

West's Florida Statutes Annotated
Title XXIII. Motor Vehicles (Chapters 316-325)
Chapter 316. State Uniform Traffic Control (Refs & Annos)

West's F.S.A. § 316.2123

316.2123. Operation of an ATV on certain roadways

Effective: July 1, 2019

Currentness

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

(2) A county is exempt from this section if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this section. Alternatively, a county may, by majority vote after such a hearing, designate certain unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of less than 35 miles per hour and is appropriately marked to indicate permissible ATV use.

(3) Any ATV operation that is permitted under subsection (1) or subsection (2) may be undertaken only by a licensed driver or a minor who is under the direct supervision of a licensed driver. The operator must provide proof of ownership under chapter 317 upon the request of a law enforcement officer.

Credits

Added by Laws 2006, c. 2006-290, § 14, eff. Oct. 1, 2006. Amended by Laws 2007, c. 2007-196, § 17, eff. July 1, 2007; Laws 2019, c. 2019-19, § 4, eff. July 1, 2019.

West's F. S. A. § 316.2123, FL ST § 316.2123

Current with laws and joint resolutions in effect from the 2022 Special A Session and 2023 Special B Session of the Twenty-Eighth Legislature. Some statute sections may be more current, see credits for details.



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

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Title XXIII. Motor Vehicles (Chapters 316-325)
Chapter 316. State Uniform Traffic Control (Refs & Annos)

West's F.S.A. § 316.003

316.003. Definitions

Effective: July 1, 2021

[Currentness](#)

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) Authorized emergency vehicles.--Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective departments or the chief of police of an incorporated city or any sheriff of any of the various counties.

(2) Autocycle.--A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(3) Automated driving system.--The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain. The term:

(a) "Autonomous vehicle" means any vehicle equipped with an automated driving system.

(b) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

(c) "Fully autonomous vehicle" means a vehicle equipped with an automated driving system designed to function without a human operator.

(d) “Operational design domain” means a description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.

(4) **Bicycle.**--Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device.

(5) **Bicycle lane.**--Any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

(6) **Bicycle path.**--Any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

(7) **Brake horsepower.**--The actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.

(8) **Bus.**--Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(9) **Business district.**--The territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.

(10) **Cancellation.**--Declaration of a license issued through error or fraud as void and terminated. A new license may be obtained only as permitted in this chapter.

(11) **Chief administrative officer.**--The head, or his or her designee, of any law enforcement agency which is authorized to enforce traffic laws.

(12) **Child.**--A child as defined in s. 39.01, s. 984.03, or s. 985.03.

(13) **Commercial megacycle.**--A vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements:

(a) Has four wheels and is operated in a manner similar to a bicycle.

(b) Has at least 5 but no more than 15 seats for passengers.

(c) Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.

(14) Commercial motor vehicle.--Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

(a) Has a gross vehicle weight rating of 10,000 pounds or more;

(b) Is designed to transport more than 15 passengers, including the driver; or

(c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in [s. 549.09\(1\)\(a\)](#), is not a commercial motor vehicle if it is not used for profit and corporate sponsorship is not involved. As used in this subsection, the term “corporate sponsorship” means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.

(15) Court.--The court having jurisdiction over traffic offenses.

(16) Covered farm vehicle.--A straight truck, or an articulated vehicle, which is all of the following:

(a) Registered in a state with a license plate, or any other designation issued by that state, which allows law enforcement officers to identify it as a farm vehicle.

(b) Operated by the owner or operator of a farm or ranch or by an employee or a family member of an owner or operator of a farm or ranch in accordance with [s. 316.302\(3\)](#).

(c) Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch.

(d) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (a)-(c) by a tenant pursuant to a crop-share farm lease agreement to transport the landlord's portion of the crops under that agreement.

(17) Crosswalk.--

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(18) Daytime.--The period from a half hour before sunrise to a half hour after sunset. The term “nighttime” means at any other hour.

(19) Department.--The Department of Highway Safety and Motor Vehicles as defined in [s. 20.24](#). Any reference herein to the Department of Transportation shall be construed as referring to the Department of Transportation as defined in [s. 20.23](#) or the appropriate division thereof.

(20) Director.--The Director of the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(21) Driver.--Any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(22) Driver-assistive truck platooning technology.--Vehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle communications.

(23) Electric bicycle.--A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(24) Electric personal assistive mobility device.--Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower),

the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

(25) Explosive.--Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

(26) Farm labor vehicle.--Any vehicle equipped and used for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities. The term does not include:

(a) Any vehicle carrying only members of the immediate family of the owner or driver.

(b) Any vehicle being operated by a common carrier of passengers.

(c) Any carpool as defined in s. 450.28(3).

(27) Farm tractor.--Any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(28) Flammable liquid.--Any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(29) Golf cart.--A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

(30) Gross weight.--The weight of a vehicle without load plus the weight of any load thereon.

(31) Hazardous material.--Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in s. 403.703.

(32) House trailer.--

(a) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) A trailer or a semitrailer the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead, permanently or temporarily, for the advertising, sales, display, or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(33) Implement of husbandry.--Any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(34) Intersection.--

(a) The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two roadways 30 feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection.

(35) Laned highway.--A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(36) Limited access facility.--A street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded or may be freeways open to use by all customary forms of street and highway traffic.

(37) Local authorities.-- All officers and public officials of the several counties and municipalities of this state.

(38) Local hearing officer.--The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. 316.0083. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

(39) Low-speed autonomous delivery vehicle.--A fully autonomous vehicle that meets the definition of a low-speed vehicle in 49 C.F.R. s. 571.3 and is not designed for, or capable of, human occupancy.

(40) Maxi-cube vehicle.--A specialized combination vehicle consisting of a truck carrying a separable cargo-carrying unit combined with a semitrailer designed so that the separable cargo-carrying unit is to be loaded and unloaded through the semitrailer. The entire combination may not exceed 65 feet in length, and a single component of that combination may not exceed 34 feet in length.

(41) Micromobility device.--Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.

(42) Migrant or seasonal farm worker.--Any person employed in hand labor operations in planting, cultivation, or harvesting agricultural crops.

(43) Mobile carrier.--An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and is intended primarily for transporting property;

(b) Weighs less than 80 pounds, excluding cargo;

(c) Has a maximum speed of 12.5 mph; and

(d) Is equipped with a technology to transport personal property with the active monitoring of a property owner and primarily designed to remain within 25 feet of the property owner.

A mobile carrier is not considered a vehicle or personal delivery device unless expressly defined by law as a vehicle or personal delivery device.

(44) Moped.--Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(45) Motor carrier transportation contract.--

(a) A contract, agreement, or understanding covering:

1. The transportation of property for compensation or hire by the motor carrier;

2. Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

3. A service incidental to activity described in subparagraph 1. or subparagraph 2., including, but not limited to, storage of property.

(b) “Motor carrier transportation contract” does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

(46) Motor vehicle.--Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, “motor vehicle” has the same meaning as provided in s. 320.01(1)(a).

(47) Motorcycle.--Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(48) Motorized scooter.--Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

(49) Nonpublic sector bus.--Any bus which is used for the transportation of persons for compensation and which is not owned, leased, operated, or controlled by a municipal, county, or state government or a governmentally owned or managed nonprofit corporation.

(50) Official traffic control devices.--All signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(51) Official traffic control signal.--Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(52) On-demand autonomous vehicle network.--A passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.

(53) Operator.--Any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(54) Owner.--A person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

(55) Park or parking.--The standing of a vehicle, whether occupied or not occupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

(56) Pedestrian.--Any person afoot.

(57) Person.--Any natural person, firm, copartnership, association, or corporation.

(58) Personal delivery device.--An electrically powered device that:

- (a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;
- (b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule;
- (c) Has a maximum speed of 10 miles per hour; and
- (d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

(59) Personal delivery device operator.--An entity or its agent that exercises direct physical control over or monitoring of the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term “agent” means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term “personal delivery device operator” does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

(60) Pneumatic tire.--Any tire in which compressed air is designed to support the load.

(61) Pole trailer.--Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(62) Police officer.--Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations, including Florida highway patrol officers, sheriffs, deputy sheriffs, and municipal police officers.

(63) Port of entry.--A designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within the state. The locations and the designated routes to such locations shall be determined by the Department of Transportation.

(64) Private road or driveway.--Except as otherwise provided in paragraph (87)(b), any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(65) Radioactive materials.--Any materials or combination of materials which emit ionizing radiation spontaneously in which the radioactivity per gram of material, in any form, is greater than 0.002 microcuries.

(66) Railroad.--A carrier of persons or property upon cars operated upon stationary rails.

(67) Railroad sign or signal.--Any sign, signal, or device erected by authority of a public body or official, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(68) Railroad train.--A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar. A railroad train is not a motor vehicle for purposes of this chapter.

(69) Residence district.--The territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business.

(70) Revocation.--Termination of a licensee's privilege to drive a motor vehicle. A new license may be obtained only as permitted by law.

(71) Right-of-way.--The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(72) Road tractor.--Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

(73) Roadway.--That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.

(74) Saddle mount; full mount.--An arrangement whereby the front wheels of one vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground, and only the rear wheels of the towed vehicle rest upon the ground. Such combinations may include one full mount, whereby a smaller transport vehicle is placed completely on the last towed vehicle.

(75) Safety zone.--The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

(76) Sanitation vehicle.--A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides garbage, trash, refuse, or recycling collection.

(77) School bus.--Any motor vehicle that complies with the color and identification requirements of chapter 1006 and is used to transport children to or from public or private school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools.

(78) Semitrailer.--Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(79) Separated bicycle lane.--A bicycle lane that is separated from motor vehicle traffic by a physical barrier.

(80) Sidewalk.--That portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(81) Special mobile equipment.--Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(82) Stand or standing.--The halting of a vehicle, whether occupied or not occupied, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this chapter.

(83) State road.--Any highway designated as a state-maintained road by the Department of Transportation.

(84) Stop.--When required, complete cessation from movement.

(85) Stop or stopping.--When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not occupied, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

(86) Straight truck.--Any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.

(87) Street or highway.--

(a) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;

(b) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under s. 316.006(2)(b) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place;

(c) Any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or

(d) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30 and the recreational facilities of which district are open to the general public.

(88) Suspension.--Temporary withdrawal of a licensee's privilege to drive a motor vehicle.

(89) Swamp buggy.--A motorized off-road vehicle that is designed or modified to travel over swampy or varied terrain and that may use large tires or tracks operated from an elevated platform. The term does not include any vehicle defined in chapter 261 or otherwise defined or classified in this chapter.

(90) Tandem axle.--Any two axles the centers of which are more than 40 inches but not more than 96 inches apart and are individually attached to or articulated from, or both, a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles.

(91) Tandem trailer truck.--Any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate as a complete unit.

(92) Tandem trailer truck highway network.--A highway network consisting primarily of four or more lanes, including all interstate highways; highways designated by the United States Department of Transportation as elements of the National Network; and any street or highway designated by the Florida Department of Transportation for use by tandem trailer trucks, in accordance with [s. 316.515](#), except roads on which truck traffic was specifically prohibited on January 6, 1983.

(93) Teleoperation system.--The hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term “remote human operator” means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition as defined in [s. 319.145\(2\)](#). A remote human operator must be physically present in the United States and be licensed to operate a motor vehicle by a United States jurisdiction.

(94) Terminal.--Any location where:

(a) Freight originates, terminates, or is handled in the transportation process; or

(b) Commercial motor carriers maintain operating facilities.

(95) Through highway.--Any highway or portion thereof on which vehicular traffic is given the right-of-way and at the entrances to which vehicular traffic from intersecting highways is required to yield right-of-way to vehicles on such through highway in obedience to a stop sign or yield sign, or otherwise in obedience to law.

(96) Tire width.--The width stated on the surface of the tire by the manufacturer of the tire, if the width stated does not exceed 2 inches more than the width of the tire contacting the surface.

(97) Traffic.--Pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances singly or together while using any street or highway for purposes of travel.

(98) Traffic infraction detector.--A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under [s.](#)

[316.0083\(1\)\(b\)](#) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

(99) Traffic signal preemption system.--Any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal's timing cycle.

(100) Trailer.--Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(101) Transportation.--The conveyance or movement of goods, materials, livestock, or persons from one location to another on any road, street, or highway open to travel by the public.

(102) Tri-vehicle.--An enclosed three-wheeled passenger vehicle that:

(a) Is designed to operate with three wheels in contact with the ground;

(b) Has a minimum unladen weight of 900 pounds;

(c) Has a single, completely enclosed occupant compartment;

(d) Is produced in a minimum quantity of 300 in any calendar year;

(e) Is capable of a speed greater than 60 miles per hour on level ground; and

(f) Is equipped with:

1. Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems" ([49 C.F.R. s. 571.207](#));

2. A steering wheel used to maneuver the vehicle;

3. A propulsion unit located forward or aft of the enclosed occupant compartment;

4. A seat belt for each vehicle occupant certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies" ([49 C.F.R. s. 571.209](#));

5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, “Glazing materials” (49 C.F.R. s. 571.205) and Federal Motor Vehicle Safety Standard No. 104, “Windshield wiping and washing systems” (49 C.F.R. s. 571.104); and

6. A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, “Rollover crush resistance” (49 C.F.R. s. 571.216).

(103) Truck.--Any motor vehicle designed, used, or maintained primarily for the transportation of property.

(104) Truck tractor.--Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(105) Utility service vehicle.--A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides electric, natural gas, water, wastewater, cable, telephone, or communications services.

(106) Vehicle.--Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

(107) Victim services programs.--Any community-based organization the primary purpose of which is to act as an advocate for the victims and survivors of traffic crashes and for their families. The victims services offered by these programs may include grief and crisis counseling, assistance with preparing victim compensation claims excluding third-party legal action, or connecting persons with other service providers, and providing emergency financial assistance.

(108) Volunteer ambulance service.--A faith-based, not-for-profit charitable corporation registered under chapter 617 which is licensed under part III of chapter 401 as a basic life support service or an advanced life support service; which is not a parent, subsidiary, or affiliate of, or related to, any for-profit entity; and which uses only unpaid volunteers to provide basic life support services or advanced life support services free of charge, is not operating for pecuniary profit or financial gain, and does not distribute to or inure to the benefit of its directors, members, or officers any part of its assets or income.

(109) Work zone area.--The area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

Credits

Laws 1971, c. 71-135, § 1; Laws 1972, c. 72-179, § 1; Laws 1974, c. 74-213, § 1; Laws 1976, c. 76-286, § 1; Laws 1977, c. 77-174, § 1; Laws 1980, c. 80-316, § 1; Laws 1982, c. 82-186, § 23; Laws 1983, c. 83-68, § 1;

Laws 1983, c. 83-164, § 1; Laws 1983, c. 83-188, § 1; Laws 1983, c. 83-298, § 1; Laws 1984, c. 84-284, § 1; Laws 1985, c. 85-309, § 9; Laws 1987, c. 87-88, § 2; Laws 1987, c. 87-161, § 5; Laws 1987, c. 87-178, § 1; Laws 1987, c. 87-270, § 1; Laws 1988, c. 88-91, § 3; Laws 1988, c. 88-93, § 2; Laws 1988, c. 88-130, § 4; Laws 1989, c. 89-282, § 63. Amended by Laws 1991, c. 91-418, § 3, eff. June 25, 1991; Laws 1994, c. 94-306, § 8, eff. July 1, 1994; Laws 1995, c. 95-148, § 893, eff. July 10, 1995; Laws 1995, c. 95-247, § 1, eff. Oct. 1, 1995; Laws 1998, c. 98-280, § 26, eff. June 30, 1998; Laws 1998, c. 98-308, § 2, eff. May 29, 1998; Laws 1999, c. 99-13, § 86, eff. June 29, 1999; Laws 1999, c. 99-248, § 80, eff. June 8, 1999; Laws 1999, c. 99-385, § 5, eff. July 1, 1999; Laws 2000, c. 2000-152, § 41, eff. July 4, 2000; Laws 2002, c. 2002-20, §§ 67, 133, eff. July 1, 2002; Laws 2002, c. 2002-387, § 955, eff. Jan. 7, 2003; Laws 2005, c. 2005-164, § 27, eff. July 1, 2005; Laws 2005, c. 2005-177, § 1, eff. July 1, 2005; Laws 2006, c. 2006-81, § 1, eff. July 1, 2006; Laws 2006, c. 2006-290, § 5, eff. Oct. 1, 2006; Laws 2007, c. 2007-210, § 1, eff. June 20, 2007; Laws 2008, c. 2008-4, § 62, eff. July 1, 2008; Laws 2008, c. 2008-179, § 1, eff. July 1, 2008; Laws 2010, c. 2010-80, § 2, eff. July 1, 2010; Laws 2010, c. 2010-223, § 1, eff. Sept. 1, 2010; Laws 2010, c. 2010-225, § 8, eff. July 1, 2010; Laws 2012, c. 2012-88, § 11, eff. July 1, 2012; Laws 2012, c. 2012-111, § 2, eff. July 1, 2012; Laws 2012, c. 2012-174, §§ 15, 106, eff. July 1, 2012; Laws 2012, c. 2012-181, § 2, eff. Jan. 1, 2013; Laws 2013, c. 2013-160, § 4, eff. July 1, 2013; Laws 2014, c. 2014-216, § 3, eff. July 1, 2014; Laws 2016, c. 2016-115, § 1, eff. July 1, 2016; Laws 2016, c. 2016-181, § 3, eff. July 1, 2016; Laws 2016, c. 2016-239, § 5, eff. July 1, 2016; Laws 2017, c. 2017-3, § 11, eff. July 7, 2017; Laws 2017, c. 2017-150, § 1, eff. July 1, 2017; Laws 2017, c. 2017-167, § 5, eff. July 1, 2017; Laws 2018, c. 2018-130, § 1, eff. July 1, 2018; Laws 2019, c. 2019-69, § 1, eff. July 1, 2019; Laws 2019, c. 2019-101, § 1, eff. July 1, 2019; Laws 2019, c. 2019-109, § 1, eff. June 18, 2019; Laws 2020, c. 2020-69, § 2, eff. July 1, 2020; Laws 2021, c. 2021-90, § 1, eff. July 1, 2021; Laws 2021, c. 2021-180, § 1, eff. July 1, 2021; Laws 2021, c. 2021-233, § 1, eff. July 1, 2021.

West's F. S. A. § 316.003, FL ST § 316.003

Current with laws and joint resolutions in effect from the 2022 Special A Session and 2023 Special B Session of the Twenty-Eighth Legislature. Some statute sections may be more current, see credits for details.

West's Florida Statutes Annotated
Title XXIII. Motor Vehicles (Chapters 316-325)
Chapter 316. State Uniform Traffic Control (Refs & Annos)

West's F.S.A. § 316.2074

316.2074. All-terrain vehicles

Effective: July 1, 2019

Currentness

(1) It is the intent of the Legislature through the adoption of this section to provide safety protection for minors while operating an all-terrain vehicle in this state.

(2) As used in this section, the term “all-terrain vehicle” means any motorized off-highway vehicle 55 inches or less in width which has a dry weight of 1,500 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.

(3) No person under 16 years of age shall operate, ride, or be otherwise propelled on an all-terrain vehicle unless the person wears a safety helmet meeting United States Department of Transportation standards and eye protection.

(4) If a crash results in the death of any person or in the injury of any person which results in treatment of the person by a physician, the operator of each all-terrain vehicle involved in the crash shall give notice of the crash pursuant to s. 316.066.

(5) Except as provided in this section, an all-terrain vehicle may not be operated upon the public roads, streets, or highways of this state, except as otherwise permitted by the managing state or federal agency.

(6) An all-terrain vehicle having four wheels may be used by police officers on public beaches designated as public roadways for the purpose of enforcing the traffic laws of the state. All-terrain vehicles may also be used by the police to travel on public roadways within 5 miles of beach access only when getting to and from the beach.

(7) An all-terrain vehicle having four wheels may be used by law enforcement officers on public roads within public lands while in the course and scope of their duties.

(8) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Credits

Laws 1988, c. 88-221, §§ 1 to 5. Amended by Laws 1995, c. 95-333, § 5, eff. Oct. 1, 1995; Laws 1996, c. 96-350, § 30, eff. Oct. 1, 1996; Laws 1996, c. 96-413, § 3, eff. June 5, 1996; Laws 1999, c. 99-248, § 162, eff. June 8, 1999; Laws 2002, c. 2002-295, § 54, eff. July 1, 2002; Laws 2005, c. 2005-164, § 37, eff. July 1, 2005; Laws 2009, c. 2009-137, § 2, eff. July 1, 2009; Laws 2014, c. 2014-187, § 3, eff. July 1, 2014; Laws 2019, c. 2019-19, § 2, eff. July 1, 2019.

West's F. S. A. § 316.2074, FL ST § 316.2074

Current with laws and joint resolutions in effect from the 2022 Special A Session and 2023 Special B Session of the Twenty-Eighth Legislature. Some statute sections may be more current, see credits for details.

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West's Florida Statutes Annotated
Title XXIII. Motor Vehicles (Chapters 316-325)
Chapter 317. Off-Highway Vehicle Titling (Refs & Annos)

West's F.S.A. § 317.0003

317.0003. Definitions

Effective: July 1, 2022

Currentness

As used in this chapter, the term:

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

(2) “Dealer” means any person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute off-highway vehicles. Such person must have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(3) “Department” means the Department of Highway Safety and Motor Vehicles.

(4) “Florida resident” means a person who has had a principal place of domicile in this state for a period of more than 6 consecutive months, who has registered to vote in this state, who has made a statement of domicile pursuant to [s. 222.17](#), or who has filed for homestead tax exemption on property in this state.

(5) “OHM” or “off-highway motorcycle” means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

(6) “Off-highway vehicle” means any ATV, two-rider ATV, ROV, or OHM that is used off the roads or highways of this state and that is not registered and licensed for highway use pursuant to chapter 320.

(7) “Owner” means a person, other than a lienholder, having the property in or title to an off-highway vehicle, including a person entitled to the use or possession of an off-highway vehicle subject to an interest held by another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(8) “Public lands” means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity.

(9) “ROV” means any motorized recreational off-highway vehicle 80 inches or less in width which has a dry weight of 3,500 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 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](#).

(10) “Two-rider ATV” means any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

Credits

Added by [Laws 2002, c. 2002-295, § 57, eff. July 1, 2002](#). Amended by [Laws 2005, c. 2005-164, § 43, eff. July 1, 2005](#); [Laws 2009, c. 2009-137, § 3, eff. July 1, 2009](#); [Laws 2010, c. 2010-198, § 2, eff. July 1, 2010](#); [Laws 2010, c. 2010-223, § 43, eff. Sept. 1, 2010](#); [Laws 2013, c. 2013-160, § 83, eff. July 1, 2013](#); [Laws 2014, c. 2014-187, § 4, eff. July 1, 2014](#); [Laws 2019, c. 2019-19, § 3, eff. July 1, 2019](#); [Laws 2022, c. 2022-93, § 2, eff. July 1, 2022](#).

West's F. S. A. § 317.0003, FL ST § 317.0003

Current with laws and joint resolutions in effect from the 2022 Special A Session and 2023 Special B Session of the Twenty-Eighth Legislature. Some statute sections may be more current, see credits for details.