

Bill No. SB 94

Barcode 484436

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation
(Gaetz) recommended the following **substitute for amendment**
(620672):

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 258.007, Florida
Statutes, is amended to read:

258.007 Powers of division.--

(2) The division has authority to adopt rules pursuant
to ss. 120.536(1) and 120.54 to implement provisions of law
conferring duties on it, and to impose penalties for the
violation of any rule authorized by this section ~~shall be a~~
~~misdemeanor and punishable accordingly.~~

Section 2. Section 258.008, Florida Statutes, is
created to read:

258.008 Prohibited activities; penalties.--

(1) Except as provided in subsection (3), any person
who violates or otherwise fails to comply with the rules

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1 adopted under this chapter commits a noncriminal infraction
2 for which ejection from all property managed by the Division
3 of Recreation and Parks and a fine of up to \$1,000 may be
4 imposed by the division.

5 (2) In addition to penalties imposed under subsection
6 (1), any person who fails to sign a citation given under
7 subsection (1), fails to appear in court in response to such
8 citation, or fails to comply with the court's order commits a
9 misdemeanor of the second degree, punishable as provided in s.
10 775.082 or s. 775.083.

11 (3) Any person who engages in any of the following
12 activities within the boundaries of a state park without first
13 obtaining the express permission of the Division of Recreation
14 and Parks commits a misdemeanor of the second degree,
15 punishable as provided in s. 775.082 or s. 775.083, and shall
16 be ejected from all property managed by the division:

17 (a) Cutting, carving, injuring, mutilating, moving,
18 displacing, or breaking off any water-bottom formation or
19 coral;

20 (b) Capturing, trapping, injuring, or harassing a wild
21 animal;

22 (c) Collecting plant or animal specimens;

23 (d) Leaving the designated public roads in a vehicle;

24 or

25 (e) Hunting.

26 (4) Fines collected under this section must be
27 deposited into the State Park Trust Fund and used for the
28 administration, maintenance, preservation, and improvement of
29 state parks.

30 Section 3. Subsection (3) is added to section 258.014,
31 Florida Statutes, to read:

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1 258.014 Fees for use of state parks.--

2 (3) A person who is a member of the Florida National
3 Guard, or the spouse or minor child of such a person, shall be
4 charged one-half the admission fee to a state park upon
5 presentation of a valid card that identifies the person as
6 being an active member of the Florida National Guard or a
7 spouse or child of such a member.

8 Section 4. Subsections (3) through (8) of subsection
9 316.212, Florida Statutes, are amended to read:

10 316.212 Operation of golf carts on certain
11 roadways.--The operation of a golf cart upon the public roads
12 or streets of this state is prohibited except as provided
13 herein:

14 (3) Notwithstanding any other provision of this
15 section ~~Any other provision of this section to the contrary~~
16 ~~notwithstanding~~, a golf cart may be operated for the purpose
17 of crossing a street or highway where a single mobile home
18 park is located on both sides of the street or highway and is
19 divided by that street or highway, provided that the
20 governmental entity having original jurisdiction over such
21 street or highway shall review and approve the location of the
22 crossing and require implementation of any traffic controls
23 needed for safety purposes. This subsection shall apply only
24 to residents or guests of the mobile home park. ~~Any other~~
25 ~~provision of law to the contrary notwithstanding~~, If notice is
26 posted at the entrance and exit of ~~to~~ any mobile home park
27 where ~~that~~ residents of the park operate ~~utilize~~ golf carts or
28 electric vehicles within the confines of the park it is ~~shall~~
29 not ~~be~~ necessary for ~~that~~ the park to have a gate or other
30 device at the entrance and exit in order for such golf carts
31 or electric vehicles to be lawfully operated in the park.

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

6 ~~(5)(4)~~ A golf cart may be operated only during the
 7 hours between sunrise and sunset, unless the responsible
 8 governmental entity has determined that a golf cart may be
 9 operated during the hours between sunset and sunrise and the
 10 golf cart is equipped with headlights, brake lights, turn
 11 signals, and a windshield.

12 ~~(6)(5)~~ A golf cart must be equipped with efficient
 13 brakes, reliable steering apparatus, safe tires, a rearview
 14 mirror, and red reflectorized warning devices in both the
 15 front and rear.

16 ~~(7)(6)~~ A golf cart may not be operated on public roads
 17 or streets by any person under the age of 14.

18 ~~(8)(7)~~ A local governmental entity may enact an
 19 ordinance regarding golf cart operation and equipment which is
 20 more restrictive than those enumerated in this section. Upon
 21 enactment of ~~any~~ such ordinance, the local governmental entity
 22 shall post appropriate signs or otherwise inform the residents
 23 that such an ordinance exists and that it will ~~shall~~ be
 24 enforced within the local government's jurisdictional
 25 territory. An ordinance referred to in this section must apply
 26 only to an unlicensed driver.

27 ~~(9)(8)~~ A violation of this section is a noncriminal
 28 traffic infraction, punishable pursuant to chapter 318 as a
 29 moving violation for infractions of subsections (1) through
 30 ~~(5) subsection (1), subsection (2), subsection (3), subsection~~
 31 ~~(4),~~ or a local ordinance corresponding thereto and enacted

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1 pursuant to subsection(8) ~~(7)~~, or punishable pursuant to
 2 chapter 318 as a nonmoving violation for infractions of
 3 subsection(6) ~~(5)~~, subsection(7) ~~(6)~~, or a local ordinance
 4 corresponding thereto and enacted pursuant to subsection(8)
 5 ~~(7)~~.

6 Section 5. Subsection (1) of section 316.2125, Florida
 7 Statutes, is amended to read:

8 316.2125 Operation of golf carts within a retirement
 9 community.--

10 (1) Notwithstanding the provisions of s. 316.212, the
 11 reasonable operation of a golf cart, equipped and operated as
 12 provided in s. 316.212 ~~s. 316.212(4), (5), and (6)~~, within any
 13 self-contained retirement community is permitted unless
 14 prohibited under subsection (2).

15 Section 6. Section 316.2126, Florida Statutes, is
 16 amended to read:

17 316.2126 Use of golf carts and utility vehicles by
 18 governmental units ~~municipalities~~--In addition to the powers
 19 granted by ss. 316.212 and 316.2125, state agencies and
 20 municipalities are ~~hereby~~ authorized to operate ~~utilize~~ golf
 21 carts and utility vehicles, as defined in s. 320.01, ~~upon any~~
 22 ~~state, county, or municipal roads located within the corporate~~
 23 ~~limits of such municipalities~~, subject to the following
 24 conditions:

25 (1) Golf carts and utility vehicles must comply with
 26 the operational and safety requirements in ss. 316.212 and
 27 316.2125, and with any more restrictive ordinances enacted by
 28 the local governmental entity pursuant to s. 316.212(8) ~~s.~~
 29 ~~316.212(7)~~, and shall only be operated by state or municipal
 30 employees for state or municipal purposes, including, but not
 31 limited to, police patrol, traffic enforcement, and inspection

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1 of public facilities.

2 (2) In addition to the safety equipment required under
3 subsection (1) ~~required in s. 316.212(5) and any more~~
4 ~~restrictive safety equipment required by the local~~
5 ~~governmental entity pursuant to s. 316.212(7)~~, such golf carts
6 and utility vehicles must be equipped with sufficient lighting
7 and turn signal equipment.

8 (3) Golf carts and utility vehicles may ~~only~~ be
9 operated only on state roads that have a posted speed limit of
10 30 miles per hour or less, and, if operated by an employee of
11 a municipality, only on a state, county, or municipal road
12 located within the corporate limits of the municipality.

13 (4) A state or municipal employee operating a golf
14 cart or utility vehicle pursuant to this section must possess
15 a valid driver's license as required by s. 322.03.

16 Section 7. This act shall take effect July 1, 2007.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete everything before the enacting clause

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23 and insert:

24 A bill to be entitled
25 An act relating to state parks; amending s.
26 258.007, F.S.; deleting a penalty for a rule
27 violation; creating s. 258.008, F.S.; creating
28 penalties for the violation of rules adopted
29 under ch. 258, F.S., and for specified
30 activities within the boundaries of a state
31 park; providing for fines to deposited into the

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1 State Park Trust Fund; amending s. 258.014,
2 F.S.; providing for a half-price admission fee
3 to state parks for members of the Florida
4 National Guard and their families; amending s.
5 316.212, F.S.; authorizing the operation of a
6 golf cart within a state park under certain
7 circumstances; amending s. 316.2125, F.S.;
8 conforming a cross-reference; amending s.
9 316.2126, F.S.; authorizing state agencies to
10 operate golf carts and utility vehicles on
11 public roads for public purposes; providing an
12 effective date.

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