



## Legislation Text

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**File #:** 12036, **Version:** 1

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### **TITLE**

Proposed Ordinance Relating to Operation of All-Terrain Vehicles (ATVs) on Unpaved Roadways Under Specified Circumstances

### **BRIEF OVERVIEW**

#### A. Factual and Procedural Background

In 2006, the Florida Legislature enacted Fla. Stat. § 316.2123 which prohibits All-Terrain Vehicles (“ATV’s”) from being operated on paved roads and streets. Section 1 of the statute also permits ATV’s to be 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 who is supervised by a licensed driver. A board of county commissioners may, however, exempt its respective county from Fla. Stat. § 316.2123(1) by a majority vote following a duly noticed public hearing.

On August 22, 2017, the Board of County Commissioners enacted Ordinance 2017-33. Section 3 of the ordinance added the following sentence to Hernando County Code § 20-2: “ATV’s may be operated upon any unpaved roadways in Hernando County where the posted speed limit is less than 35 miles per hour.”

Following a suggestion made by Chairman Allocco during the Board’s February 28, 2023, meeting, the Board directed the County Attorney’s Office to prepare an ordinance that would repeal Ordinance 2017-33(3)’s amendment to Hernando County Code § 20-2 and make it illegal again to drive ATV’s on all of the County’s public roads.

#### B. The Proposed Ordinance

The proposed ordinance does two things. First, it amends Hernando County Code § 20-2 to adopt the statutory definitions of pertinent terms and to delete the sentence: “ATV’s may be operated upon any unpaved roadways in Hernando County where the posted speed limit is less than 35 miles per hour.” Second, it creates a new Hernando County Code § 20-4 to make it illegal to drive an ATV on a public roadway, whether paved or unpaved.

### **FINANCIAL IMPACT**

The enactment of the proposed ordinance may reduce the costs to the County that are associated with maintaining unpaved public roads. The amount of the future cost savings, if any, is unknown.

### **LEGAL NOTE**

The Board has the authority to enact the proposed ordinance pursuant to Fla. Stat. §§ 125.01 and 316.2123.

## **RECOMMENDATION**

It is recommended that the Board hear public comment on this matter and then consider whether the proposed ordinance should be adopted.