

Tab 1	SB 310 by Perry ; (Identical to H 00659) Off-highway Vehicles
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Albritton, Chair
Senator Gainer, Vice Chair

MEETING DATE: Monday, February 11, 2019
TIME: 2:30—4:00 p.m.
PLACE: 301 Senate Building

MEMBERS: Senator Albritton, Chair; Senator Gainer, Vice Chair; Senators Broxson, Montford, and Rader

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 310 Perry (Identical H 659)	Off-highway Vehicles; Redefining the terms "ATV" and "ROV" to increase the authorized width and dry weight of such vehicles; redefining the term "all-terrain vehicle" to increase the authorized width and dry weight of the vehicle, etc. AG 02/11/2019 Favorable CA RC	Favorable Yeas 4 Nays 0
2	Panel Discussion on Hurricane Michael		Discussed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 310

INTRODUCER: Senator Perry

SUBJECT: Off-Highway Vehicles

DATE: February 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 310 redefines the terms “ATV” (all-terrain vehicle) and “ROV” (recreational off-highway vehicle) to increase the width and dry weight allowed for these vehicles. This change will allow manufacturers to meet increasing consumer and regulatory demands for safer vehicles.

II. Present Situation:

The 2002 Legislature found that off-highway vehicles were becoming increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.¹ The T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act² was passed to develop an Off-Highway Vehicle recreational system. The program provides a set of guidelines to follow for developing and maintaining state lands, as well as provides restrictions on vehicles allowed on authorized state lands.

The definitions of ATV and ROV are distinguished by width, weight, and the number of non-highway wheels. Consumers and regulators have requested safer, more comfortable, and better performing vehicles. Authorizing a wider footprint of the vehicle will allow a lower center of gravity, which greatly decreases the possibility of a rollover. Authorizing an increased weight allowance will allow wider axels, heavier roll protection, and better engine performance.

III. Effect of Proposed Changes:

Section 1 amends s. 261.03, F.S., to revise the definitions of “ATV” and “ROV” to increase the authorized width and dry weight of the vehicles.

¹ Section 261.02(1), F.S.

² Section 261.01, F.S.

Section 2 amends s. 316.2074, F.S., to revise the definition of “all-terrain vehicle” to increase the authorized width and dry weight of the vehicle.

Section 3 amends s. 317.0003, F.S., to revise the definitions of “ATV” and “ROV” to increase the authorized width and dry weight of the vehicles.

Section 4 reenacts s. 316.2123(1), F.S., relating to the operation of an ATV on certain roadways.

Section 5 reenacts s. 316.21265(1), F.S., relating to the use of certain vehicles by law enforcement agencies.

Section 6 provides that this act shall take effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The changes provided by the bill will allow manufacturers to build safer, more comfortable and better performing vehicles.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 261.03, 316.2074, and 317.0003

This bill reenacts the following sections of the Florida Statutes: 316.2123 and 316.21265

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Perry

8-00471B-19

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A bill to be entitled

An act relating to off-highway vehicles; amending ss. 261.03 and 317.0003, F.S.; redefining the terms "ATV" and "ROV" to increase the authorized width and dry weight of such vehicles; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to increase the authorized width and dry weight of the vehicle; reenacting s. 316.2123(1), F.S., relating to the operation of an ATV on certain roadways; reenacting s. 316.21265(1), F.S., relating to the use of certain vehicles by law enforcement agencies; providing an effective date.

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

Section 1. Subsections (2) and (8) of section 261.03, Florida Statutes, are amended to read:

261.03 Definitions.—As used in this chapter, the term:

(2) "ATV" means any motorized off-highway or all-terrain vehicle 55 ~~50~~ inches or less in width which has, having a dry weight of 1,500 ~~1,200~~ pounds or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons.

(8) "ROV" means any motorized recreational off-highway vehicle 80 ~~65~~ inches or less in width which has, having a dry weight of 2,500 ~~2,000~~ pounds or less, is designed to travel on four or more nonhighway tires, and is manufactured for recreational use by one or more persons. The term "~~ROV~~" does not include a golf cart as defined in ss. 316.003 and 320.01 or a

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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low-speed vehicle as defined in s. 320.01.

Section 2. Subsection (2) of section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

(2) As used in this section, the term "all-terrain vehicle" means any motorized off-highway vehicle 55 ~~50~~ inches or less in width which has, having a dry weight of 1,500 ~~1,200~~ pounds or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons. For the purposes of this section, "all-terrain vehicle" also includes a "two-rider ATV" as defined in s. 317.0003.

Section 3. Subsections (1) and (9) of section 317.0003, Florida Statutes, are amended to read:

317.0003 Definitions.—As used in this chapter, the term:

(1) "ATV" means any motorized off-highway or all-terrain vehicle 55 ~~50~~ inches or less in width which has, having a dry weight of 1,500 ~~1,200~~ pounds or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons.

(9) "ROV" means any motorized recreational off-highway vehicle 80 ~~65~~ inches or less in width which has, having a dry weight of 2,500 ~~2,000~~ pounds or less, is designed to travel on four or more nonhighway tires, and is manufactured for recreational use by one or more persons. The term "~~ROV~~" does not include a golf cart as defined in ss. 316.003 and 320.01 or a low-speed vehicle as defined in s. 320.01.

Section 4. For the purpose of incorporating the amendment made by this act to section 317.0003, Florida Statutes, in a reference thereto, subsection (1) of section 316.2123, Florida

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59 Statutes, is reenacted to read:

60 316.2123 Operation of an ATV on certain roadways.—

61 (1) The operation of an ATV, as defined in s. 317.0003,
62 upon the public roads or streets of this state is prohibited,
63 except that an ATV may be operated during the daytime on an
64 unpaved roadway where the posted speed limit is less than 35
65 miles per hour.

66 Section 5. For the purpose of incorporating the amendment
67 made by this act to section 316.2074, Florida Statutes, in a
68 reference thereto, subsection (1) of section 316.21265, Florida
69 Statutes, is reenacted to read:

70 316.21265 Use of all-terrain vehicles, golf carts, low-
71 speed vehicles, or utility vehicles by law enforcement
72 agencies.—

73 (1) Notwithstanding any provision of law to the contrary,
74 any law enforcement agency in this state may operate all-terrain
75 vehicles as defined in s. 316.2074, golf carts as defined in s.
76 320.01, low-speed vehicles as defined in s. 320.01, or utility
77 vehicles as defined in s. 320.01 on any street, road, or highway
78 in this state while carrying out its official duties.

79 Section 6. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

WJ

SB310

Bill Number (if applicable)

Meeting Date

Topic OFF ROAD VEHICLES

Amendment Barcode (if applicable)

Name STEV DYAL

Job Title _____

Address PO BOX 10181

Phone 850-526-286

Street

TRULASSA

City

State

Zip

Email dyal@polaris.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing POLARIS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-19
Meeting Date

Panel
Bill Number (if applicable)

Topic FARM STORM AID.

Amendment Barcode (if applicable)

Name MARK GLASS

Job Title _____

Address 1525 FAIRVIEW RD.
Street

Phone 850-573-0885

MARIANNA FL 32448
City State Zip

Email MJG@WFECA.NET

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19 Meeting Date

Panel Bill Number (if applicable)

Topic Hurricane Michael

Amendment Barcode (if applicable)

Name Brad Austin

Job Title Manager Cindale Farms / Southern Croft Cucumber

Address 5073 Midway Fish Camp Rd Street

Phone 850-209-8770

Maniana FL 32446 City State Zip

Email Cindalebrad@gmail.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/11/2018

Meeting Date

Panel

Bill Number (if applicable)

Topic OYSTERS

Amendment Barcode (if applicable)

Name CAWTON BRUB

Job Title FARMER

Address 2779 RED MAPLE RD

Phone _____

Street

TALLAHASSEE

FL

32301

Email HOLLER@PELICANW0832K

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/11/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Panel

Bill Number (if applicable)

Topic Jackson Co. Ag Damage

Amendment Barcode (if applicable)

Name Jeffrey C Pittman

Job Title Owner/Operator JCFarm

Address 6429 Woredale Rd

Phone 850 209 3437

Street Bazum FL 32423

Email JCFarm@Gm5angmail.com

City State Zip

Speaking: [] For [] Against [X] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Jackson Co. Row Crop Producer

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD



2/11/2019
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Panel
Bill Number (if applicable)

Topic Hurricanes

Amendment Barcode (if applicable)

Name Steve Bastford

Job Title Farmer

Address 1212 Spivey Rd

Phone 850 526 8392

Grand Ridge FL 32442
City State Zip

Email bastfordfarms@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Jackson Co.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Vice Chair*
Agriculture
Appropriations Subcommittee on Health
and Human Services
Children, Families, and Elder Affairs

JOINT COMMITTEE:
Joint Legislative Auditing Committee

SENATOR KEVIN J. RADER
29th District

February 11, 2019

Chairman Ben Albritton
Committee on Agriculture
335 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Albritton:

I am writing to you to be excused from the Committee on Agriculture meeting that will be held today, February 11, 2019, at 2:30 p.m., due to a family matter that needs my attention. I sincerely apologize for any inconvenience this may cause.

Thank you for your consideration. Please feel free to contact me at (850) 487-5029 if you have any questions.

Sincerely

A handwritten signature in cursive script that reads "Kevin Rader".

Kevin Rader
State Senator
District 29

cc: Katherine Becker, Staff Director
Lauren Zaugg, Committee Administrative Assistant

REPLY TO:

- 5301 North Federal Hwy, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- 222 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

CourtSmart Tag Report

Room: SB 301

Caption: Senate Committee on Agriculture

Case No.:

Judge:

Type:

Started: 2/11/2019 2:30:59 PM

Ends: 2/11/2019 4:00:19 PM

Length: 01:29:21

2:30:58 PM Meeting called to order by Chair Albritton
2:31:02 PM Roll call by Administrative Assistant Laureen Zaugg
2:31:09 PM Quorum present
2:31:19 PM Senator Rader is excused from meeting
2:31:46 PM Pledge of Allegiance led by Senator Rader
2:31:56 PM Comments from Chair Albritton
2:32:14 PM Introduction of SB 310 by Chair Albritton
2:32:24 PM Explanation of SB 310 by Senator Perry, Off-highway Vehicles
2:32:40 PM Comments from Chair Albritton
2:32:49 PM Steve Dyal, Polaris waives in support
2:32:56 PM Comments from Chair Albritton
2:33:00 PM Closure waived by Senator Perry
2:33:03 PM Roll call on SB 310 by Administrative Assistant Laureen Zaugg
2:33:13 PM SB 310 reported favorably
2:33:58 PM Comments from Senator Montford
2:34:20 PM Comments from Chair Albritton regarding Panel discussion - Hurricane Michael
2:35:05 PM Senator Broxson shown voting in the affirmative on SB 310
2:35:47 PM Introduction of Panel by Chair Albritton, Steve Basford, Basford Farms Perennial Peanut
2:36:10 PM Jeffery Pittman, Jeff & Ginger Pittman Farm
2:36:19 PM Cainnon Gregg, Pelican Oyster Company
2:36:27 PM Brad Austin, Cindale Farms (Dairy)
2:36:36 PM Mack Glass, Cherokee Ranch, Cattle and Forestry/timber
2:36:58 PM Comments from Chair Albritton
2:37:20 PM Speaker Mack Glass
2:41:46 PM Question from Chair Albritton
2:42:07 PM Response from Mr. Glass
2:42:26 PM Follow-up question from Chair Albritton
2:42:37 PM Response from Mr. Glass
2:43:14 PM Additional question from Chair Albritton
2:43:22 PM Response from Mr. Glass
2:43:45 PM Additional question from Chair Albritton
2:43:53 PM Response from Mr. Glass
2:44:16 PM Additional question from Chair Albritton
2:44:42 PM Response from Mr. Glass
2:44:56 PM Additional question from Chair Albritton
2:45:17 PM Response from Mr. Glass
2:46:05 PM Additional question from Chair Albritton
2:46:15 PM Response from Mr. Glass
2:46:24 PM Comments from Chair Albritton
2:46:36 PM Comments from Mr. Glass
2:46:48 PM Speaker Brad Austin
2:51:32 PM Question from Chair Albritton
2:52:14 PM Response from Mr. Austin
2:52:30 PM Follow-up question from Chair Albritton
2:52:40 PM Response from Mr. Austin
2:53:11 PM Additional question from Chair Albritton
2:53:23 PM Response from Mr. Austin
2:53:50 PM Additional question from Chair Albritton
2:54:03 PM Response from Mr. Austin
2:54:21 PM Additional question from Chair
2:54:27 PM Response from Mr. Austin
2:54:47 PM Follow-up question from Chair Albritton

2:54:56 PM Response from Mr. Austin
2:55:11 PM Additional question from Chair
2:55:17 PM Response from Mr. Austin
2:55:29 PM Additional question from Chair Albritton
2:55:39 PM Response from Mr. Austin
2:56:37 PM Additional question from Chair Albritton
2:56:48 PM Response from Mr. Austin
2:57:14 PM Additional question from Chair Albritton
2:57:22 PM Response from Mr. Austin
2:57:34 PM Additional question from Chair Albritton
2:57:41 PM Response from Mr. Austin
2:58:06 PM Comments from Mr. Austin
2:58:34 PM Question from Chair Albritton
2:58:40 PM Response from Mr. Austin
2:59:20 PM Additional question from Chair Albritton
2:59:36 PM Response from Mr. Austin
3:00:21 PM Additional question from Chair Albritton
3:00:29 PM Response from Mr. Austin
3:01:04 PM Speaker Cainnon Gregg
3:06:14 PM Comments from Senator Montford
3:06:33 PM Question from Senator Montford
3:06:40 PM Response from Mr. Gregg
3:07:05 PM Follow-up question from Senator Montford
3:07:16 PM Response from Mr. Gregg
3:07:39 PM Follow-up question from Senator Montford
3:07:48 PM Response from Mr. Gregg
3:08:12 PM Follow-up question from Senator Montford
3:08:20 PM Response from Mr. Gregg
3:08:41 PM Additional question from Senator Montford
3:08:49 PM Response from Mr. Gregg
3:09:20 PM Comments from Senator Montford
3:09:54 PM Question from Senator Montford
3:10:08 PM Response from Mr. Gregg
3:10:57 PM Additional question from Senator Montford
3:11:06 PM Response from Mr. Gregg
3:13:16 PM Question from Chair Albritton
3:13:26 PM Response from Mr. Gregg
3:14:57 PM Comments from Chair Albritton
3:16:12 PM Question from Chair Albritton
3:16:22 PM Response from Mr. Gregg
3:18:54 PM Comments from Chair Albritton
3:19:07 PM Speaker Mr. Jeffery Pittman
3:25:55 PM Question from Senator Montford
3:26:12 PM Response from Mr. Pittman
3:28:15 PM Question from Senator Montford
3:28:21 PM Response from Mr. Pittman
3:29:36 PM Comments from Senator Montford
3:30:13 PM Comments from Mr. Pittman
3:31:08 PM Comments/question from Senator Broxson
3:34:23 PM Comments from Chair Albritton
3:35:17 PM Response from Senator Broxson
3:35:47 PM Response from Mr. Glass
3:36:56 PM Response from Mr. Austin
3:37:39 PM Response from Mr. Gregg
3:38:40 PM Response from Mr. Pittman
3:39:35 PM Response from Mr. Basford
3:40:31 PM Question from Chair Albritton
3:40:51 PM Response from Mr. Pittman
3:43:00 PM Follow-up question from Chair Albritton
3:43:15 PM Response from Mr. Pittman
3:44:01 PM Additional question from Chair Albritton
3:44:34 PM Response from Mr. Pittman

3:44:53 PM Additional question from Chair Albritton
3:45:04 PM Response from Mr. Pittman
3:46:51 PM Additional question from Chair Albritton
3:46:59 PM Response from Mr. Pittman
3:47:56 PM Follow-up question from Chair Albritton
3:48:06 PM Response from Mr. Pittman
3:49:22 PM Additional question from Chair Albritton
3:49:30 PM Response from Mr. Pittman
3:50:53 PM Question from Senator Montford
3:51:01 PM Response from Mr. Pittman
3:52:11 PM Follow-up question from Senator Montford
3:52:23 PM Response from Mr. Pittman
3:53:02 PM Comments from Chair Albritton
3:53:24 PM Comments/question from Senator Gainer
3:53:55 PM Response from Mr. Glass
3:54:09 PM Response from Mr. Basford
3:54:21 PM Comments from Senator Gainer
3:56:12 PM Speaker Mr. Steve Basford
3:59:22 PM Comments from Chair Albritton
3:59:37 PM Comments from Mr. Glass
3:59:52 PM Senator Gainer moves to adjourn, meeting adjourned without objection