

# MEMORANDUM

Agenda Item No. 11(A)(16)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

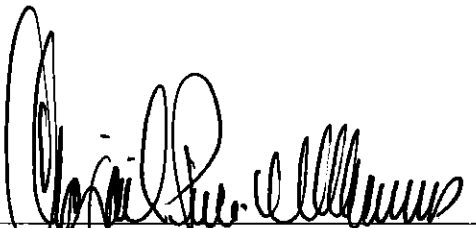
**DATE:** November 15, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to amend Chapter  
316, Florida Statutes, to allow  
local government regulation  
and enforcement regarding  
all-terrain vehicles (ATVs)

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



Abigail Price-Williams  
County Attorney

APW/cp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

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**SUBJECT:** Agenda Item No. 11(A)(16)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(16)  
11-15-16

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
AMEND CHAPTER 316, FLORIDA STATUTES, TO ALLOW  
LOCAL GOVERNMENT REGULATION AND  
ENFORCEMENT REGARDING ALL-TERRAIN VEHICLES  
(ATVS)

**WHEREAS**, All-Terrain Vehicles (“ATVs”) are vehicles that are used for off-road driving; and

**WHEREAS**, ATVs are often driven recklessly and are especially adept at evading and eluding law enforcement vehicles; and

**WHEREAS**, reckless and dangerous ATV use is negatively affecting multiple areas of Miami-Dade County; and

**WHEREAS**, Chapter 316, Florida Statutes, provides the Florida Uniform Traffic Control Law; and

**WHEREAS**, Sections 316.002 and 316.007, Florida Statutes, preempt local regulation of matters covered by the Florida Uniform Traffic Control Law, including local ATV regulation, unless expressly authorized; and

**WHEREAS**, Section 316.008, Florida Statutes, enumerates the powers that local authorities may exercise to regulate matters otherwise covered by the Florida Uniform Traffic Control Law; and

**WHEREAS**, local law enforcement is limited to using the enforcement scheme provided for in the Florida Uniform Traffic Control Law with respect to ATVs; and

**WHEREAS**, the fines provided for by the Florida Uniform Traffic Control Law with respect to ATVs have not been effective in deterring reckless and dangerous ATV use in Miami-Dade County; and

**WHEREAS**, this Board wishes to create additional regulations and enforcement tools for local law enforcement to use to combat and deter reckless and dangerous ATV use in Miami-Dade County,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to amend Chapter 316, Florida Statutes, to expressly authorize local authorities to regulate ATVs and enforce those regulations.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the issues raised in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman  
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> day of November, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Anita Viciano Zapata