

By the Committee on Environmental Preservation and Conservation;
and Senator Baker

592-04551-08

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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 state employees, state park volunteers, and state park
13 visitors to operate golf carts and utility vehicles on
14 public roads within state park boundaries for certain
15 purposes subject to specified conditions; conforming
16 cross-references; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (2) of section 258.007, Florida
21 Statutes, is amended to read:

22 258.007 Powers of division.--

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

29 Section 2. Section 258.008, Florida Statutes, is created to

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30 read:

31 258.008 Prohibited activities; penalties.--

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

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

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

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

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

55 (c) Collecting plant or animal specimens.

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

57 (e) Hunting.

58 Section 3. Section 316.212, Florida Statutes, is amended to

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59 read:

60 316.212 Operation of golf carts on certain roadways.--The
61 operation of a golf cart upon the public roads or streets of this
62 state is prohibited except as provided herein:

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

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

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

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

87 (c) A golf cart may be operated on a state road that has

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

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

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

100

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

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

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

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

126 | (5)~~(4)~~ A golf cart may be operated only during the hours
127 | between sunrise and sunset, unless the responsible governmental
128 | entity has determined that a golf cart may be operated during the
129 | hours between sunset and sunrise and the golf cart is equipped
130 | with headlights, brake lights, turn signals, and a windshield.

131 | (6)~~(5)~~ A golf cart must be equipped with efficient brakes,
132 | reliable steering apparatus, safe tires, a rearview mirror, and
133 | red reflectorized warning devices in both the front and rear.

134 | (7)~~(6)~~ A golf cart may not be operated on public roads or
135 | streets by any person under the age of 14.

136 | (8)~~(7)~~ A local governmental entity may enact an ordinance
137 | regarding golf cart operation and equipment which is more
138 | restrictive than those enumerated in this section. Upon enactment
139 | of ~~any~~ such ordinance, the local governmental entity shall post
140 | appropriate signs or otherwise inform the residents that such an
141 | ordinance exists and that it will ~~shall~~ be enforced within the
142 | local government's jurisdictional territory. An ordinance
143 | referred to in this section must apply only to an unlicensed
144 | driver.

145 | (9)~~(8)~~ A violation of this section is a noncriminal traffic

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

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

156 | 316.2125 Operation of golf carts within a retirement
157 | community.--

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

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

165 | 316.2126 Use of golf carts and utility vehicles by
166 | municipalities and state employees, state park volunteers, and
167 | state park visitors.--

168 | (1) In addition to the powers granted by ss. 316.212 and
169 | 316.2125, municipalities are ~~hereby~~ authorized to utilize golf
170 | carts and utility vehicles, as defined in s. 320.01, upon any
171 | state, county, or municipal roads located within the corporate
172 | limits of such municipalities, subject to the following
173 | conditions:

174 | (a)~~(1)~~ Golf carts and utility vehicles must comply with the

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175 operational and safety requirements in ss. 316.212 and 316.2125,
176 and with any more restrictive ordinances enacted by the local
177 governmental entity pursuant to s. 316.212(8) ~~s. 316.212(7)~~, and
178 shall ~~only~~ be operated only by municipal employees for municipal
179 purposes, including, but not limited to, police patrol, traffic
180 enforcement, and inspection of public facilities.

181 ~~(b)(2)~~ In addition to the safety equipment required in s.
182 316.212(6) ~~s. 316.212(5)~~ and any more restrictive safety
183 equipment required by the local governmental entity pursuant to
184 s. 316.212(8) ~~s. 316.212(7)~~, such golf carts and utility vehicles
185 must be equipped with sufficient lighting and turn signal
186 equipment.

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

190 (2) State employees, state park volunteers, and state park
191 visitors are authorized to use golf carts and utility vehicles,
192 as defined in s. 320.01, upon any public roads within the
193 boundaries of state parks managed by the Division of Recreation
194 and Parks of the Department of Environmental Protection, subject
195 to the following conditions:

196 (a) Golf carts and utility vehicles must comply with the
197 operational and safety requirements in s. 316.212.

198 (b) Golf carts and utility vehicles shall be operated only
199 by state employees and state park volunteers for state purposes
200 and by state park visitors for uses authorized by the Division of
201 Recreation and Parks of the Department of Environmental
202 protection.

203 ~~(3)(4)~~ Anyone ~~A municipal employee~~ operating a golf cart or

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204 utility vehicle pursuant to this section must possess a valid
205 driver's license as required by s. 322.03.

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