

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 192

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Baker

SUBJECT: State Parks

DATE: March 20, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bascom	Kiger	EP	Fav/CS
2.	Paradise	Meyer	TR	Favorable
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The committee substitute (CS) would implement several legislative changes.

- Amends s. 258.007, F.S., giving the Division of State Parks the authority to adopt rules pursuant to ss. 120.536 and 120.54, F.S., that impose penalties for violations of provisions established in s. 258.008, F.S.
- Provides the violation of certain state park rules will be a civil infraction instead of a criminal infraction and allows for the imposition of a fine up to \$500.
- Allows golf carts and utility vehicles to be operated on roads within the state park system under certain conditions.

The CS amends the following sections of the Florida Statutes: 258.007, 316.212, 316.2125, and 316.2126.

The bill creates s. 258.008, Florida Statutes.

The bill would take effect on July 1, 2008.

II. Present Situation:

State Parks Rules

Section 258.007, F.S., authorizes the Division of Recreation and Parks to adopt rules to provide for punishment of violations of state park rules as a misdemeanor. Currently, if a citation is written for a violation of minor park infractions, such as tying a tent rope to a tree instead of a stake, this becomes a criminal infraction with a corresponding criminal record.

Golf Carts

Sections 316.212, 316.2125, and 316.2126, F.S., provide guidance for the operation of golf carts on public roads. These statutes deal with general operational rules, signage, equipment requirements, and prohibitions. The operation of golf carts within state park boundaries is not currently specifically addressed. Golf carts are defined in s. 320.01(22), F.S., as a motor vehicle not capable of exceeding speeds of 20 miles per hour, designed and manufactured for operation on a golf course for a recreational purpose.

Golf carts can be operated on certain sections of public roadways that have been designated or approved by the appropriate authorities. Generally, a driver's license is not required for valid operation, see s. 322.04, F.S. Golf cart operation may be further restricted by local government ordinance.

Municipalities are authorized to operate golf carts and utility vehicles upon any state, county, or municipal roads located within their corporate limits, subject to operational and safety requirements and other restrictions. Golf carts may be operated within mobile home parks and self-contained retirement communities (subject to restrictions by local ordinance or placed on a publicly owned street).

Golf carts must be equipped with a rearview mirror and reflective warning devices, along with efficient brakes, safe tires, and reliable steering. Golf carts can only be operated between sunrise and sunset, unless the responsible governmental entity has determined otherwise. In that case, the golf cart must be equipped with additional equipment such as headlights, see s. 316.212(4), F.S.

III. Effect of Proposed Changes:

A section by section analysis of the proposed changes follows:

Section 1: The CS amends s. 258.007, F.S., to allow the Division of Recreation and Parks ("Division") to impose penalties for violations of certain rules. Additionally, the section is amended to allow the division to establish rules which identify what violations shall now be considered non-criminal infractions and those that shall be treated as misdemeanors.

Section 2: The CS creates s. 258.008, F.S., to provide, with special exceptions, any person who violates or otherwise fails to comply with rules adopted for state parks commits a non-criminal infraction of which ejection from all property managed by the division and a fine of up to \$500 may be imposed by the division.

Additionally, any person who fails to sign a citation given under this subsection, fails to appear in court in response to such a citation, or fails to comply with the court's order commits a second degree misdemeanor punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

Unless the activity has been specifically permitted by the division, any person who is in violation of any of the following commits a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., and shall be ejected from all property managed by the division:

- Cutting, carving, injuring, mutilating, moving, displacing, or breaking off any water bottom formation of coral within the boundaries of a state park.
- Capturing, trapping, or injuring wild animals within the boundaries of a state park.
- Collecting plant or animal specimens within the boundaries of a state park.
- Leaving the designated public roads with a vehicle within the boundaries of a state park.
- Hunting within the boundaries of a state park.

Section 3: The CS amends s. 316.212, F.S., to allow golf carts to be operated on roads within the state park road system if authorized by the Division of Recreation and Parks, and if the posted speed limit is 35 miles per hour or less.

Section 4: The CS amends s. 316.2125, F.S., to correct cross references.

Section 5: The CS amends s. 316.2126, F.S., to allow for the use of golf carts or utility vehicles by the Division of Recreation and Parks employees, and volunteers (for the purposes of completing official state park duties), or by state park visitors on public roads within the boundaries of state parks. The CS also requires anyone operating a golf cart under the provisions contained in this section possess a valid drivers license. Finally, the CS adds a cross-reference to current golf cart operational requirements.

Section 6: Provides an effective date of July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This CS does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by s.18, Art. VII, State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The CS lessens the impact to the private sector by decriminalizing certain state park violations. The change to infractions can result in ejection from all division property and a fine of up to \$500.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

The CS allows for the use of golf carts and utility vehicles within the boundaries of state parks by state park visitors.

B. Amendments:

None.