

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:

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 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.~~

30 Section 2. Section 258.008, Florida Statutes, is created
31 to 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
40 State 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.

59 Section 3. Section 316.212, Florida Statutes, is amended
60 to 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
63 this 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
82 safety 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.

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.

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102 Upon its determination that golf carts may be operated on a
 103 given road, the department shall post appropriate signs on the
 104 road to 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
 107 the purpose of crossing a street or highway where a single
 108 mobile home park is located on both sides of the street or
 109 highway and is divided by that street or highway, provided that
 110 the governmental entity having original jurisdiction over such
 111 street or highway shall review and approve the location of the
 112 crossing and require implementation of any traffic controls

113 needed for safety purposes. This subsection shall apply only to
 114 residents or guests of the mobile home park. ~~Any other provision~~
 115 ~~of law to the contrary notwithstanding,~~ If notice is posted at
 116 the entrance and exit of ~~to~~ any mobile home park where ~~that~~
 117 residents of the park operate ~~utilize~~ golf carts or electric
 118 vehicles within the confines of the park, it is ~~shall~~ not be
 119 necessary for ~~that~~ the park to have a gate or other device at
 120 the entrance and exit in order for such golf carts or electric
 121 vehicles to be lawfully operated in the park.

122 (4) Notwithstanding any other provision of this section,
 123 if 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
 130 the hours between sunset and sunrise and the golf cart is
 131 equipped with headlights, brake lights, turn signals, and a
 132 windshield.

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

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

138 (8)~~(7)~~ A local governmental entity may enact an ordinance
 139 regarding golf cart operation and equipment which is more
 140 restrictive than those enumerated in this section. Upon

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141 enactment of ~~any~~ such ordinance, the local governmental entity
 142 shall post appropriate signs or otherwise inform the residents
 143 that such an ordinance exists and that it will ~~shall~~ be enforced
 144 within the local government's jurisdictional territory. An
 145 ordinance referred to in this section must apply only to an
 146 unlicensed driver.

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

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

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

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

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

167 316.2126 Use of golf carts and utility vehicles by
 168 municipalities and the Division of Recreation and Parks of the

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

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

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

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

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

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197 | by s. 322.03.

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