

By Representative Barreiro

1 A bill to be entitled
2 An act relating to off-highway vehicles;
3 amending s. 215.22, F.S.; exempting the
4 Off-Highway Vehicle Revolving Trust Fund from a
5 required deduction; creating ch. 261, F.S.;
6 creating the Florida Off-Highway Vehicle Safety
7 and Recreation Act; providing legislative
8 intent; providing definitions; creating the
9 Off-Highway Vehicle Recreation Advisory
10 Committee; providing duties and
11 responsibilities; providing for the duties and
12 responsibilities of the Department of
13 Agriculture and Consumer Services; providing
14 for the publication and sale of a guidebook;
15 providing for the repair, maintenance and
16 restoration of areas, trails, and lands;
17 providing for contracts and agreements;
18 providing criteria for recreation areas and
19 trails; amending s. 316.2074, F.S.; revising
20 the definition of the term "all-terrain
21 vehicle"; creating ch. 323, F.S.; creating the
22 Florida Off-Highway Vehicle Titling and
23 Registration Act; providing legislative intent;
24 providing definitions; providing for
25 administration by the Department of Highway
26 Safety and Motor Vehicles; providing for rules,
27 forms, and notices; requiring certificates of
28 title; providing for application for and
29 issuance of certificates of title; providing
30 for duplicate certificates of title; requiring
31 the furnishing of a manufacturer's statement of

1 origin; requiring registration; providing for
2 application for and issuance of certificate of
3 registration, registration number, and decal;
4 providing for the registration period and for
5 re-registration by mail; providing for change
6 of interest and address; providing for
7 duplicate registration certificate and decal;
8 providing for fees; providing for disposition
9 of fees; providing for refusal to issue and
10 authority to cancel a certificate of title or
11 registration; providing for crimes relating to
12 certificates of title and registration decals;
13 providing penalties; providing for non-criminal
14 infractions; providing penalties; repealing s.
15 375.315, F.S.; relating to the registration of
16 off-road vehicles; repealing s. 375.313(2),
17 F.S.; conforming to the act; providing an
18 effective date.

19

20 Be It Enacted by the Legislature of the State of Florida:

21

22 Section 1. Paragraph (u) is added to subsection (1) of
23 section 215.22, Florida Statutes, 1998 Supplement, to read:

24 215.22 Certain income and certain trust funds
25 exempt.--

26 (1) The following income of a revenue nature or the
27 following trust funds shall be exempt from the deduction
28 required by s. 215.20(1):

29 (u) The Off-Highway Vehicle Revolving Trust Fund.

30 Section 2. Chapter 261, Florida Statutes, consisting
31 of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,

1 261.07, 261.08, 261.09, and 261.10, Florida Statutes, is
2 created to read:

3 261.01 Short title.--This chapter shall be known as
4 the "Florida Off-Highway Vehicle Safety and Recreation Act."

5 261.02 Legislative intent.--

6 (1) The Legislature finds that off-highway vehicles
7 are enjoying an ever-increasing popularity in Florida and that
8 the use of these vehicles should be controlled and managed to
9 ensure that there are no negative impacts on the environment,
10 wildlife habitats, native wildlife, and native flora.

11 (2) The Legislature hereby declares that effectively
12 managed areas and adequate facilities for the use of
13 off-highway vehicles are compatible with Florida's overall
14 recreation plan and the underlying goal of multiple use.

15 (3) It is the intent of the Legislature that:

16 (a) Existing off-highway vehicle recreational areas,
17 facilities, and opportunities be expanded and be managed in a
18 manner consistent with this chapter, in particular to maintain
19 sustained long-term use.

20 (b) New off-highway vehicle recreational areas,
21 facilities, and opportunities be provided and managed pursuant
22 to this chapter in a manner that will sustain long-term use.

23 261.03 Definitions.--

24 (1) "Advisory committee" means the Off-Highway Vehicle
25 Recreation Advisory Committee created by s. 261.04.

26 (2) "Department" means the Department of Agriculture
27 and Consumer Services.

28 (3) "Division" means the Division of Forestry of the
29 Department of Agriculture and Consumer Services.

30 (4) "Off-highway vehicle" means any motorized vehicle
31 used off the roads or highways of this state for recreational

1 purposes, including any trail motorcycle or ATV, that is not
2 registered and licensed for highway use pursuant to chapter
3 320.

4 (5) "Program" means the Off-Highway Vehicle Recreation
5 Program.

6 (6) "System" means the state-owned off-highway vehicle
7 recreation areas and trails within the state.

8 (7) "Trust Fund" means the "Off-Highway Vehicle
9 Revolving Trust Fund" created by s. 261.11.

10 261.04 Creation of the Off-Highway Vehicle Recreation
11 Advisory Committee; members; appointment.--

12 (1) The Off-Highway Vehicle Recreation Advisory
13 Committee shall be created within the Department's Division of
14 Forestry and shall consist of seven members, all of whom shall
15 be appointed by the Commissioner of Agriculture. The
16 appointees shall include one representative of the Department
17 of Agriculture and Consumer Services, one representative of
18 the Department of Highway Safety and Motor Vehicles, one
19 citizen of the State of Florida who has no relationship to an
20 off-highway vehicle recreation group, and four representatives
21 of off-highway vehicle recreation groups. In making these
22 appointments, the Commissioner of Agriculture shall consider
23 the places of residence of the members of the advisory
24 committee in order to ensure statewide representation.

25 (2) The terms of the members of the advisory committee
26 shall be 2 years. The members first appointed to the advisory
27 committee shall classify themselves by lot so that the terms
28 of three members expire June 30, 2001, and the terms of four
29 members expire June 30, 2002.

30 (3) In case of any vacancy in the membership of the
31 advisory committee, the Commissioner of Agriculture shall

1 appoint a successor member for the unexpired portion of the
2 term.

3 (4) The members of the advisory committee shall elect
4 a chair among themselves, who shall serve as chair for 1 year
5 and until his or her successor is elected.

6 (5) The members of the advisory committee shall not
7 receive a salary for their services; however, they shall be
8 reimbursed for the actual and necessary expenses which are
9 incurred in the performance of their duties.

10 261.05 Duties and responsibilities of the Off-Highway
11 Vehicle Recreation Advisory Committee.--

12 (1) The advisory committee shall establish policies
13 for the guidance of the department regarding all aspects of
14 the off-highway vehicle recreational program and the system of
15 off-highway vehicle recreation areas and trails.

16 (2) The advisory committee shall make recommendations
17 to the department regarding off-highway vehicle safety,
18 training, and rider education programs.

19 (3) The advisory committee shall be fully informed
20 regarding all governmental activities affecting the program.

21 (4) The advisory committee shall meet from time to
22 time at various locations throughout the state to receive
23 comments on the implementation of the program.

24 (5) The advisory committee shall review and make
25 recommendations annually regarding the department's proposed
26 budget of expenditures from the trust fund, which may include
27 providing funds to match grant funds available from other
28 sources.

29 (6) The advisory committee shall make recommendations
30 regarding all minor and major capital outlay expenditures from
31 the trust fund proposed for inclusion in the budget.

1 (7) The advisory committee shall review grant
2 applications submitted by any governmental agency or entity,
3 requesting moneys from the trust fund to create, operate,
4 manage or improve off-highway vehicle recreation areas or
5 trails within the state. The advisory committee shall
6 recommend to the department approval or denial of such grant
7 applications based upon criteria established by the advisory
8 committee.

9 261.06 Functions, duties, and responsibilities of the
10 department.--All of the following are functions, duties, and
11 responsibilities of the department through the division:

12 (1) The planning, acquisition, development,
13 construction, conservation, and rehabilitation of lands in and
14 for the system.

15 (2) The management, maintenance, administration, and
16 operation of lands in the system, and the providing of law
17 enforcement and appropriate public safety activities.

18 (3) Management of the trust fund and approval of the
19 advisory committee's budget recommendations.

20 (4) Implementation of all aspects of the program,
21 including the ultimate approval of grant applications
22 submitted by governmental agencies.

23 (5) Ensuring compliance with environmental laws and
24 regulations of the program and all lands in the system.

25 (6) The implementation of the policies established by
26 the advisory committee.

27 (7) Provision of staff assistance to the advisory
28 committee.

29 (8) Preparation of plans for lands in, or proposed to
30 be included in, the system.

31

1 (9) Conduct such surveys and prepare such studies as
2 are necessary or desirable for implementing the program.

3 (10) The recruitment and utilization of volunteers to
4 further the program.

5 261.07 Publication and sale of guidebook;
6 contents.--Under the direction of the advisory committee, the
7 department shall publish a guidebook, including the text of
8 this chapter, other laws and regulations relating to the
9 program, and maps of areas and trails for the system. The
10 guidebook may include other public areas, trails, and
11 facilities for the use of off-highway vehicles. The guidebook
12 shall include information regarding the responsibility of
13 users of the system and shall set forth pertinent laws, rules,
14 and regulations including particular provisions and other
15 information intended to prevent trespass and damage to public
16 and private property. The guidebook shall be prepared at
17 minimal cost to facilitate the broadest possible distribution
18 and shall be offered for sale at a price sufficient to meet
19 all costs of preparation, printing, and distribution.

20 261.08 Repair, maintenance, and restoration of areas,
21 trails, and lands.--

22 (1) The protection of public safety, the appropriate
23 utilization of lands in the system, and the conservation of
24 land resources in the system are of the highest priority in
25 the management of the system. Accordingly, the department
26 shall promptly repair and continuously maintain areas and
27 trails, anticipate and prevent accelerated and unnatural
28 erosion, and restore lands damaged by erosion to the extent
29 possible.

30 (2) The department shall monitor the condition of
31 soils and wildlife habitat in each area of the system in order

1 to determine whether there is compliance with applicable
2 environmental laws and regulations.

3 261.09 Contracts and agreements.--The department may
4 enter into contracts with private persons or entities and
5 cooperative agreements with other public agencies for the care
6 and maintenance of lands in the system, including contracts
7 for law enforcement services with public agencies having law
8 enforcement powers.

9 261.10 Criteria for recreation areas and
10 trails.--State off-highway vehicle recreation areas and trails
11 shall consist of corridors which are designated and maintained
12 for recreational travel by off-highway vehicles, which are not
13 generally suitable or maintained for normal travel by
14 conventional two-wheel drive vehicles, and which are
15 designated for off-highway vehicle travel by the department.
16 State off-highway vehicle recreation areas and trails shall be
17 selected and managed in accordance with this chapter.

18 Section 3. Subsection (3) of section 316.2074, Florida
19 Statutes, is amended to read:

20 316.2074 All-terrain vehicles.--

21 (3) As used in this section "all-terrain vehicle"
22 means any motorized off-highway vehicle 50 inches or less in
23 width, having a dry weight of 1,000 pounds or less, designed
24 to travel on 3 or more low-pressure tires, having a seat
25 designed to be straddled by the operator and handlebars for
26 steering control, and intended for use by a single operator
27 and no passenger ~~50 inches (1270 mm) or less in width, having~~
28 ~~a dry weight of 600 pounds (273 kg) or less, traveling on~~
29 ~~three or more low-pressure tires, designed for operator use~~
30 ~~only with no passengers, having a seat or saddle designed to~~
31

1 ~~be straddled by the operator, and having handlebars for~~
2 ~~steering control.~~

3 Section 4. Chapter 323, Florida Statutes, consisting
4 of sections 323.01, 323.02, 323.03, 323.04, 323.05, 323.06,
5 323.07, 323.08, 323.09, 323.10, 323.11, 323.12, 323.13,
6 323.14, 323.15, 323.16, 323.17, and 323.18, Florida Statutes,
7 is created to read:

8 323.01 Short title.--This chapter shall be known as
9 the "Florida Off-Highway Vehicle Titling and Registration
10 Act."

11 323.02 Legislative intent.--It is the Legislature's
12 intent that all off-highway vehicles purchased after the
13 effective date of this act and all off-highway vehicles
14 operated on public lands be titled and issued a certificate of
15 title so as to allow for easy determination of ownership. It
16 is also the Legislature's intent that all off-highway vehicles
17 that are operated on public lands be registered and issued a
18 registration decal containing a registration identification
19 number so as to provide funding for the creation, management
20 and maintenance of off-highway vehicle recreation areas and
21 trails within the state.

22 323.03 Definitions.--

23 (1) "ATV" (all-terrain vehicle) means any motorized
24 off-highway vehicle 50 inches or less in width having a dry
25 weight of 1,000 pounds or less, designed to travel on 3 or
26 more low-pressure tires, having a seat designed to be
27 straddled by the operator and handlebars for steering control,
28 and intended for use by a single operator and no passenger.

29 (2) "Dealer" means any person authorized by the
30 Department of Revenue to buy, sell, resell, or otherwise
31 distribute off-highway vehicles. Such person shall have a

1 valid sales tax certificate of registration issued by the
2 Department of Revenue and a valid commercial or occupational
3 license required by any county, municipality, or political
4 subdivision of the state in which the person operates.

5 (3) "Department" means the Department of Highway
6 Safety and Motor Vehicles.

7 (4) "Florida resident" means a person who has his or
8 her principal place of domicile in this state for a period of
9 more than 6 consecutive months, who has registered to vote in
10 this state, who has made a statement of domicile pursuant to
11 s. 222.17, or who has filed for homestead tax exemption on
12 property in this state.

13 (5) "Off-highway vehicle" means any motorized vehicle
14 used off the roads or highways of this state for recreational
15 purposes, including any trail motorcycle or ATV, that is not
16 registered and licensed for highway use pursuant to chapter
17 320.

18 (6) "Owner" means a person, other than a lienholder,
19 having the property in or title to an off-highway vehicle. The
20 term includes a person entitled to the use or possession of an
21 off-highway vehicle subject to an interest in another person,
22 reserved or created by agreement and securing payment of
23 performance of an obligation, but the term excludes a lessee
24 under a lease not intended as security.

25 (7) "Person" means an individual, partnership, firm,
26 corporation, association, or other entity.

27 323.04 Administration of off-highway vehicle titling
28 and registration laws; records.--

29 (1) The administration of all off-highway vehicle
30 titling and registration laws as set forth in this chapter
31 shall be under the Department of Highway Safety and Motor

1 Vehicles, which shall provide for the issuing, handling, and
2 recording of all off-highway vehicle titling and registration
3 applications and certificates, including the receipt and
4 accounting of off-highway vehicle titling and registration
5 fees.

6 (2) The department shall keep records and perform such
7 other clerical duties pertaining to off-highway vehicle
8 titling and registration as required.

9 323.05 Rules, forms, and notices.--

10 (1) The department has authority to adopt rules
11 pursuant to ss. 120.536(1) and 120.54 which pertain to
12 off-highway vehicle titling and registration, to implement the
13 provisions of this chapter conferring duties upon it.

14 (2) The department shall prescribe and provide
15 suitable forms for applications and other notices and forms
16 necessary to administer the provisions of this chapter.

17 323.06 Certificate of title required.--

18 (1) Any off-highway vehicle which is purchased by a
19 Florida resident after the effective date of this act or which
20 is owned by a Florida resident and is operated on the public
21 lands of this state must be titled pursuant to this chapter.

22 (2) A person shall not sell, assign, or transfer an
23 off-highway vehicle titled by the state without delivering to
24 the purchaser or transferee a valid certificate of title with
25 an assignment on it showing the transfer of title to the
26 purchaser or transferee. A person shall not purchase or
27 otherwise acquire an off-highway vehicle required to be titled
28 by the state without obtaining a certificate of title for the
29 off-highway vehicle in his or her name. The purchaser or
30 transferee shall, within 30 days after a change in off-highway
31 vehicle ownership, file an application for a title transfer

1 with the county tax collector. An additional \$10 fee shall be
2 charged against the purchaser or transferee if he or she files
3 a title transfer application after the 30-day period. The
4 county tax collector shall be entitled to retain \$5 of the
5 additional amount.

6 (3) A certificate of title is prima facie evidence of
7 the ownership of the off-highway vehicle. A certificate of
8 title is good for the life of the off-highway vehicle so long
9 as the certificate is owned or held by the legal holder. If a
10 titled off-highway vehicle is destroyed or abandoned, the
11 owner, with the consent of any recorded lienholders, shall,
12 within 30 days after the destruction or abandonment, surrender
13 to the department for cancellation any and all title
14 documents.

15 (4) The department shall provide labeled places on the
16 title where the seller's price shall be indicated when an
17 off-highway vehicle is sold and where a selling dealer shall
18 record his or her valid sales tax certificate of registration
19 number.

20 (5) Included in the titling fee for off-highway
21 vehicles is a \$3.75 service fee which shall be retained by the
22 county tax collector for each certificate of title issued or
23 replaced. The remainder of the fees collected by the county
24 tax collector for off-highway vehicle titling shall be
25 remitted to the department.

26 323.07 Application for and issuance of certificate of
27 title.--

28 (1) The owner of an off-highway vehicle which is
29 required to be titled shall apply to the county tax collector
30 for a certificate of title. The application shall include the
31 true name of the owner, the residence or business address of

1 the owner, and a complete description of the vehicle. The
2 application shall be signed by the owner and shall be
3 accompanied by a fee of \$29.

4 (2) Proof of ownership must be established by the
5 owner submitting with his or her application an executed bill
6 of sale, a manufacturer's statement of origin, an affidavit of
7 ownership for off-highway vehicles purchased prior to the
8 effective date of this act, or any other document acceptable
9 to the department and presented at the time of application for
10 certificate of title.

11 (3) In making application for a title upon transfer of
12 ownership of an off-highway vehicle, the new owner shall
13 surrender to the department the last title document issued for
14 that off-highway vehicle. The document shall be properly
15 executed. Proper execution includes, but is not limited to,
16 the previous owner's signature and certification that the
17 off-highway vehicle to be transferred is debt-free or is
18 subject to a lien. If a lien exists, the previous owner shall
19 furnish the new owner, on forms supplied by the department,
20 the names and addresses of all lienholders and the dates of
21 all liens, together with a statement from each lienholder that
22 the lienholder has knowledge of and consents to the transfer
23 of title to the new owner.

24 (4) An application for an initial title or a title
25 transfer shall include payment of the applicable state sales
26 tax or proof of payment of such tax, except for off-highway
27 vehicles purchased or transferred prior to the effective date
28 of this act.

29 (5) If the owner submits a complete application and
30 complies with all of the other requirements of this section,
31 the department shall issue a certificate of title which states

1 that the title is for an off-highway vehicle, not suitable for
2 highway use.

3 323.08 Duplicate certificate of title.--

4 (1) The department may issue a duplicate certificate
5 of title upon application by the person entitled to hold such
6 a certificate if the department is satisfied that the original
7 certificate has been lost, destroyed, or mutilated. A fee of
8 \$15 shall be charged for issuing a duplicate certificate.

9 (2) In addition to the fee imposed by subsection (1),
10 a fee of \$7 shall be charged for expedited service in issuing
11 a duplicate certificate of title. Application for such
12 expedited service may be made by mail or in person. The
13 department shall issue each certificate of title applied for
14 under this subsection within 5 working days after receipt of a
15 proper application or shall refund the additional \$7 fee upon
16 written request by the applicant.

17 (3) If, following the issuance of an original,
18 duplicate, or corrected certificate of title by the
19 department, the certificate is lost in transit and is not
20 delivered to the addressee, the owner of the off-highway
21 vehicle or the holder of a lien thereon may, within 90 days
22 after the date of issuance of the title, apply to the
23 department for reissuance of the certificate of title. An
24 additional fee may not be charged for reissuance under this
25 subsection.

26 (4) The department shall implement a system to verify
27 that the application is signed by a person authorized to
28 receive a duplicate title certificate under this section if
29 the address shown on the application is different from the
30 address shown for the applicant on the records of the
31 department.

1 323.09 Manufacturer's statement of origin to be
2 furnished.--

3 (1) Any person selling a new off-highway vehicle in
4 this state shall furnish a manufacturer's statement of origin
5 to the purchaser of the off-highway vehicle. The statement
6 shall be signed and dated by an authorized representative of
7 the manufacturer and shall indicate the complete name and
8 address of the purchaser. The statement shall provide a
9 complete description of the off-highway vehicle. The statement
10 of origin shall be in English or accompanied by an English
11 translation if the off-highway vehicle was purchased outside
12 the United States, and shall contain as many assignments
13 thereon as may be necessary to show title in the name of the
14 purchaser.

15 (2) It is unlawful for an off-highway vehicle
16 manufacturer, manufacturer's representative, or dealer to
17 issue a manufacturer's certificate of origin describing an
18 off-highway vehicle, knowing that such description is false or
19 that the off-highway vehicle described does not exist or for
20 any person to obtain or attempt to obtain such manufacturer's
21 certificate of origin knowing the description is false or
22 having reason to believe the off-highway vehicle does not
23 exist. Any person who violates any provision of this
24 subsection is guilty of a felony of the third degree,
25 punishable as provided in s. 775.082, s. 775.083, or s.
26 775.084.

27 323.10 Registration required.--

28 (1) All off-highway vehicles operated on public lands
29 of this state, with the exception of those off-highway
30 vehicles owned by non-Florida residents, shall be registered.

31

1 (2) Off-highway vehicles must be registered within 30
2 days after purchase.

3 323.11 Application for and issuance of certificate of
4 registration, registration number and decal.--

5 (1) The owner of each off-highway vehicle required by
6 this law to be registered shall file a registration
7 application with the county tax collector.

8 (a) The application shall provide the owner's name and
9 address, residency status, a Florida identification card
10 number such as a driver's license number, and a complete
11 description of the off-highway vehicle to be registered, and
12 shall be accompanied by a fee of \$25.

13 (b) Proof of ownership shall be established by
14 presenting a title for the off-highway vehicle.

15 (2) The department shall issue a certificate of
16 registration and a registration number upon submittal of a
17 complete application and compliance with the other
18 requirements of this section. The certificate of registration
19 shall not be deemed a license.

20 (3) A decal signifying the year or years during which
21 the certificate is valid and containing the assigned
22 registration number shall be furnished by the department with
23 each registration certificate issued, and such decal shall be
24 affixed to the rear of the off-highway vehicle.

25 323.12 Registration period and re-registration by
26 mail.--

27 (1) Each off-highway vehicle certificate of
28 registration issued by the department shall be valid through
29 and until the owner's next birthday. If the owner's birthday
30 falls within the first 3 months after issuance of the
31 certificate of registration, then the certificate of

1 registration shall be valid through and until the owner's
2 following birthday. Under no circumstances shall a certificate
3 of registration be valid for more than 15 months.

4 (2) The department shall provide for annual
5 re-registration of off-highway vehicles either in person at
6 the county tax collector's office or by mail.

7 323.13 Change of interest and address.--

8 (1) The owner shall furnish the department notice of
9 the transfer of all or any part of his or her interest in an
10 off-highway vehicle registered or titled in this state
11 pursuant to this chapter, or of the destruction or abandonment
12 of such off-highway vehicle within 30 days thereof. Such
13 transfer, destruction, or abandonment shall terminate the
14 certificate for such off-highway vehicle, except that in the
15 case of a transfer of a part interest which does not affect
16 the owner's right to operate such off-highway vehicle, such
17 transfer shall not terminate the certificate.

18 (2) Any holder of a certificate of registration shall
19 notify the department or the county tax collector within 30
20 days, if his or her address no longer conforms to the address
21 appearing on the certificate and shall, as a part of such
22 notification, furnish the department or the county tax
23 collector with the new address. The department may provide in
24 its rules and regulations for the surrender of the certificate
25 bearing the former address and its replacement with a new
26 certificate bearing the new address or for the alteration of
27 an outstanding certificate to show the new address of the
28 holder.

29 323.14 Duplicate registration certificate or decal,
30 service fees.--

31

1 (1) A duplicate off-highway vehicle registration
2 certificate or decal to replace a lost or misplaced
3 certificate or decal may be obtained from the county tax
4 collector for \$10. A duplicate certificate or decal will not
5 be issued except by written request of the registered owner or
6 a person authorized by the owner to make such a request.

7 (2) Included in the registration fee for off-highway
8 vehicles is a \$2.25 service fee which shall be retained by the
9 county tax collector for each registration certificate or
10 decal issued, replaced, or renewed. The remainder of the fees
11 collected by the county tax collector for off-highway vehicle
12 registration shall be remitted to the department.

13 (3) A mail service charge shall be collected for each
14 registration or re-registration mailed by the department or
15 any tax collector. All registrations and re-registrations
16 shall be mailed by first class mail. The amount of mail
17 service charge shall be the actual postage required rounded to
18 the nearest 5 cents, plus a 25-cent handling charge. The mail
19 service charge shall be in addition to the registration fee
20 set forth in s. 323.11.

21 323.15 Disposition of fees.--The department shall
22 deposit all funds collected by it or remitted to it by the
23 county tax collectors pursuant to the provisions of this
24 chapter, less administrative costs of \$2 per title transaction
25 and \$2 per registration transaction, which are necessary to
26 carry out the provisions of this chapter, into the Off-Highway
27 Vehicle Revolving Trust Fund created pursuant to s. 261.11.

28 323.16 Refusal to issue and authority to cancel a
29 certificate of title or registration.--

30 (1) If the department determines at any time that an
31 applicant for an off-highway vehicle certificate of title or

1 registration gave a false statement or false or incomplete
2 information in applying for the certificate or otherwise
3 failed to comply with the applicable provisions pertaining to
4 the application for a certificate, it may refuse to issue the
5 certificate.

6 (2) If the department determines at any time that an
7 owner or dealer named in an off-highway vehicle certificate of
8 title or registration gave a false statement or false or
9 incomplete information in applying for the certificate or
10 otherwise failed to comply with the applicable provisions
11 pertaining to the application for a certificate, it may cancel
12 the certificate.

13 (3) The department may cancel any pending application
14 or any certificate if it determines that any title or
15 registration fee or sales tax pertaining to such registration
16 has not been paid, provided such fee or tax is not paid upon
17 reasonable notice.

18 323.17 Crimes relating to certificates of title and
19 registration decals; penalties.--

20 (1) It is unlawful for any person to procure or
21 attempt to procure a certificate of title or duplicate
22 certificate of title to an off-highway vehicle, or to pass or
23 attempt to pass a certificate of title or duplicate
24 certificate of title to an off-highway vehicle or any
25 assignment thereof, if such person knows or has reason to
26 believe that such off-highway vehicle is stolen. Any person
27 who violates any provision of this subsection is guilty of a
28 felony of the third degree, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084.

30 (2) It is unlawful for any person, knowingly and with
31 intent to defraud, to have in his or her possession, sell,

1 offer to sell, counterfeit, or supply a blank, forged,
2 fictitious, counterfeit, stolen, or fraudulently or unlawfully
3 obtained certificate of title, duplicate certificate of title,
4 registration, bill of sale, or other indicia of ownership of
5 an off-highway vehicle or to conspire to do any of the
6 foregoing. Any person who violates any provision of this
7 subsection is guilty of a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084.

10 (3) It is unlawful:

11 (a) To alter or forge any certificate of title to an
12 off-highway vehicle or any assignment thereof or any
13 cancellation of any lien on an off-highway vehicle.

14 (b) To retain or use such certificate, assignment, or
15 cancellation knowing that it has been altered or forged.

16 (c) To use a false or fictitious name, give a false or
17 fictitious address, or make any false statement in any
18 application or affidavit required under the provisions of this
19 chapter or in a bill of sale or sworn statement of ownership
20 or otherwise commit a fraud in any application.

21 (d) To knowingly obtain goods, services, credit, or
22 money by means of an invalid, duplicate, fictitious, forged,
23 counterfeit, stolen, or unlawfully obtained certificate of
24 title, registration, bill of sale, or other indicia of
25 ownership of an off-highway vehicle.

26 (e) To knowingly obtain goods, services, credit, or
27 money by means of a certificate of title to an off-highway
28 vehicle which certificate is required by law to be surrendered
29 to the department. Any person who violates any provision of
30 this subsection is guilty of a felony of the third degree,
31 punishable as provided in s. 775.082, s. 775.083, or s.

1 775.084. A violation of any provision of this subsection with
2 respect to any off-highway vehicle shall constitute such
3 off-highway vehicle as contraband which may be seized by a law
4 enforcement agency, and which shall be subject to forfeiture
5 pursuant to ss. 932.701-932.704.

6 (4) It is unlawful for any person:

7 (a) To make, alter, forge, counterfeit, or reproduce
8 an off-highway vehicle registration decal unless authorized by
9 the department.

10 (b) To knowingly have in his or her possession a
11 forged, counterfeit, or imitation off-highway vehicle
12 registration decal, or reproduction of a decal, unless
13 possession by such person has been duly authorized by the
14 department.

15 (c) To barter, trade, sell, supply, agree to supply,
16 aid in supplying, or give away an off-highway vehicle
17 registration decal or to conspire to barter, trade, sell,
18 supply, agree to supply, aid in supplying, or give away an
19 off-highway vehicle registration decal, unless duly authorized
20 to issue the decal by the department, as provided in this
21 chapter or in rules of the department. Any person who violates
22 any of the provisions of this subsection is guilty of a felony
23 of the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084.

25 323.18 Non-criminal infractions, penalties.--Any
26 person failing to comply with any of the provisions of this
27 chapter not specified in s. 323.17 is guilty of a misdemeanor
28 of the second degree, punishable as provided in s. 775.082 or
29 s. 775.083.

30 Section 5. Section 375.315, Florida Statutes, is
31 repealed.

