

**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.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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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>	_____

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**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.<sup>1</sup> The T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act<sup>2</sup> 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.

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<sup>1</sup> Section 261.02(1), F.S.

<sup>2</sup> 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.