

1 A bill to be entitled
 2 An act relating to state parks; amending s. 258.007, F.S.;
 3 deleting a penalty for a rule violation; creating s.
 4 258.008, F.S.; creating penalties for the violation of
 5 rules adopted under ch. 258, F.S., and for specified
 6 activities within the boundaries of a state park;
 7 providing for fines to be deposited into the State Park
 8 Trust Fund; providing for court costs under certain
 9 circumstances; amending s. 258.014, F.S.; providing for a
 10 half-price admission fee to state parks for members of the
 11 Florida National Guard and their families; amending s.
 12 259.1053; F.S.; extending leases; providing for hunting;
 13 providing conditions; amending s. 316.212, F.S.;
 14 authorizing the operation of a golf cart within a state
 15 park under certain circumstances; amending s. 316.2125,
 16 F.S.; conforming a cross-reference; amending s. 316.2126,
 17 F.S.; authorizing state agencies to operate golf carts and
 18 utility vehicles on public roads for public purposes;
 19 providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (2) of section 258.007, Florida
 24 Statutes, is amended to read:

25 258.007 Powers of division.--

26 (2) The division has authority to adopt rules pursuant to
 27 ss. 120.536(1) and 120.54 to implement provisions of law
 28 conferring duties on it, and to impose penalties for the

29 violation of any rule authorized by this section ~~shall be a~~
 30 ~~misdemeanor and punishable accordingly.~~

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

33 258.008 Prohibited activities; penalties.--

34 (1) Except as provided in subsection (3), any person who
 35 violates or otherwise fails to comply with the rules adopted
 36 under this chapter commits a noncriminal infraction for which
 37 ejection from all property managed by the Division of Recreation
 38 and Parks and a fine of up to \$500 may be imposed by the
 39 division. Fines paid under this subsection shall be paid to the
 40 Department of Environmental Protection and deposited in the
 41 State Park Trust Fund.

42 (2) In addition to penalties imposed under subsection (1),
 43 any person who fails to sign a citation given under subsection
 44 (1), fails to appear in court in response to such citation, or
 45 fails to comply with the court's order commits a misdemeanor of
 46 the second degree, punishable as provided in s. 775.082 or s.
 47 775.083.

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

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

56 (b) Capturing, trapping, or injuring a wild animal;

- 57 (c) Collecting plant or animal specimens;
- 58 (d) Leaving the designated public roads in a vehicle; or
- 59 (e) Hunting.

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

62 258.014 Fees for use of state parks.--

63 (3) A person who is a member of the Florida National
 64 Guard, or the spouse or minor child of such a person, shall be
 65 charged one-half the admission fee to a state park upon
 66 presentation of a valid card that identifies the person as being
 67 an active member of the Florida National Guard or a spouse or
 68 child of such a member.

69 Section 4. Subsection (13) of section 259.1053, Florida
 70 Statutes, is amended to read:

71 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
 72 creation; membership; organization; meetings.--

73 (13) MISCELLANEOUS PROVISIONS.--

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

78 (b) Officers and employees of Babcock Ranch, Inc., are
 79 private employees. At the request of the board of directors, the
 80 commission and the department may provide state employees for
 81 the purpose of implementing this section. Any state employees
 82 provided to assist the directors in implementing this section
 83 for more than 30 days shall be provided on a reimbursable basis.
 84 Reimbursement to the commission and the department shall be made

85 from the corporation's operating fund provided under this
86 section and not from any funds appropriated to the corporation
87 by the Legislature.

88 (c) Notwithstanding the prohibition or restrictions
89 contained in the management agreement, areas of the ranch
90 historically used for tenant farming may continue to be leased
91 out by Babcock Ranch Management, LLC. Such leases, extensions or
92 renewal periods shall be for a term of not less than one year or
93 more than four years, and shall not exceed the total amount of
94 acreage covered by the tenant leases in existence on July 31,
95 2006.

96 (d) Until the management plan developed pursuant to s.
97 253.034 and s. 259.032, is adopted, hunting for the purposes of
98 reasonable wildlife population and habitat management shall be
99 allowed on the preserve. Such purposes shall include prevention
100 of overgrazing, disease, and overpopulation. All hunting shall
101 be conducted pursuant to the rules and regulations of the
102 Florida Fish and Wildlife Conservation Commission; however,
103 Babcock Ranch Management, LLC., shall have the authority to
104 charge reasonable access fees to the general public. Special
105 opportunity hunts for persons with disabilities and those under
106 18 years of age shall be a priority. Until the management plan
107 required by the management agreement is adopted, hunting for the
108 purposes of reasonable wildlife population and habitat
109 management shall be equivalent in purpose to any other
110 recreational use on the preserve.

111 (e) The provisions of paragraphs (c) and (d) shall be
112 contingent upon Babcock Ranch Management, LLC., meeting the

113 requirements of s. 259.1053(11)(d). The Board of Trustees shall
 114 order an audit pursuant to section 27, part V of the management
 115 agreement.

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

121 Section 5. Section 316.212, Florida Statutes, is amended
 122 to read:

123 316.212 Operation of golf carts on certain roadways.--The
 124 operation of a golf cart upon the public roads or streets of
 125 this state is prohibited except as provided herein:

126 (1) A golf cart may be operated only upon a county road
 127 that has been designated by a county, or a municipal street that
 128 has been designated by a municipality, for use by golf carts.
 129 Prior to making such a designation, the responsible local
 130 governmental entity must first determine that golf carts may
 131 safely travel on or cross the public road or street, considering
 132 factors including the speed, volume, and character of motor
 133 vehicle traffic using the road or street. Upon a determination
 134 that golf carts may be safely operated on a designated road or
 135 street, the responsible governmental entity shall post
 136 appropriate signs to indicate that such operation is allowed.

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

139 (a) To cross a portion of the State Highway System which
 140 intersects a county road or municipal street that has been

141 designated for use by golf carts if the Department of
 142 Transportation has reviewed and approved the location and design
 143 of the crossing and any traffic control devices needed for
 144 safety purposes.

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

150 (c) A golf cart may be operated on a state road that has
 151 been designated for transfer to a local government unit pursuant
 152 to s. 335.0415 if the Department of Transportation determines
 153 that the operation of a golf cart within the right-of-way of the
 154 road will not impede the safe and efficient flow of motor
 155 vehicular traffic. The department may authorize the operation of
 156 golf carts on such a road if:

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

160 2. The speed, volume, and character of motor vehicular
 161 traffic using the road is considered in making such a
 162 determination.

163
 164 Upon its determination that golf carts may be operated on a
 165 given road, the department shall post appropriate signs on the
 166 road to indicate that such operation is allowed.

167 (3) Notwithstanding any other provision of this section
 168 ~~Any other provision of this section to the contrary~~

169 ~~notwithstanding~~, a golf cart may be operated for the purpose of
 170 crossing a street or highway where a single mobile home park is
 171 located on both sides of the street or highway and is divided by
 172 that street or highway, provided that the governmental entity
 173 having original jurisdiction over such street or highway shall
 174 review and approve the location of the crossing and require
 175 implementation of any traffic controls needed for safety
 176 purposes. This subsection shall apply only to residents or
 177 guests of the mobile home park. ~~Any other provision of law to~~
 178 ~~the contrary notwithstanding~~, If notice is posted at the
 179 entrance and exit of ~~to~~ any mobile home park where ~~that~~
 180 residents of the park operate ~~utilize~~ golf carts or electric
 181 vehicles within the confines of the park it is ~~shall~~ not be
 182 necessary for ~~that~~ the park to have a gate or other device at
 183 the entrance and exit in order for such golf carts or electric
 184 vehicles to be lawfully operated in the park.

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

190 (5)~~(4)~~ A golf cart may be operated only during the hours
 191 between sunrise and sunset, unless the responsible governmental
 192 entity has determined that a golf cart may be operated during
 193 the hours between sunset and sunrise and the golf cart is
 194 equipped with headlights, brake lights, turn signals, and a
 195 windshield.

196 (6)~~(5)~~ A golf cart must be equipped with efficient brakes,

197 reliable steering apparatus, safe tires, a rearview mirror, and
 198 red reflectorized warning devices in both the front and rear.

199 (7)~~(6)~~ A golf cart may not be operated on public roads or
 200 streets by any person under the age of 14.

201 (8)~~(7)~~ A local governmental entity may enact an ordinance
 202 regarding golf cart operation and equipment which is more
 203 restrictive than those enumerated in this section. Upon
 204 enactment of ~~any~~ such ordinance, the local governmental entity
 205 shall post appropriate signs or otherwise inform the residents
 206 that such an ordinance exists and that it will ~~shall~~ be enforced
 207 within the local government's jurisdictional territory. An
 208 ordinance referred to in this section must apply only to an
 209 unlicensed driver.

210 (9)~~(8)~~ A violation of this section is a noncriminal
 211 traffic infraction, punishable pursuant to chapter 318 as a
 212 moving violation for infractions of subsections (1) through (5)
 213 ~~subsection (1), subsection (2), subsection (3), subsection (4),~~
 214 or a local ordinance corresponding thereto and enacted pursuant
 215 to subsection (8) ~~(7)~~, or punishable pursuant to chapter 318 as
 216 a nonmoving violation for infractions of subsection (6) ~~(5)~~,
 217 subsection (7) ~~(6)~~, or a local ordinance corresponding thereto
 218 and enacted pursuant to subsection (8) ~~(7)~~.

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

221 316.2125 Operation of golf carts within a retirement
 222 community.--

223 (1) Notwithstanding the provisions of s. 316.212, the
 224 reasonable operation of a golf cart, equipped and operated as

225 provided in s. 316.212 ~~s. 316.212(4), (5), and (6)~~, within any
 226 self-contained retirement community is permitted unless
 227 prohibited under subsection (2).

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

230 316.2126 Use of golf carts and utility vehicles by
 231 governmental units ~~municipalities~~.--In addition to the powers
 232 granted by ss. 316.212 and 316.2125, state agencies and
 233 municipalities are ~~hereby~~ authorized to operate ~~utilize~~ golf
 234 carts and utility vehicles, as defined in s. 320.01, ~~upon any~~
 235 ~~state, county, or municipal roads located within the corporate~~
 236 ~~limits of such municipalities~~, subject to the following
 237 conditions:

238 (1) Golf carts and utility vehicles must comply with the
 239 operational and safety requirements in ss. 316.212 and 316.2125,
 240 and with any more restrictive ordinances enacted by the local
 241 governmental entity pursuant to s. 316.212(8) ~~s. 316.212(7)~~, and
 242 shall ~~only~~ be operated only by state or municipal employees for
 243 state or municipal purposes, including, but not limited to,
 244 police patrol, traffic enforcement, and inspection of public
 245 facilities.

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

252 (3) Golf carts and utility vehicles may ~~only~~ be operated

253 only on state roads that have a posted speed limit of 30 miles
254 per hour or less, and, if operated by an employee of a
255 municipality, only on a state, county, or municipal road located
256 within the corporate limits of the municipality.

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

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