

By Senator Forman

32-987-99

See HB

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 the Florida Off-Highway  
22          Vehicle Titling and Registration Act; providing  
23          legislative intent; providing definitions;  
24          providing for administration by the Department  
25          of Highway Safety and Motor Vehicles; providing  
26          for rules, forms, and notices; requiring  
27          certificates of title; providing for  
28          application for and issuance of certificates of  
29          title; providing for duplicate certificates of  
30          title; requiring the furnishing of a  
31          manufacturer's statement of origin; requiring

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

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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. Short title.--Sections 4 through 21 of this  
4 act may be cited as the "Florida Off-Highway Vehicle Titling  
5 and Registration Act."

6 Section 5. Legislative intent.--It is the  
7 Legislature's intent that all off-highway vehicles purchased  
8 after the effective date of this act and all off-highway  
9 vehicles operated on public lands be titled and issued a  
10 certificate of title so as to allow for easy determination of  
11 ownership. It is also the Legislature's intent that all  
12 off-highway vehicles that are operated on public lands be  
13 registered and issued a registration decal containing a  
14 registration identification number so as to provide funding  
15 for the creation, management and maintenance of off-highway  
16 vehicle recreation areas and trails within the state.

17 Section 6. Definitions.--

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

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

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1           (3) "Department" means the Department of Highway  
2 Safety and Motor Vehicles.

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

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

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

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

23           Section 7. Administration of off-highway vehicle  
24 titling and registration laws; records.--

25           (1) The administration of all off-highway vehicle  
26 titling and registration laws as set forth in this chapter  
27 shall be under the Department of Highway Safety and Motor  
28 Vehicles, which shall provide for the issuing, handling, and  
29 recording of all off-highway vehicle titling and registration  
30 applications and certificates, including the receipt and  
31

1 accounting of off-highway vehicle titling and registration  
2 fees.

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

6 Section 8. Rules, forms, and notices.--

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

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

15 Section 9. Certificate of title required.--

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

20 (2) A person shall not sell, assign, or transfer an  
21 off-highway vehicle titled by the state without delivering to  
22 the purchaser or transferee a valid certificate of title with  
23 an assignment on it showing the transfer of title to the  
24 purchaser or transferee. A person shall not purchase or  
25 otherwise acquire an off-highway vehicle required to be titled  
26 by the state without obtaining a certificate of title for the  
27 off-highway vehicle in his or her name. The purchaser or  
28 transferee shall, within 30 days after a change in off-highway  
29 vehicle ownership, file an application for a title transfer  
30 with the county tax collector. An additional \$10 fee shall be  
31 charged against the purchaser or transferee if he or she files

1 a title transfer application after the 30-day period. The  
2 county tax collector shall be entitled to retain \$5 of the  
3 additional amount.

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

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

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

24 Section 10. Application for and issuance of  
25 certificate of title.--

26 (1) The owner of an off-highway vehicle which is  
27 required to be titled shall apply to the county tax collector  
28 for a certificate of title. The application shall include the  
29 true name of the owner, the residence or business address of  
30 the owner, and a complete description of the vehicle. The  
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1 application shall be signed by the owner and shall be  
2 accompanied by a fee of \$29.

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

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

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

28 (5) If the owner submits a complete application and  
29 complies with all of the other requirements of this section,  
30 the department shall issue a certificate of title which states  
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1 that the title is for an off-highway vehicle, not suitable for  
2 highway use.

3 Section 11. 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           Section 12. 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 section 775.082, section 775.083, or  
26 section 775.084, Florida Statutes.

27           Section 13. 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.

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

3           Section 14. Application for and issuance of  
4 certificate of 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           Section 15. 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 Section 16. 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 Section 17. Duplicate registration certificate or  
30 decal, service fees.--

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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 section 14 of this act.

21           Section 18. 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 section  
28 261.11, Florida Statutes.

29           Section 19. Refusal to issue and authority to cancel a  
30 certificate of title or registration.--

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1           (1) If the department determines at any time that an  
2 applicant for an off-highway vehicle certificate of title or  
3 registration gave a false statement or false or incomplete  
4 information in applying for the certificate or otherwise  
5 failed to comply with the applicable provisions pertaining to  
6 the application for a certificate, it may refuse to issue the  
7 certificate.

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

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

20           Section 20. Crimes relating to certificates of title  
21 and registration decals; penalties.--

22           (1) It is unlawful for any person to procure or  
23 attempt to procure a certificate of title or duplicate  
24 certificate of title to an off-highway vehicle, or to pass or  
25 attempt to pass a certificate of title or duplicate  
26 certificate of title to an off-highway vehicle or any  
27 assignment thereof, if such person knows or has reason to  
28 believe that such off-highway vehicle is stolen. Any person  
29 who violates any provision of this subsection is guilty of a  
30 felony of the third degree, punishable as provided in section  
31

1 775.082, section 775.083, or section 775.084, Florida  
2 Statutes.

3 (2) It is unlawful for any person, knowingly and with  
4 intent to defraud, to have in his or her possession, sell,  
5 offer to sell, counterfeit, or supply a blank, forged,  
6 fictitious, counterfeit, stolen, or fraudulently or unlawfully  
7 obtained certificate of title, duplicate certificate of title,  
8 registration, bill of sale, or other indicia of ownership of  
9 an off-highway vehicle or to conspire to do any of the  
10 foregoing. Any person who violates any provision of this  
11 subsection is guilty of a felony of the third degree,  
12 punishable as provided in section 775.082, section 775.083, or  
13 section 775.084, Florida Statutes.

14 (3) It is unlawful:

15 (a) To alter or forge any certificate of title to an  
16 off-highway vehicle or any assignment thereof or any  
17 cancellation of any lien on an off-highway vehicle.

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

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

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

30 (e) To knowingly obtain goods, services, credit, or  
31 money by means of a certificate of title to an off-highway

1 vehicle which certificate is required by law to be surrendered  
2 to the department. Any person who violates any provision of  
3 this subsection is guilty of a felony of the third degree,  
4 punishable as provided in section 775.082, section 775.083, or  
5 section 775.084, Florida Statutes. A violation of any  
6 provision of this subsection with respect to any off-highway  
7 vehicle shall constitute such off-highway vehicle as  
8 contraband which may be seized by a law enforcement agency,  
9 and which shall be subject to forfeiture pursuant to sections  
10 932.701-932.704, Florida Statutes.

11 (4) It is unlawful for any person:

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

15 (b) To knowingly have in his or her possession a  
16 forged, counterfeit, or imitation off-highway vehicle  
17 registration decal, or reproduction of a decal, unless  
18 possession by such person has been duly authorized by the  
19 department.

20 (c) To barter, trade, sell, supply, agree to supply,  
21 aid in supplying, or give away an off-highway vehicle  
22 registration decal or to conspire to barter, trade, sell,  
23 supply, agree to supply, aid in supplying, or give away an  
24 off-highway vehicle registration decal, unless duly authorized  
25 to issue the decal by the department, as provided in this  
26 chapter or in rules of the department. Any person who violates  
27 any of the provisions of this subsection is guilty of a felony  
28 of the third degree, punishable as provided in section  
29 775.082, section 775.083, or section 775.084, Florida  
30 Statutes.

31

1           Section 21. Non-criminal infractions, penalties.--Any  
2 person failing to comply with any of the provisions of this  
3 chapter not specified in section 20 of this act is guilty of a  
4 misdemeanor of the second degree, punishable as provided in  
5 section 775.082 or section 775.083, Florida Statutes.

6           Section 22. Section 375.315, Florida Statutes, is  
7 repealed.

8           Section 23. Subsection (2) of section 375.313, Florida  
9 Statutes, is repealed.

10          Section 24. This act shall take effect upon becoming a  
11 law.

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14                                   LEGISLATIVE SUMMARY

15           Creates chapter 261, F.S., to regulate off-highway  
16 vehicle safety and recreation to control and manage  
17 off-highway vehicles to ensure that there are no negative  
18 impacts on the environment, wildlife habitats, native  
19 wildlife and native flora. The act declares that  
20 effectively managed areas and adequate facilities for the  
21 use of off-highway vehicles are compatible with Florida's  
22 overall recreation plan and the underlying goal of  
23 multiple use.

24           Creates the Florida Off-Highway Vehicle Titling and  
25 Registration Act. See bill for details.  
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