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CS/HB 981, Engrossed 2

2007 Legislature

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

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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;

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- 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

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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

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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

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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~~

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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,

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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



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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

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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.