

1 A bill to be entitled

2 An act relating to the state parks; amending s. 258.007,
3 F.S.; requiring that certain violations of rules of the
4 Division of Recreation and Parks of the Department of
5 Environmental Protection are punishable as noncriminal
6 infractions; specifying violations punishable as a
7 misdemeanor of the second degree for certain activities;
8 providing fines and penalties; providing for the deposit
9 of certain fines into the State Park Trust Fund; providing
10 for the use of certain funds in the State Park Trust Fund;
11 amending s. 258.014, F.S.; requiring that an active member
12 of the Florida National Guard, or a dependent of such a
13 member, be charged only half the price of admission to a
14 state park; amending s. 316.212, F.S.; authorizing
15 operation of golf carts on certain roads in state parks;
16 correcting cross-references; amending s. 316.2125, F.S.;
17 correcting cross-references; amending s. 316.2126, F.S.;
18 authorizing the state to use golf carts and utility
19 vehicles on certain roads; correcting cross-references;
20 amending s. 259.1053, F.S.; authorizing the Legislature to
21 appropriate funds from the Land Acquisition Trust Fund for
22 use as state matching funds for capital improvement
23 facility development; authorizing the placement of
24 designations recognizing private donors at ranch
25 facilities; specifying that certain activities relating to
26 agriculture are not unduly prohibited or restricted;
27 providing that tenant farming shall not be prohibited;
28 providing that cypress harvesting remains subject to the

29 discretion of the Board of Trustees; authorizing hunting
 30 on the preserve under certain conditions; requiring such
 31 hunting to be conducted under commission rules and
 32 regulations; authorizing hunting access fees for the
 33 general public; specifying that hunts for certain persons
 34 are a priority; providing purpose for hunting activities;
 35 providing an effective date.

36

37 Be It Enacted by the Legislature of the State of Florida:

38

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

41 258.007 Powers of division.--

42 (2) The division has authority to adopt rules pursuant to
 43 ss. 120.536(1) and 120.54 to implement provisions of law
 44 conferring duties on it, and the violation of any rule
 45 authorized by this subsection ~~section~~ shall be ~~a misdemeanor and~~
 46 punishable as follows: accordingly.

47 (a) Except as provided in paragraph (b), any person who
 48 violates or otherwise fails to comply with the rules adopted
 49 under this subsection commits a noncriminal infraction for which
 50 ejection from all property managed by the division and a fine of
 51 up to \$1,000 may be imposed by the division.

52 (b) Unless such activity has been specifically permitted
 53 by the division, any person who is in violation of any of the
 54 following commits a misdemeanor of the second degree, punishable
 55 as provided in s. 775.082 or s. 775.083, and shall be ejected
 56 from all property managed by the division:

57 1. Cutting, carving, injuring, mutilating, moving,
58 displacing, or breaking off any water bottom formation or coral
59 within the boundaries of a state park.

60 2. Capturing, trapping, injuring, or harassing wild
61 animals within the boundaries of a state park.

62 3. Collecting plant or animal specimens within the
63 boundaries of a state park.

64 4. Leaving the designated public roads with a vehicle
65 within the boundaries of a state park.

66 5. Hunting within the boundaries of a state park.

67 6. Failing to sign a citation given under paragraph (a),
68 failing to appear in court in response to a citation, or failing
69 to comply with the court's order.

70 (c) Any fines collected pursuant to this section shall be
71 deposited in the State Park Trust Fund, and such funds shall be
72 used for the administration, maintenance, preservation, and
73 improvement of state parks.

74 Section 2. Section 258.014, Florida Statutes, is amended
75 to read:

76 258.014 Fees for use of state parks.--

77 (1) The Division of Recreation and Parks shall have the
78 power to charge reasonable fees, rentals or charges for the use
79 or operation of facilities and concessions in state parks, and
80 all such fees, rentals, and charges so collected shall be
81 deposited in the State Treasury to the credit of "State Park
82 Trust Fund," which is hereby created, the continuing balance of
83 which fund is hereby appropriated to be expended by said
84 division for the administration, improvement and maintenance of

85 state parks and for the acquisition and development of lands
86 hereafter acquired for state park purposes. The appropriation of
87 said fund shall be continuing, and shall not revert to the
88 General Revenue Fund at the end of any fiscal year or at any
89 other time but shall, until expended, be continually available
90 to said division for the uses and purposes set forth.

91 (2) A person who is an active member of the Florida
92 National Guard, or the spouse or minor child of such a person,
93 may be charged only half the price of admission to a state park
94 upon presentation of a valid card that identifies the person as
95 being an active member of the Florida National Guard or a
96 dependent of such a member.

97 (3)-(2) Any moneys received in trust by the division by
98 gift, devise, appropriation, or otherwise shall, subject to the
99 terms of such trust, be deposited with the Chief Financial
100 Officer in a fund to be known as the "State Park Trust Fund,"
101 and shall be subject to withdrawal upon application of such
102 division for expenditure or investment in accordance with the
103 terms of the trust. Unless prohibited by the terms of the trust
104 by which the moneys are derived, all of such moneys may be
105 invested as provided by law.

106 Section 3. Subsections (4), (5), (6), and (7) of section
107 316.212, Florida Statutes, are renumbered as subsections (5),
108 (6), (7), and (8), respectively, present subsection (8) is
109 renumbered as subsection (9) and amended, and a new subsection
110 (4) is added to that section, to read:

111 316.212 Operation of golf carts on certain roadways.--The
 112 operation of a golf cart upon the public roads or streets of
 113 this state is prohibited except as provided herein:

114 (4) Notwithstanding any other provisions of this section,
 115 a golf cart may be operated on a road that is part of the State
 116 Park Road System, where the posted speed limit is 35 miles per
 117 hour or less, and where not otherwise prohibited by the Division
 118 of Recreation and Parks of the Department of Environmental
 119 Protection.

120 ~~(9)(8)~~ A violation of this section is a noncriminal
 121 traffic infraction, punishable pursuant to chapter 318 as a
 122 moving violation for infractions of subsection (1), subsection
 123 (2), subsection (3), subsection (5) ~~(4)~~, or a local ordinance
 124 corresponding thereto and enacted pursuant to subsection (8)
 125 ~~(7)~~, or punishable pursuant to chapter 318 as a nonmoving
 126 violation for infractions of subsection (6) ~~(5)~~, subsection (7)
 127 ~~(6)~~, or a local ordinance corresponding thereto and enacted
 128 pursuant to subsection (8) ~~(7)~~.

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

131 316.2125 Operation of golf carts within a retirement
 132 community.--

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

138 Section 5. Section 316.2126, Florida Statutes, is amended
 139 to read:

140 316.2126 Use of golf carts and utility vehicles by
 141 municipalities and the state.--In addition to the powers granted
 142 by ss. 316.212 and 316.2125, municipalities and the state are
 143 hereby authorized to utilize golf carts and utility vehicles, as
 144 defined in s. 320.01, upon any state, county, or municipal roads
 145 located within the corporate limits of such municipalities,
 146 subject to the following conditions:

147 (1) Golf carts and utility vehicles must comply with the
 148 operational and safety requirements in ss. 316.212 and 316.2125,
 149 and with any more restrictive ordinances enacted by the local
 150 governmental entity pursuant to s. 316.212~~(8)(7)~~, and shall only
 151 be operated by municipal or state employees for municipal or
 152 state purposes, including, but not limited to, police patrol,
 153 traffic enforcement, and inspection of public facilities.

154 (2) In addition to the safety equipment required in s.
 155 316.212~~(6)(5)~~ and any more restrictive safety equipment required
 156 by the local governmental entity pursuant to s. 316.212~~(8)(7)~~,
 157 such golf carts and utility vehicles must be equipped with
 158 sufficient lighting and turn signal equipment.

159 (3) Golf carts and utility vehicles may only be operated
 160 on state roads that have a posted speed limit of 30 miles per
 161 hour or less.

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

165 Section 6. Paragraph (f) of subsection (10) of section

166 259.1053, Florida Statutes, is redesignated as paragraph (g), a
 167 new paragraph (f) is added to that subsection, and paragraphs
 168 (c) and (d) are added to subsection (13) of that section, to
 169 read:

170 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
 171 creation; membership; organization; meetings.--

172 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
 173 REQUIREMENTS.--

174 (f) The Legislature may annually appropriate funds from
 175 the Land Acquisition Trust Fund for use as state matching funds
 176 in conjunction with private donations in aggregates of at least
 177 \$60,000 matched by \$40,000 of state funds for a total minimum
 178 project amount of \$100,000 for capital improvement facility
 179 development at the ranch at either individually designated
 180 locations or for priority projects within the overall ranch
 181 system. Babcock Ranch, Inc., is authorized to properly recognize
 182 and honor a private donor by placing a plaque or other
 183 appropriate designation noting the contribution on project
 184 facilities or by naming project facilities after the person or
 185 organization that provided the matching funds.

186 (g) ~~(f)~~ All parties in contract with the corporation and
 187 all holders of leases from the corporation which are authorized
 188 to occupy, use, or develop properties under the management
 189 jurisdiction of the corporation must procure proper insurance as
 190 is reasonable or customary to insure against any loss in
 191 connection with the properties or with activities authorized in
 192 the leases or contracts.

193 (13) MISCELLANEOUS PROVISIONS.--

194 (c) For the purpose of ensuring financial sustainability
195 on the ranch, activities relating to agriculture as defined in
196 s. 570.02 shall not be unduly prohibited or restricted except by
197 general law. However, tenant farming shall not be prohibited,
198 and cypress harvesting shall remain subject to the discretion of
199 the Board of Trustees.

200 (d) Until the management plan is adopted, hunting for the
201 purposes of reasonable wildlife population and habitat
202 management shall be allowed on the preserve. Such purposes shall
203 include prevention of overgrazing, disease, and overpopulation.
204 All hunting shall be conducted pursuant to commission rules and
205 regulations; however, Babcock Ranch Management, LLC, and,
206 subsequently, Babcock Ranch, Inc., shall have the authority to
207 charge access fees to the general public. Special opportunity
208 hunts for persons with disabilities and those under 18 years of
209 age shall be a priority. Hunting shall be equivalent in purpose
210 to any other recreational use on the preserve.

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