

Committee Substitute for Senate Bill No. 192

An act relating to state parks; amending s. 258.007, F.S.; deleting a penalty for a rule violation; creating s. 258.008, F.S.; creating penalties for the violation of rules adopted under ch. 258, F.S., and for specified activities within the boundaries of a state park; providing for fines to be deposited into the State Park Trust Fund; amending s. 316.212, F.S.; authorizing the operation of a golf cart within a state park under certain circumstances; amending s. 316.2125, F.S.; conforming a cross-reference; amending s. 316.2126, F.S.; authorizing state employees, state park volunteers, and state park visitors to operate golf carts and utility vehicles on public roads within state park boundaries for certain purposes subject to specified conditions; conforming cross-references; providing an effective date.

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

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

258.007 Powers of division.—

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

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

258.008 Prohibited activities; penalties.—

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

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

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

- (a) Cutting, carving, injuring, mutilating, moving, displacing, or breaking off any water-bottom formation or coral.
- (b) Capturing, trapping, or injuring a wild animal.
- (c) Collecting plant or animal specimens.
- (d) Leaving the designated public roads in a vehicle.
- (e) Hunting.

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

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

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

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

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

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

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

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

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

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

(3) ~~Notwithstanding any other provision of this section to the contrary notwithstanding,~~ a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. ~~Any other provision of law to the contrary notwithstanding,~~ If notice is posted at the entrance and exit ~~of to~~ any mobile home park ~~where that~~ residents of the park ~~operate utilize~~ golf carts or electric vehicles within the confines of the park, it ~~is shall~~ not be necessary ~~for that the park to~~ have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

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

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

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

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

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

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

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

316.2125 Operation of golf carts within a retirement community.—

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

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

316.2126 Use of golf carts and utility vehicles by municipalities and state employees, state park volunteers, and state park visitors.—

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

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

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

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

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

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

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

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

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

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.