

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

All-Terrain Vehicles (ATV)

An all-terrain vehicle (ATV) is defined as, “any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.”¹

Current statute prohibits ATV operation on “the public roads, streets, or highways of this state, except as otherwise permitted by the managing state or federal agency.”² However, s. 316.2123, F.S. provides an exception for ATVs “operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 miles per hour by a licensed driver or by a minor under the supervision of a licensed driver.” A county government may exempt the county from this section, making operation of an ATV on an unpaved road illegal.

Current statute also allows ATV use by police officers on public beaches and beach access roads, as well as on public roads within public lands, while in the course and scope of their duties.³

All ATVs must be titled with the Department of Highway Safety and Motor Vehicles (Department).⁴

Golf Carts

A golf cart is defined as, “a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.”⁵

According to s. 316.212, F.S., operation of a golf cart on a public road or street is prohibited, with the following exceptions:

- Operation on 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;
- Operation on a part of the State Highway System under the following conditions:
 - To cross a portion which intersects a county or municipal road that has been designated for use by golf carts;
 - To cross a portion where a golf course is constructed on both sides of the highway;
 - A road that has been designated for transfer to a local government unit pursuant to s. 335.0415, F.S.
- Operation for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street (applies to mobile home park residents and guests only);

¹ s. 317.0003(1), F.S.

² s. 316.2074(5), F.S.

³ s. 316.2074(6-7), F.S.

⁴ s. 317.0006(1), F.S.

⁵ s. 320.01(22), F.S.

- Operation only during the hours between sunrise and sunset, unless the responsible governmental entity allows operation between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals and a windshield.
- Operation within any self-contained retirement community.⁶
- Operation by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.⁷

A golf cart may not be operated by any person under the age of 14. Local government entities may enact an ordinance regarding golf cart operation which is more restrictive than statute.

Low-Speed Vehicles

A low-speed vehicle is defined as, “any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles.”⁸

Operation of a low-speed vehicle is currently authorized in statute.⁹ The vehicle must be operated on streets where the speed limit is 35mph or less; equipped with proper equipment; registered and insured. A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction.

Utility Vehicles

A utility vehicle is defined as, “a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in s. 316.2074, F.S.”¹⁰

According to s. 316.2127, F.S., operation of a utility vehicle by a homeowners’ association, or its agents, is prohibited, with the following exceptions:

- Operation on a county road that has been designated by a county, or a city street that has been designated by a city, for use by utility vehicles for general maintenance, security, and landscaping purposes;
- Operation on a portion of the State Highway System to cross a portion which intersects a county road or a city street, to cross a portion where the highway bisects property controlled or maintained by the homeowners’ association, or to travel on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415, F.S.
- Operation only during the hours between sunrise and sunset, unless the responsible governmental entity allows operation between sunset and sunrise and the utility vehicle is equipped with headlights, brake lights, turn signals and a windshield.
- Operation by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities⁷

A utility vehicle may not be operated by any person under the age of 14.

Proposed Changes

HB 1003 allows any law enforcement agency in this state to operate ATVs, golf carts, low-speed vehicles, or utility vehicles on any street, road, or highway in this state while carrying out its official duties. Currently, law enforcement officers are utilizing these vehicles at the municipal, county and state level to carry-out activities. The rural areas of the state have become especially reliant on ATVs

⁶ s. 316.2125(1), F.S.

⁷ s. 316.2126(1), F.S.

⁸ s. 320.01(42), F.S.

⁹ s. 316.2122, F.S.

¹⁰ s. 320.01(43), F.S.

to cover the large areas of unpaved land in their jurisdictions. Putnam County currently uses ATVs in marijuana eradication activities and would like to use them in door-to-door notification of persons located within one mile of sexual predators. Some officers use the vehicles to search for missing persons. According to the Florida Sheriff's Association, each county in the state utilizes at least one of these vehicles. This bill would specifically authorize such utilization by municipal, county, and state law enforcement agencies.

The bill also specifies that the off-road vehicles used by law enforcement agencies must be clearly marked as law enforcement vehicles and may be equipped with approved law enforcement equipment, such as special warning lights and signaling devices.

In addition, the bill directs the vehicle operator and any passengers to wear the safety equipment which is required or recommended for use by operators or passengers, such as safety helmets.

C. SECTION DIRECTORY:

Section 1. Creates s. 316.21265, F.S., authorizing law enforcement agencies to use specific off-road vehicles on the streets, roads, and highways of this state; and providing requirements for such vehicles.

Section 2. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

To the extent that local and state agencies already own off-road vehicles, there will be no direct fiscal impact for being authorized to use them on any street, road or highway. Some law enforcement agencies may choose to purchase additional off-road vehicles with the specific authorization provided by the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES