR. DATE

(If Applicable)

OWNER(S) DRIVER'S LICENSE #

STATE ISSUED EXPIRATION DATE

INSURANCE CARRIER

POLICY NUMBER POLICY EXPIRATION DATE

ADDITIONAL AUTHORIZED VEHICLE OPERATORS:

1. NAME:

Relationship To Owner Date Of Birth:

2. NAME:

Relationship To Owner Date Of Birth:

3. NAME:

Relationship To Owner Date Of Birth:

4. NAME:

Relationship To Owner Date Of Birth:

GOLF CART USE AGREEMENT

OWNER ACKNOWLEDGMENT

I, , as owner of the golf cart identified in this Golf Cart Use Agreement, hereby certify that the information provided in this agreement, including any attachments hereto, is true and correct. I agree to assume full responsibility for the operation of the golf cart identified in this Agreement and, in doing so, acknowledge that I assume all liability for any injuries, damage, or other claims that may arise from ownership and operation of the golf cart within the Ave Maria Stewardship Community District, whether the golf cart is operated by the owner or by other individuals authorized by the owner.

I agree to hold harmless AMSCD, Ave Maria Master Property Owners Association, Ave Maria University, Ave Maria Development, LLLP, Pulte Homes, Inc., or any other associations, corporations or partnerships involved in the development or operation of the Town of Ave Maria, for liability arising from the operation of my golf cart within the Ave Maria Community Stewardship District.

I acknowledge that I have received a copy of the regulations applicable to use of a golf cart within the Ave Maria Stewardship Community District, attached hereto as Exhibit A, and I further certify that I have read and reviewed the terms specified in the regulations. I agree to fully comply with the regulations regarding the use of a golf cart within the Ave Maria Stewardship Community District and to abide by all other Florida laws regarding the operation of a golf cart on public roads.

I understand that Florida law permits the operation of a golf cart only during the hours from sunrise to sunset. Should the operation of my golf cart on any public roadway within the Ave Maria Stewardship Community District be authorized beyond the hours from sunrise to sunset in the future,

I understand that I will be required to equip my golf cart, if necessary, with headlights, brake lights, turn signals, and a windshield prior to operating the golf cart during these hours.

I agree that I will not allow any individual under 14 years of age to operate the golf cart identified in this agreement.

I certify that the golf cart identified in this agreement is equipped with the following minimum features required by Florida law:

1. Efficient Brakes
2. Reliable Steering Apparatus
3. Safe Tires
4. Rearview Mirror
5. Red Reflectorized Warning Devices in Both the Front and Rear

When operating my golf cart on AMSCD paths and properties, I agree that my golf cart will display valid AMSCD registration decals and any other equipment required by local or state law.

Signature: Date:

Print Name:

Witness: Date:

Print Name:

GOLF CART USE AGREEMENT

REGULATIONS FOR USE OF GOLF CARTS IN AMSCD

EXHIBIT A

Definition. For the purpose of these regulations, the following definition shall apply unless a different meaning is expressly stated. Any other terms shall have the meaning as set forth in the Florida Statutes, or if not defined, as commonly used.

Golf Cart. 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, which is owned and operated by a resident of Ave Maria, a guest of an owner, a merchant in Ave Maria, a contractor to residents or merchants in Ave Maria, or by contractors to or agents of Ave Maria Development, LLLP, Pulte Homes, Inc., Ave Maria University, or the Ave Maria Stewardship Community District (AMSCD). The vehicle will be specifically designed and intended for the purposes of transporting a maximum of eight (8) persons, golf clubs, maintenance equipment, or other miscellaneous items while engaged in the playing of golf, supervising the play of golf, maintaining the condition of the grounds on a public or private golf course, maintaining the conditions of common areas, and transporting residents and their guests on AMSCD designated paths and properties, including amenity facilities, parking lots, driveways, or other AMSCD areas designated for golf cart use.

Registration. All owners of golf carts operated on AMSCD paths or properties shall submit the information required by the AMSCD Golf Cart Use Agreement prior to operation of the golf cart within the AMSCD.

Insurance. Drivers operating a golf cart on AMSCD paths or properties will be required to carry proof of insurance. Liability insurance must be maintained on all golf carts, with the amount of coverage determined by AMSCD in consultation with AMSCD's insurance agent. Each driver policy must name the following as additional insureds: AMSCD, Ave Maria Master Property Owners Association, Ave Maria University, Ave Maria Development, LLLP, and Pulte Homes, Inc. Golf cart owners will be personally responsible for the conduct of any person operating the golf cart, and for any damage caused by operation of the golf cart within the AMSCD. Pursuant to section 316.212(7), Florida Statutes, children under the age of 14 will not be permitted to drive golf carts on AMSCD roadways and paths.

Driver Age. Pursuant to Section 316.212, Florida Statutes, it is unlawful for any person under fourteen (14) years of age to drive or operate a golf cart upon the paths and properties owned and operated by AMSCD or upon roadways designated by Collier County for golf cart use.

Permitted Time for Operation. Pursuant to Section 316.212(5), Florida Statutes, a golf cart may be operated only during the hours between sunrise and sunset.

Speed Limits. All golf carts driven on AMSCD roadways and paths shall be in strict accordance with the posted speed limits as determined by AMSCD. A golf cart shall not be capable of operating in excess of 20 miles per hour.

Designated Paths and Roadways. The AMSCD shall post appropriate signs for the safe operation of golf carts on designated AMSCD paths and properties. Golf carts may only be operated within the AMSCD on the designated paths and properties unless broader operation is authorized by law.

Operation of Golf Carts on Paths, Streets, Roads and Highways. On streets, roads or highways open to the public, the use and operation of golf carts is regulated pursuant to the limitations and restrictions provided by Chapter 316, Florida Statutes. On AMSCD paths and properties, AMSCD has authorized the operation of golf carts for areas under the jurisdiction of the AMSCD. Ave Maria University, Ave Maria Master Association, individual property owner associations, homeowner associations, and condominium associations within the AMSCD may promulgate separate golf cart regulations for paths under individual ownership or control, or alternatively, may comply with the regulations established by the AMSCD. Golf carts should remain to the right side of the paths and roads allowing regular vehicles to pass without obstruction.

Operators must remain aware of and away from marked bike paths. Pedestrians shall be given due consideration and a reasonable right of way at all times. All AMSCD roadways and paths on which golf carts operate shall be clearly marked with signs approved by the Florida Department of Transportation. Golf carts shall not be operated on community sidewalks or paths not designated for golf cart use or on landscaped common areas at any time, unless signage indicates otherwise.

Other Areas of Operation. Golf cart travel is permitted only within the boundaries of the AMSCD as designated by the AMSCD Board of Supervisors or other local government authority.

These regulations do not authorize travel on property controlled by a separate managing entity, such as the Ave Maria University campus, golf courses, individual property owner association, condominium association, or homeowner association. The University, golf courses, individual condominium associations and individual homeowner associations within the AMSCD may promulgate separate golf cart rules and regulations if expressly adopted and recognized by the managing entity.

Parking and Storage of Golf Carts. All golf carts must be parked in designated golf cart parking areas or motor vehicle parking areas. No golf carts shall be parked in a public roadway or on a designated golf cart path that may in any manner hinder the safe passage of other golf carts, bicycles or pedestrians. All golf carts must be stored in compliance with the regulations of AMSCD,

Ave Maria University, the golf courses, the Master Association and the individual property owners associations, condominium owners associations, and homeowners associations.

Vehicle Types. All golf carts operated on AMSCD property or amenities must have standard electric power systems installed as standard equipment by the manufacturer and no after-market modification to that power system shall be permitted.

Safe Working Condition. Golf Carts must be in sound and safe working condition. No golf cart may be operated on a path or roadway unless, at a minimum, the golf cart is equipped with the following features: efficient brakes, a reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear. If authorized for use beyond the hours between sunrise to sunset, the golf cart must also be equipped with headlights, turn signals, and a windshield, and when operated during these times, the golf cart must use an activated headlight. A person who drives or is in actual physical control of a golf cart on a public roadway is subject to all motor vehicle regulations of the State of Florida and the codes and regulations of Collier County as amended from time to time. A person who drives or is in actual physical

control of a golf cart on AMSCD paths or properties is subject to the AMSCD regulations.

Enforcement. The provisions of this section shall be enforced in accordance with the terms and provisions of Florida Statutes or any other local ordinance that may be adopted as applicable to the governance of golf cart use on public roadways in the AMSCD. Use and operation of golf carts on all other paths, facilities, and amenities of the AMSCD shall be subject to compliance with the particular golf cart regulations stated herein, as the same may be amended from time to time.

Pursuant to Florida law and any applicable agreement between the AMSCD and Collier County, the county shall be responsible for enforcement of all traffic laws on public roadways within the district, including statutory requirements for the equipment and operation of golf carts and the statutory penalties applicable for violations. AMSCD enforcement of these rules or regulations shall be limited to those provisions applicable to the operation of golf carts on AMSCD paths and properties and shall be in accordance with the AMSCD charter and Florida law. Golf cart use is a privilege authorized by AMSCD for the convenience of AMSCD residents on AMSCD paths and properties. Any actions which threaten the safety or welfare of the residents, students, or guests, violate applicable Florida Statutes or AMSCD regulations, or otherwise infringe upon the rights of others will not be tolerated.

AMSCD may prohibit operation of a golf cart on AMSCD paths and properties if the owner or other authorized operator violates AMSCD regulations. For violations of Florida traffic laws on public roadways in the AMSCD, the AMSCD or its employees may seek the assistance of the Collier County Sheriff's Office in monitoring or enforcing compliance with applicable laws and regulations.

The AMSCD will cooperate with and rely on the assistance of the Collier County Sheriff's Office for enforcement of state and local traffic laws.

Compliance with Florida Statutes and AMSCD Rules and Regulations. The operation of a golf cart vehicle on the roadways described in this section, if such roadways are appropriately designated for golf cart use, shall be in compliance with the provisions of all applicable Florida Statutes and AMSCD regulations as either may be amended from time to time, including but not limited to:

Section 316.212, Florida Statutes (2013). Operation of golf carts on certain roadways.—

The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road that has been designated by a county, or a municipal street that has been designated by a municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) A golf cart may be operated on a part of the State Highway System only under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or

municipal street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3) Notwithstanding any other provision of this section, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. If notice is posted at the entrance and exit of any mobile home park where residents of the park operate golf carts or electric vehicles within the confines of the park, it is not necessary for the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) Notwithstanding any other provision of this section, if authorized by the Division of Recreation and Parks of the Department of Environmental Protection, a golf cart may be operated on a road that is part of the State Park Road System if the posted speed limit is 35 miles per hour or less.

(5) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) A golf cart 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.

(7) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(8) A local governmental entity may enact an ordinance relating to:

(a) Golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists

and that it will be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

(b) Golf cart operation on sidewalks adjacent to specific segments of municipal streets, county roads, or state highways within the jurisdictional territory of the local governmental entity if:

1. The local governmental entity determines, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk;
2. The local governmental entity consults with the Department of Transportation before adopting the ordinance;
3. The ordinance restricts golf carts to a maximum speed of 15 miles per hour and permits such use on sidewalks adjacent to state highways only if the sidewalks are at least 8 feet wide;
4. The ordinance requires the golf carts to meet the equipment requirements in subsection (6). However, the ordinance may require additional equipment, including horns or other warning devices required by s. 316.271; and
5. The local governmental entity posts appropriate signs or otherwise informs residents that the ordinance exists and applies to such sidewalks.

(9) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of subsections (1)-(5) or a local ordinance corresponding thereto and enacted pursuant to subsection (8), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (6), subsection (7), or a local ordinance corresponding thereto and enacted pursuant to subsection (8).

History.—s. 2, ch. 83-188; s. 1, ch. 84-111; s. 2, ch. 88-253; s. 322, ch. 95-148; s. 4, ch. 96- 413; s. 168, ch. 99-248; s. 7, ch. 2000-313; s. 6, ch. 2005-164; s. 3, ch. 2008-98; s. 46, ch. 2010-223.

Concerns and Clarification. Concerns regarding the improper use or operation of golf carts within the AMSCD should be reported to AMSCD staff for resolution. Questions regarding AMSCD policies or regulations provided herein should be directed to AMSCD staff for clarification or additional information.

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