

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; requiring anyone operating a golf cart
 17 or utility vehicle pursuant to the section to possess a
 18 valid driver's license; providing an effective date.

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

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

24 258.007 Powers of division.--

25 (2) The division has authority to adopt rules pursuant to
 26 ss. 120.536(1) and 120.54 to implement provisions of law
 27 conferring duties on it, and authority to impose penalties as
 28 provided in s. 258.008 for the violation of any rule authorized

29 by this section ~~shall be a misdemeanor and punishable~~
30 ~~accordingly.~~

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

33 258.008 Prohibited activities; penalties.--

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

42 (2) In addition to penalties imposed under subsection (1),
43 any person who fails to sign a citation given under subsection
44 (1), fails to appear in court in response to such citation, or
45 fails to comply with the court's order commits a misdemeanor of
46 the second degree, punishable as provided in s. 775.082 or s.
47 775.083.

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

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

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

- 57 | (c) Collecting plant or animal specimens.
- 58 | (d) Leaving the designated public roads in a vehicle.
- 59 | (e) Hunting.

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

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

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

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

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

84 | (b) To cross, at midblock, a part of the State Highway

85 System where a golf course is constructed on both sides of the
 86 highway if the Department of Transportation has reviewed and
 87 approved the location and design of the crossing and any traffic
 88 control devices needed for safety purposes.

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

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

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

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

106 (3) Notwithstanding any other provision of this section ~~to~~
 107 ~~the contrary notwithstanding~~, a golf cart may be operated for
 108 the purpose of crossing a street or highway where a single
 109 mobile home park is located on both sides of the street or
 110 highway and is divided by that street or highway, provided that
 111 the governmental entity having original jurisdiction over such
 112 street or highway shall review and approve the location of the

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

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

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

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

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

139 (8)~~(7)~~ A local governmental entity may enact an ordinance
 140 regarding golf cart operation and equipment which is more

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

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

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

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

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

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

168 316.2126 Use of golf carts and utility vehicles by

169 municipalities, state employees, state park volunteers, and
 170 state park visitors.--

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

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

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

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

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

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197 Protection, subject to the following conditions:

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

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

205 (3)~~(4)~~ Anyone ~~A municipal employee~~ operating a golf cart
206 or utility vehicle pursuant to this section must possess a valid
207 driver's license as required by s. 322.03.

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