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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.