

Bill No. SB 94

Barcode 620672

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation
(Gaetz) recommended the following amendment:

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
adopted under this chapter commits a noncriminal infraction

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1 for which ejection from all property managed by the Division
2 of Recreation and Parks and a fine of up to \$1,000 may be
3 imposed by the division.

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

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

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

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

21 (c) Collecting plant or animal specimens;

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

23 or

24 (e) Hunting.

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

27 258.014 Fees for use of state parks.--

28 (3) A person who is a member of the Florida National
29 Guard, or the spouse or minor child of such a person, shall be
30 charged one-half the admission fee to a state park upon
31 presentation of a valid card that identifies the person as

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1 being an active member of the Florida National Guard or a
2 spouse or child of such a member.

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

5 316.212 Operation of golf carts on certain
6 roadways.--The operation of a golf cart upon the public roads
7 or streets of this state is prohibited except as provided
8 herein:

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

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

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1 ~~(5)(4)~~ A golf cart may be operated only during the
 2 hours between sunrise and sunset, unless the responsible
 3 governmental entity has determined that a golf cart may be
 4 operated during the hours between sunset and sunrise and the
 5 golf cart is equipped with headlights, brake lights, turn
 6 signals, and a windshield.

7 ~~(6)(5)~~ A golf cart must be equipped with efficient
 8 brakes, reliable steering apparatus, safe tires, a rearview
 9 mirror, and red reflectorized warning devices in both the
 10 front and rear.

11 ~~(7)(6)~~ A golf cart may not be operated on public roads
 12 or streets by any person under the age of 14.

13 ~~(8)(7)~~ A local governmental entity may enact an
 14 ordinance regarding golf cart operation and equipment which is
 15 more restrictive than those enumerated in this section. Upon
 16 enactment of ~~any~~ such ordinance, the local governmental entity
 17 shall post appropriate signs or otherwise inform the residents
 18 that such an ordinance exists and that it will ~~shall~~ be
 19 enforced within the local government's jurisdictional
 20 territory. An ordinance referred to in this section must apply
 21 only to an unlicensed driver.

22 ~~(9)(8)~~ A violation of this section is a noncriminal
 23 traffic infraction, punishable pursuant to chapter 318 as a
 24 moving violation for infractions of subsections (1) through
 25 ~~(5)~~ subsection (1), subsection (2), subsection (3), subsection
 26 ~~(4),~~ or a local ordinance corresponding thereto and enacted
 27 pursuant to subsection~~(8)~~ (7), or punishable pursuant to
 28 chapter 318 as a nonmoving violation for infractions of
 29 subsection~~(6)~~ (5), subsection~~(7)~~ (6), or a local ordinance
 30 corresponding thereto and enacted pursuant to subsection~~(8)~~
 31 ~~(7)~~.

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

3 316.2125 Operation of golf carts within a retirement
4 community.--

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

10 Section 6. Section 316.2126, Florida Statutes, is
11 amended to read:

12 316.2126 Use of golf carts and utility vehicles by
13 governmental units ~~municipalities~~--In addition to the powers
14 granted by ss. 316.212 and 316.2125, state agencies and
15 municipalities are ~~hereby~~ authorized to operate ~~utilize~~ golf
16 carts and utility vehicles, as defined in s. 320.01, ~~upon any~~
17 ~~state, county, or municipal roads located within the corporate~~
18 ~~limits of such municipalities~~, subject to the following
19 conditions:

20 (1) Golf carts and utility vehicles must comply with
21 the operational and safety requirements in ss. 316.212 and
22 316.2125, and with any more restrictive ordinances enacted by
23 the local governmental entity pursuant to s. 316.212(8) ~~s.~~
24 ~~316.212(7)~~, and shall only be operated by state or municipal
25 employees for state or municipal purposes, including, but not
26 limited to, police patrol, traffic enforcement, and inspection
27 of public facilities.

28 (2) In addition to the safety equipment required under
29 subsection (1) ~~required in s. 316.212(5) and any more~~
30 ~~restrictive safety equipment required by the local~~
31 ~~governmental entity pursuant to s. 316.212(7)~~, such golf carts

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1 and utility vehicles must be equipped with sufficient lighting
2 and turn signal equipment.

3 (3) Golf carts and utility vehicles may ~~only~~ be
4 operated only on state roads that have a posted speed limit of
5 30 miles per hour or less, and, if operated by an employee of
6 a municipality, only on a state, county, or municipal road
7 located within the corporate limits of the municipality.

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

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

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

15 And the title is amended as follows:

16 Delete everything before the enacting clause

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18 and insert:

19 A bill to be entitled
20 An act relating to state parks; amending s.
21 258.007, F.S.; deleting a penalty for a rule
22 violation; creating s. 258.008, F.S.; creating
23 penalties for the violation of rules adopted
24 under ch. 258, F.S., and for specified
25 activities within the boundaries of a state
26 park; amending s. 258.014, F.S.; providing for
27 a half-price admission fee to state parks for
28 members of the Florida National Guard and their
29 families; amending s. 316.212, F.S.;
30 authorizing the operation of a golf cart within
31 a state park under certain circumstances;

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1 amending s. 316.2125, F.S.; conforming a
2 cross-reference; amending s. 316.2126, F.S.;
3 authorizing state agencies to operate golf
4 carts and utility vehicles on public roads for
5 public purposes; providing an effective date.

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