

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

Barcode 954090

	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

1 of Recreation and Parks and a fine of up to \$1,000 may be
2 imposed by the division.

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

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

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

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

20 (c) Collecting plant or animal specimens;

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

22 or

23 (e) Hunting.

24 (4) Fines paid under this section shall be paid to the
25 Department of Environmental Protection and deposited in the
26 State Park Trust Fund. If a person who receives a citation
27 elects to defend himself or herself in court, the county shall
28 claims court for the county in which the violation occurred
29 shall have jurisdiction. Court costs shall be determined by
30 and paid to the court as ordered by the court. A person who
31 receives a citation but fails to pay the fine, sign and accept

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1 a citation, appear in court, or comply with the court's order
 2 may not enter any state park property until he or she has paid
 3 the fine, complied with the procedure, or complied with the
 4 order. The department may establish by rule the procedures for
 5 giving a citation, giving a notice of appearance in court,
 6 payment of fines, and listing of persons ejected from state
 7 parks; the amounts of fines for civil infractions up to
 8 \$1,000; definitions; time limits and deadlines; and any other
 9 matter necessary to implement this section.

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

12 258.014 Fees for use of state parks.--

13 (3) A person who is a member of the Florida National
 14 Guard, or the spouse or minor child of such a person, shall be
 15 charged one-half the admission fee to a state park upon
 16 presentation of a valid card that identifies the person as
 17 being an active member of the Florida National Guard or a
 18 spouse or child of such a member.

19 Section 4. Section 316.212, Florida Statutes, is
 20 amended to read:

21 316.212 Operation of golf carts on certain
 22 roadways.--The operation of a golf cart upon the public roads
 23 or streets of this state is prohibited except as provided
 24 herein:

25 (1) A golf cart may be operated only upon a county
 26 road that has been designated by a county, or a municipal
 27 street that has been designated by a municipality, for use by
 28 golf carts. Prior to making such a designation, the
 29 responsible local governmental entity must first determine
 30 that golf carts may safely travel on or cross the public road
 31 or street, considering factors including the speed, volume,

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1 and character of motor vehicle traffic using the road or
 2 street. Upon a determination that golf carts may be safely
 3 operated on a designated road or street, the responsible
 4 governmental entity shall post appropriate signs to indicate
 5 that such operation is allowed.

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

8 (a) To cross a portion of the State Highway System
 9 which intersects a county road or municipal street that has
 10 been designated for use by golf carts if the Department of
 11 Transportation has reviewed and approved the location and
 12 design of the crossing and any traffic control devices needed
 13 for safety purposes.

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

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

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

29 2. The speed, volume, and character of motor vehicular
 30 traffic using the road is considered in making such a
 31 determination.

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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 ~~Any other provision of this section to the contrary notwithstanding,~~ 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. ~~Any other provision of law to the contrary notwithstanding,~~ If notice is posted at the entrance and exit of ~~to~~ any mobile home park where ~~that~~ residents of the park operate ~~utilize~~ golf carts or electric vehicles within the confines of the park it is ~~shall~~ not ~~be~~ necessary for ~~that~~ 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)(4)~~ 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

1 | golf cart is equipped with headlights, brake lights, turn
2 | signals, and a windshield.

3 | ~~(6)(5)~~ A golf cart must be equipped with efficient
4 | brakes, reliable steering apparatus, safe tires, a rearview
5 | mirror, and red reflectorized warning devices in both the
6 | front and rear.

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

9 | ~~(8)(7)~~ A local governmental entity may enact an
10 | ordinance regarding golf cart operation and equipment which is
11 | more restrictive than those enumerated in this section. Upon
12 | enactment of ~~any~~ such ordinance, the local governmental entity
13 | shall post appropriate signs or otherwise inform the residents
14 | that such an ordinance exists and that it will ~~shall~~ be
15 | enforced within the local government's jurisdictional
16 | territory. An ordinance referred to in this section must apply
17 | only to an unlicensed driver.

18 | ~~(9)(8)~~ A violation of this section is a noncriminal
19 | traffic infraction, punishable pursuant to chapter 318 as a
20 | moving violation for infractions of subsections (1) through
21 | ~~(5) subsection (1), subsection (2), subsection (3), subsection~~
22 | ~~(4)~~, or a local ordinance corresponding thereto and enacted
23 | pursuant to subsection(8) ~~(7)~~, or punishable pursuant to
24 | chapter 318 as a nonmoving violation for infractions of
25 | subsection(6) ~~(5)~~, subsection(7) ~~(6)~~, or a local ordinance
26 | corresponding thereto and enacted pursuant to subsection(8)
27 | ~~(7)~~.

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

30 | 316.2125 Operation of golf carts within a retirement
31 | community.--

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

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

8 316.2126 Use of golf carts and utility vehicles by
 9 governmental units ~~municipalities~~.--In addition to the powers
 10 granted by ss. 316.212 and 316.2125, state agencies and
 11 municipalities are ~~hereby~~ authorized to operate ~~utilize~~ golf
 12 carts and utility vehicles, as defined in s. 320.01, ~~upon any~~
 13 ~~state, county, or municipal roads located within the corporate~~
 14 ~~limits of such municipalities~~, subject to the following
 15 conditions:

16 (1) Golf carts and utility vehicles must comply with
 17 the operational and safety requirements in ss. 316.212 and
 18 316.2125, and with any more restrictive ordinances enacted by
 19 the local governmental entity pursuant to s. 316.212(8) ~~s.~~
 20 ~~316.212(7)~~, and shall ~~only~~ be operated only by state or
 21 municipal employees for state or municipal purposes,
 22 including, but not limited to, police patrol, traffic
 23 enforcement, and inspection of public facilities.

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

30 (3) Golf carts and utility vehicles may ~~only~~ be
 31 operated only on state roads that have a posted speed limit of

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1 30 miles per hour or less, and, if operated by an employee of
2 a municipality, only on a state, county, or municipal road
3 located within the corporate limits of the municipality.

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

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

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

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14 and insert:

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A bill to be entitled

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An act relating to state parks; amending s.

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258.007, F.S.; deleting a penalty for a rule

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violation; creating s. 258.008, F.S.; creating

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penalties for the violation of rules adopted

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under ch. 258, F.S., and for specified

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activities within the boundaries of a state

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park; providing for fines to be deposited into

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the State Park Trust Fund; providing for court

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costs under certain circumstances; amending s.

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258.014, F.S.; providing for a half-price

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admission fee to state parks for members of the

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Florida National Guard and their families;

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amending s. 316.212, F.S.; authorizing the

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operation of a golf cart within a state park

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under certain circumstances; amending s.

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316.2125, F.S.; conforming a cross-reference;

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