

Bill No. CS/HB 981, 1st Eng.

Barcode 563160

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Baker moved 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 for which ejection from all property managed by the Division

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1 of Recreation and Parks and a fine of up to \$500 may be  
2 imposed by the division. Fines paid under this subsection  
3 shall be paid to the Department of Environmental Protection  
4 and deposited in the State Park Trust Fund.

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, or injuring a wild 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. Subsection (13) of section 259.1053,  
4 Florida Statutes, is amended to read:

5 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;  
6 creation; membership; organization; meetings.--

7 (13) MISCELLANEOUS PROVISIONS.--

8 (a) Except for the powers of the commissioner provided  
9 in this section, and the powers of the commission provided in  
10 s. 9, Art. IV of the State Constitution, the preserve shall be  
11 managed by Babcock Ranch, Inc.

12 (b) Officers and employees of Babcock Ranch, Inc., are  
13 private employees. At the request of the board of directors,  
14 the commission and the department may provide state employees  
15 for the purpose of implementing this section. Any state  
16 employees provided to assist the directors in implementing  
17 this section for more than 30 days shall be provided on a  
18 reimbursable basis. Reimbursement to the commission and the  
19 department shall be made from the corporation's operating fund  
20 provided under this section and not from any funds  
21 appropriated to the corporation by the Legislature.

22 (c) Notwithstanding the prohibition or restrictions  
23 contained in the management agreement, areas of the ranch  
24 historically used for tenant farming may continue to be leased  
25 out by Babcock Ranch Management, LLC. Such leases, extensions  
26 or renewal periods shall be for a term of not less than one  
27 year or more than four years, and shall not exceed the total  
28 amount of acreage covered by the tenant leases in existence on  
29 July 31, 2006.

30 (d) Until the management plan developed pursuant to s.  
31 253.034 and s. 259.032, is adopted, hunting for the purposes

1 of reasonable wildlife population and habitat management shall  
 2 be allowed on the preserve. Such purposes shall include  
 3 prevention of overgrazing, disease, and overpopulation. All  
 4 hunting shall be conducted pursuant to the rules and  
 5 regulations of the Florida Fish and Wildlife Conservation  
 6 Commission; however, Babcock Ranch Management, LLC., shall  
 7 have the authority to charge reasonable access fees to the  
 8 general public. Special opportunity hunts for persons with  
 9 disabilities and those under 18 years of age shall be a  
 10 priority. Until the management plan required by the  
 11 management agreement is adopted, hunting for the purposes of  
 12 reasonable wildlife population and habitat management shall be  
 13 equivalent in purpose to any other recreational use on the  
 14 preserve.

15 (e) The provisions of paragraphs (c) and (d) shall be  
 16 contingent upon Babcock Ranch Management, LLC., meeting the  
 17 requirements of s. 259.1053(11)(d). The Board of Trustees  
 18 shall order an audit pursuant to section 27, part V of the  
 19 management agreement.

20 (f) For the purposes of paragraphs (c) and (d) the  
 21 management agreement is that document attached as Exhibit "E"  
 22 to that certain agreement for sale and purchase approved by  
 23 the Board of Trustees on November 22, 2005, and by Lee County  
 24 on November 20, 2005

25 Section 5. Section 316.212, Florida Statutes, is  
 26 amended to read:

27 316.212 Operation of golf carts on certain  
 28 roadways.--The operation of a golf cart upon the public roads  
 29 or streets of this state is prohibited except as provided  
 30 herein:

31 (1) A golf cart may be operated only upon a county

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1 road that has been designated by a county, or a municipal  
 2 street that has been designated by a municipality, for use by  
 3 golf carts. Prior to making such a designation, the  
 4 responsible local governmental entity must first determine  
 5 that golf carts may safely travel on or cross the public road  
 6 or street, considering factors including the speed, volume,  
 7 and character of motor vehicle traffic using the road or  
 8 street. Upon a determination that golf carts may be safely  
 9 operated on a designated road or street, the responsible  
 10 governmental entity shall post appropriate signs to indicate  
 11 that such operation is allowed.

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

14 (a) To cross a portion of the State Highway System  
 15 which intersects a county road or municipal street that has  
 16 been designated for use by golf carts if the Department of  
 17 Transportation has reviewed and approved the location and  
 18 design of the crossing and any traffic control devices needed  
 19 for safety purposes.

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

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

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1           1. The road is the only available public road along  
2 which golf carts may travel or cross or the road provides the  
3 safest travel route among alternative routes available; and

4           2. The speed, volume, and character of motor vehicular  
5 traffic using the road is considered in making such a  
6 determination.

7  
8 Upon its determination that golf carts may be operated on a  
9 given road, the department shall post appropriate signs on the  
10 road to indicate that such operation is allowed.

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

29           (4) Notwithstanding any other provision of this  
30 section, if authorized by the Division of Recreation and Parks  
31 of the Department of Environmental Protection, a golf cart may

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1 be operated on a road that is part of the State Park Road  
2 System if the posted speed limit is 35 miles per hour or less.

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

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

13 ~~(7)(6)~~ A golf cart may not be operated on public roads  
14 or streets by any person under the age of 14.

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

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

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1 corresponding thereto and enacted pursuant to subsection(8)  
2 (~~7~~).

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

5 316.2125 Operation of golf carts within a retirement  
6 community.--

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

12 Section 7. Section 316.2126, Florida Statutes, is  
13 amended to read:

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

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

30 (2) In addition to the safety equipment required under  
31 subsection (1) ~~required in s. 316.212(5) and any more~~



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

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

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

13 Section 8. This act shall take effect July 1, 2007.

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

17 And the title is amended as follows:

18 Delete everything before the enacting clause

19

20 and insert:

21 A bill to be entitled  
 22 An act relating to state parks; amending s.  
 23 258.007, F.S.; deleting a penalty for a rule  
 24 violation; creating s. 258.008, F.S.; creating  
 25 penalties for the violation of rules adopted  
 26 under ch. 258, F.S., and for specified  
 27 activities within the boundaries of a state  
 28 park; providing for fines to be deposited into  
 29 the State Park Trust Fund; providing for court  
 30 costs under certain circumstances; amending s.  
 31 258.014, F.S.; providing for a half-price

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1 admission fee to state parks for members of the  
2 Florida National Guard and their families;  
3 amending s. 259.1053; F.S.; extending leases;  
4 providing for hunting; providing conditions;  
5 amending s. 316.212, F.S.; authorizing the  
6 operation of a golf cart within a state park  
7 under certain circumstances; amending s.  
8 316.2125, F.S.; conforming a cross-reference;  
9 amending s. 316.2126, F.S.; authorizing state  
10 agencies to operate golf carts and utility  
11 vehicles on public roads for public purposes;  
12 providing an effective date.

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