

By Senator Baker

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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; amending s. 316.212, F.S.; authorizing the
9 operation of a golf cart within a state park under certain
10 circumstances; amending s. 316.2125, F.S.; conforming a
11 cross-reference; amending s. 316.2126, F.S.; authorizing
12 municipalities and the Division of Recreation and Parks of
13 the Department of Environmental Protection to operate golf
14 carts and utility vehicles on public roads within
15 municipal corporate limits or state park boundaries for
16 public purposes; conforming cross-references; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsection (2) of section 258.007, Florida
22 Statutes, is amended to read:

23 258.007 Powers of division.--

24 (2) The division has authority to adopt rules pursuant to
25 ss. 120.536(1) and 120.54 to implement provisions of law
26 conferring duties on it, and authority to impose penalties as
27 provided in s. 258.008 for the violation of any rule authorized
28 by this section ~~shall be a misdemeanor and punishable~~
29 ~~accordingly.~~

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

32 258.008 Prohibited activities; penalties.--

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

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

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

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

55 (b) Capturing, trapping, or injuring a wild animal.

56 (c) Collecting plant or animal specimens.

57 (d) Leaving the designated public roads in a vehicle.

58 (e) Hunting.

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59 Section 3. Section 316.212, Florida Statutes, is amended to
60 read:

61 316.212 Operation of golf carts on certain roadways.--The
62 operation of a golf cart upon the public roads or streets of this
63 state is prohibited except as provided herein:

64 (1) A golf cart may be operated only upon a county road
65 that has been designated by a county, or a municipal street that
66 has been designated by a municipality, for use by golf carts.
67 Prior to making such a designation, the responsible local
68 governmental entity must first determine that golf carts may
69 safely travel on or cross the public road or street, considering
70 factors including the speed, volume, and character of motor
71 vehicle traffic using the road or street. Upon a determination
72 that golf carts may be safely operated on a designated road or
73 street, the responsible governmental entity shall post
74 appropriate signs to indicate that such operation is allowed.

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

77 (a) To cross a portion of the State Highway System which
78 intersects a county road or municipal street that has been
79 designated for use by golf carts if the Department of
80 Transportation has reviewed and approved the location and design
81 of the crossing and any traffic control devices needed for safety
82 purposes.

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

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88 (c) A golf cart may be operated on a state road that has
89 been designated for transfer to a local government unit pursuant
90 to s. 335.0415 if the Department of Transportation determines
91 that the operation of a golf cart within the right-of-way of the
92 road will not impede the safe and efficient flow of motor
93 vehicular traffic. The department may authorize the operation of
94 golf carts on such a road if:

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

98 2. The speed, volume, and character of motor vehicular
99 traffic using the road is considered in making such a
100 determination.

101
102 Upon its determination that golf carts may be operated on a given
103 road, the department shall post appropriate signs on the road to
104 indicate that such operation is allowed.

105 (3) Notwithstanding any other provision of this section ~~to~~
106 ~~the contrary notwithstanding~~, a golf cart may be operated for the
107 purpose of crossing a street or highway where a single mobile
108 home park is located on both sides of the street or highway and
109 is divided by that street or highway, provided that the
110 governmental entity having original jurisdiction over such street
111 or highway shall review and approve the location of the crossing
112 and require implementation of any traffic controls needed for
113 safety purposes. This subsection shall apply only to residents or
114 guests of the mobile home park. ~~Any other provision of law to the~~
115 ~~contrary notwithstanding~~, If notice is posted at the entrance and
116 exit of ~~to~~ any mobile home park where ~~that~~ residents of the park

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117 operate ~~utilize~~ golf carts or electric vehicles within the
118 confines of the park, it is ~~shall not be~~ necessary for ~~that~~ the
119 park to have a gate or other device at the entrance and exit in
120 order for such golf carts or electric vehicles to be lawfully
121 operated in the park.

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

127 (5)~~(4)~~ A golf cart may be operated only during the hours
128 between sunrise and sunset, unless the responsible governmental
129 entity has determined that a golf cart may be operated during the
130 hours between sunset and sunrise and the golf cart is equipped
131 with headlights, brake lights, turn signals, and a windshield.

132 (6)~~(5)~~ A golf cart must be equipped with efficient brakes,
133 reliable steering apparatus, safe tires, a rearview mirror, and
134 red reflectorized warning devices in both the front and rear.

135 (7)~~(6)~~ A golf cart may not be operated on public roads or
136 streets by any person under the age of 14.

137 (8)~~(7)~~ A local governmental entity may enact an ordinance
138 regarding golf cart operation and equipment which is more
139 restrictive than those enumerated in this section. Upon enactment
140 of ~~any~~ such ordinance, the local governmental entity shall post
141 appropriate signs or otherwise inform the residents that such an
142 ordinance exists and that it will ~~shall~~ be enforced within the
143 local government's jurisdictional territory. An ordinance
144 referred to in this section must apply only to an unlicensed
145 driver.

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146 (9)~~(8)~~ A violation of this section is a noncriminal traffic
147 infraction, punishable pursuant to chapter 318 as a moving
148 violation for infractions of subsections (1)-(5) ~~subsection (1),~~
149 ~~subsection (2), subsection (3), subsection (4),~~ or a local
150 ordinance corresponding thereto and enacted pursuant to
151 subsection (8) ~~(7)~~, or punishable pursuant to chapter 318 as a
152 nonmoving violation for infractions of subsection (6) ~~(5)~~,
153 subsection (7) ~~(6)~~, or a local ordinance corresponding thereto
154 and enacted pursuant to subsection (8) ~~(7)~~.

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

157 316.2125 Operation of golf carts within a retirement
158 community.--

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

164 Section 5. Section 316.2126, Florida Statutes, is amended
165 to read:

166 316.2126 Use of golf carts and utility vehicles by
167 municipalities and the Division of Recreation and Parks of the
168 Department of Environmental Protection.--In addition to the
169 powers granted by ss. 316.212 and 316.2125, municipalities and
170 the Division of Recreation and Parks of the Department of
171 Environmental Protection are ~~hereby~~ authorized to operate ~~utilize~~
172 golf carts and utility vehicles, as defined in s. 320.01, upon
173 any state, county, or municipal roads located within the
174 corporate limits of such municipalities or the boundaries of

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175 state parks managed by the Division of Recreation and Parks,
176 subject to the following conditions:

177 (1) Golf carts and utility vehicles must comply with the
178 operational and safety requirements in ss. 316.212 and 316.2125,
179 and with any more restrictive ordinances enacted by the local
180 governmental entity pursuant to s. 316.212(8)(7), and shall ~~only~~
181 be operated only by municipal or division employees or state park
182 volunteers for municipal or state park purposes, including, but
183 not limited to, police patrol, traffic enforcement, ~~and~~
184 inspection of public facilities, and official state park duties.

185 (2) In addition to the safety equipment required under
186 subsection (1) in s. 316.212(5) and ~~any more restrictive safety~~
187 ~~equipment required by the local governmental entity pursuant to~~
188 ~~s. 316.212(7)~~, such golf carts and utility vehicles must be
189 equipped with sufficient lighting and turn signal equipment.

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

193 (4) A municipal or division employee or a state park
194 volunteer operating a golf cart or utility vehicle pursuant to
195 this section must possess a valid driver's license as required by
196 s. 322.03.

197 Section 6. This act shall take effect July 1, 2008.