

By Senator Kirkpatrick

5-382A-00

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

1 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., relating to registration fees therefor;
18 providing an effective date.

19

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

21

22 Section 1. Paragraph (v) is added to subsection (1) of
23 section 215.22, Florida Statutes, 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 (v) 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 may be cited as the
4 "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 this state and
8 that the use of these vehicles should be controlled and
9 managed to minimize negative effects on the environment,
10 wildlife habitats, native wildlife, and native flora.

11 (2) The Legislature declares that effectively managed
12 areas and adequate facilities for the use of off-highway
13 vehicles are compatible with this state's overall recreation
14 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.--As used in this chapter, the
24 term:

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

27 (2) "ATV" means any motorized off-highway or
28 all-terrain vehicle 50 inches or less in width, having a dry
29 weight of 900 pounds or less, designed to travel on three or
30 more low-pressure tires, having a seat designed to be

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1 straddled by the operator and handlebars for steering control,
2 and intended for use by a single operator with no passenger.

3 (3) "Department" means the Department of Agriculture
4 and Consumer Services.

5 (4) "Division" means the Division of Forestry of the
6 Department of Agriculture and Consumer Services.

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

12 (6) "Off-highway vehicle" means any ATV or OHM used
13 off the roads or highways of this state for recreational
14 purposes, and which is not registered and licensed for highway
15 use under chapter 320.

16 (7) "Program" means the Off-Highway-Vehicle Recreation
17 Program.

18 (8) "System" means the state-owned off-highway-vehicle
19 recreation areas and trails within the state.

20 (9) "Trust fund" means the "Off-Highway-Vehicle
21 Revolving Trust Fund" created by s. 261.11.

22 261.04 Creation of the Off-Highway-Vehicle Recreation
23 Advisory Committee; members; appointment.--

24 (1) The Off-Highway-Vehicle Recreation Advisory
25 Committee is created within the Division of Forestry and
26 consists of seven members, all of whom are appointed by the
27 Commissioner of Agriculture. The appointees shall include one
28 representative of the Department of Agriculture and Consumer
29 Services, one representative of the Department of Highway
30 Safety and Motor Vehicles, one representative of a licensed
31 off-highway-vehicle dealer, and four representatives of

1 off-highway-vehicle recreation groups. In making these
2 appointments, the commissioner shall consider the places of
3 residence of the members to ensure statewide representation.

4 (2) The term of office of each member of the advisory
5 committee is 2 years. The members first appointed shall
6 classify themselves by lot so that the terms of three members
7 expire June 30, 2002, and the terms of four members expire
8 June 30, 2003.

9 (3) In case of a vacancy on the committee, the
10 commissioner shall appoint a successor member for the
11 unexpired portion of the term.

12 (4) The members shall elect a chair among themselves
13 who shall serve for 1 year or until a successor is elected.

14 (5) The members shall not receive a salary; however,
15 they shall be entitled to be reimbursed for the actual and
16 necessary expenses incurred in the performance of their
17 duties.

18 261.05 Duties and responsibilities of the
19 Off-Highway-Vehicle Recreation Advisory Committee.--

20 (1) The advisory committee shall establish policies to
21 guide the department regarding the off-highway-vehicle
22 recreational program and the system of off-highway-vehicle
23 recreation areas and trails.

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

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

29 (4) The advisory committee shall meet at various times
30 and locations throughout the state to receive comments on the
31 implementation of the program.

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

6 (6) The advisory committee shall make recommendations
7 regarding all capital outlay expenditures from the trust fund
8 proposed for inclusion in the budget.

9 (7) The advisory committee shall review grant
10 applications submitted by any governmental agency or entity
11 requesting moneys from the trust fund to create, operate,
12 manage, or improve off-highway-vehicle recreation areas or
13 trails within the state. The advisory committee shall
14 recommend to the department approval or denial of such grant
15 applications based upon criteria established by the advisory
16 committee.

17 261.06 Functions, duties, and responsibilities of the
18 department.--The following are functions, duties, and
19 responsibilities of the department through the division:

20 (1) The planning, acquisition, development,
21 construction, conservation, and rehabilitation of lands in and
22 for the system.

23 (2) The management, maintenance, administration, and
24 operation of lands in the system, and the provision of law
25 enforcement and appropriate public safety activities.

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

28 (4) Implementation of the program, including the
29 ultimate approval of grant applications submitted by
30 governmental agencies.

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1 (5) Ensuring compliance with environmental laws and
2 regulations of the program and lands in the system.

3 (6) The implementation of the policies established by
4 the advisory committee.

5 (7) Provision of staff assistance to the advisory
6 committee.

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

9 (9) Conducting surveys and the preparation of studies
10 as are necessary or desirable for implementing the program.

11 (10) Recruitment and utilization of volunteers to
12 further the program.

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

28 261.08 Repair, maintenance, and restoration of areas,
29 trails, and lands.--

30 (1) The protection of public safety, the appropriate
31 use of lands in the system, and the conservation of land

1 resources in the system are of the highest priority in the
2 management of the system. Accordingly, the department shall
3 promptly repair and continuously maintain areas and trails,
4 anticipate and prevent accelerated and unnatural erosion, and
5 restore lands damaged by erosion to the extent possible.

6 (2) The department shall monitor the condition of
7 soils and wildlife habitat in each area of the system to
8 determine whether there is compliance with applicable
9 environmental laws and regulations.

10 261.09 Contracts and agreements.--The department may
11 contract with private persons or entities and enter into
12 cooperative agreements with other public agencies for the care
13 and maintenance of lands in the system, including contracts
14 for law enforcement services with public agencies having law
15 enforcement powers.

16 261.10 Criteria for recreation areas and
17 trails.--State off-highway-vehicle recreation areas and trails
18 shall consist of corridors that are designated and maintained
19 for recreational travel by off-highway vehicles, that are not
20 generally suitable or maintained for normal travel by
21 conventional two-wheel-drive vehicles, and that are designated
22 by the department for off-highway-vehicle travel. State
23 off-highway-vehicle recreation areas and trails must be
24 selected and managed in accordance with this chapter.

25 Section 3. Subsection (2) of section 316.2074, Florida
26 Statutes, is amended to read:

27 316.2074 All-terrain vehicles.--

28 (2) As used in this section, the term "all-terrain
29 vehicle" means any motorized off-highway vehicle 50 inches
30 ~~(1270 mm)~~ or less in width, having a dry weight of 900 ~~600~~
31 ~~pounds(273 kg)~~ or less, designed to travel ~~traveling~~ on three

1 or more low-pressure tires, ~~designed for operator use only~~
2 ~~with no passengers,~~having a seat ~~or saddle~~ designed to be
3 straddled by the operator, ~~and having~~ handlebars for steering
4 control, and intended for use by a single operator with no
5 passenger.

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

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

20 Section 6. Definitions.--As used in sections 4 through
21 21, the term:

22 (1) "ATV" means any motorized off-highway or
23 all-terrain vehicle 50 inches or less in width, having a dry
24 weight of 900 pounds or less, designed to travel on three or
25 more low-pressure tires, having a seat designed to be
26 straddled by the operator and handlebars for steering control,
27 and intended for use by a single operator and with no
28 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 must have a valid

1 sales tax certificate of registration issued by the Department
2 of Revenue and a valid commercial or occupational license
3 required by any county, municipality, or political subdivision
4 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 had a
8 principal place of domicile in this state for a period of more
9 than 6 consecutive months, who has registered to vote in this
10 state, who has made a statement of domicile pursuant to
11 section 222.17, Florida Statutes, or who has filed for
12 homestead tax exemption on property in this state.

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

18 (6) "Off-highway vehicle" means any ATV or OHM used
19 off the roads or highways of this state for recreational
20 purposes, which is not registered and licensed for highway use
21 pursuant to chapter 320.

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

29 Section 7. Administration of off-highway-vehicle
30 titling and registration laws; records.--

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1 (1) The administration of off-highway-vehicle titling
2 and registration laws in sections 4 through 21 is under the
3 Department of Highway Safety and Motor Vehicles, which shall
4 provide for the issuing, handling, and recording of all
5 off-highway-vehicle titling and registration applications and
6 certificates, including the receipt and accounting of
7 off-highway-vehicle titling and registration fees.

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

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

12 (1) The department may adopt rules under section
13 120.536(1), Florida Statutes, and section 120.54, Florida
14 Statutes, which pertain to off-highway-vehicle titling and
15 registration, to implement the provisions of sections 4
16 through 21 conferring duties upon it.

17 (2) The department shall prescribe and provide
18 suitable forms for applications and other notices and forms
19 necessary to administer the provisions of sections 4 through
20 21.

21 Section 9. Certificate of title required.--

22 (1) Any off-highway vehicle that is purchased by a
23 resident of this state after the effective date of this act or
24 which is owned by a resident and is operated on the public
25 lands of this state must be titled pursuant to sections 4
26 through 21.

27 (2) A person may not sell, assign, or transfer an
28 off-highway vehicle titled by the state without delivering to
29 the purchaser or transferee a valid certificate of title with
30 an assignment on it showing the transfer of title to the
31 purchaser or transferee. A person may not purchase or

1 otherwise acquire an off-highway vehicle required to be titled
2 without obtaining a certificate of title for the vehicle in
3 his or her name. The purchaser or transferee shall, within 30
4 days after a change in off-highway-vehicle ownership, file an
5 application for a title transfer with the county tax
6 collector. An additional \$10 fee shall be charged against a
7 purchaser or transferee who files a title transfer application
8 after the 30-day period. The county tax collector may retain
9 \$5 of the additional amount.

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

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

23 (5) Included in each titling or replacement fee is a
24 \$3.75 service fee to be retained by the county tax collector.
25 The remainder of the fees collected by the county tax
26 collector for off-highway-vehicle titling shall be remitted to
27 the department.

28 Section 10. Application for and issuance of
29 certificate of title.--

30 (1) The owner of an off-highway vehicle that is
31 required to be titled must apply to the county tax collector

1 for a certificate of title. The application must include the
2 true name of the owner, the residence or business address of
3 the owner, and a complete description of the vehicle. The
4 application must be signed by the owner and must be
5 accompanied by a fee of \$29.

6 (2) Proof of ownership must be established by the
7 owner submitting with the application an executed bill of
8 sale, a manufacturer's statement of origin, an affidavit of
9 ownership for off-highway vehicles purchased before the
10 effective date of this act, or any other document acceptable
11 to the department.

12 (3) To apply for a title upon transfer of ownership of
13 an off-highway vehicle, the new owner must surrender to the
14 department the last title document issued for that vehicle.
15 The document must be properly executed. Proper execution
16 includes the previous owner's signature and certification that
17 the off-highway vehicle to be transferred is debt-free or is
18 subject to a lien. If a lien exists, the previous owner must
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, with a statement from each lienholder that the
22 lienholder has knowledge of and consents to the transfer of
23 title to the new owner.

24 (4) An application for an initial title or a title
25 transfer must 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 before the effective date of
28 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 that states

1 that the title is for an off-highway vehicle that is not
2 suitable for 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 must furnish a manufacturer's statement of origin
5 to the purchaser. The statement, which must be in English or
6 accompanied by an English translation if the vehicle was
7 purchased outside the United States, must be signed and dated
8 by an authorized representative of the manufacturer, indicate
9 the complete name and address of the purchaser, include a
10 complete description of the vehicle, and contain as many
11 assignments as necessary to show title in the name of the
12 purchaser.

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

25 Section 13. Registration required.--Off-highway
26 vehicles operated on public lands of this state, with the
27 exception of off-highway vehicles owned by non-Florida
28 residents, must be registered within 30 days after purchase.

29 Section 14. Application for and issuance of
30 certificate of registration, registration number, and decal.--
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1 (1) The owner of each off-highway vehicle that
2 requires registration in this state must file a registration
3 application with the county tax collector.

4 (a) The application must provide the owner's name and
5 address, residency status, a Florida identification card
6 number such as a driver's license number, and a complete
7 description of the vehicle to be registered, and must be
8 accompanied by a fee of \$25.

9 (b) Proof of ownership must be established by
10 presenting a title for the off-highway vehicle.

11 (2) The department shall issue a certificate of
12 registration and a registration number upon submittal of a
13 complete application and compliance with the other
14 requirements of this section. The certificate of registration
15 does not constitute a license.

16 (3) The department shall furnish with each
17 registration certificate issued, a decal signifying the years
18 during which the certificate is valid and containing the
19 assigned registration number, and such decal must be affixed
20 to the rear of the off-highway vehicle.

21 Section 15. Registration period and re-registration by
22 mail.--

23 (1) An off-highway-vehicle certificate of registration
24 is valid through the owner's next birthday. If the owner's
25 birthday falls within the first 3 months after issuance of the
26 certificate of registration, the certificate is valid through
27 the owner's following birthday. However, a certificate of
28 registration may not be valid for more than 15 months.

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

1 Section 16. Change of interest and address.--

2 (1) The owner must furnish to the department notice of
3 the transfer of any whole or partial interest in an
4 off-highway vehicle registered or titled in this state or of
5 the destruction or abandonment of such vehicle within 30 days
6 thereof. The certificate expires upon such transfer,
7 destruction, or abandonment, unless the transfer of a partial
8 interest does not affect the owner's right to operate the
9 vehicle.

10 (2) Any holder of a certificate of registration must
11 notify the department or the county tax collector within 30
12 days after a change of address to one other than the address
13 on the certificate and must furnish the department or the
14 county tax collector with the new address. The department may
15 provide by rule for the surrender of the certificate bearing
16 the former address and for its replacement with a new
17 certificate bearing the new address or for the alteration of
18 an outstanding certificate to show the new address of the
19 holder.

20 Section 17. Duplicate registration certificate or
21 decal, service fees.--

22 (1) A duplicate off-highway-vehicle registration
23 certificate or decal to replace a lost or misplaced
24 certificate or decal may be obtained from the county tax
25 collector for \$10. A duplicate certificate or decal may not be
26 issued except by written request of the registered owner or a
27 person authorized by the owner.

28 (2) Included in the registration fee for off-highway
29 vehicles is a \$2.25 service fee to be retained by the county
30 tax collector for each registration certificate or decal
31 issued, replaced, or renewed. The remainder of the fees

1 collected by the county tax collector shall be remitted to the
2 department.

3 (3) A mail service charge shall be collected for each
4 registration or re-registration mailed by the department or
5 any tax collector. All registrations and re-registrations must
6 be mailed by first class mail. The amount of mail service
7 charge must be the actual postage required rounded to the
8 nearest 5 cents, plus a 25-cent handling charge. The mail
9 service charge is in addition to the registration fee in
10 section 14.

11 Section 18. Disposition of fees.--The department shall
12 deposit all funds received under sections 4 through 21, less
13 administrative costs of \$2 per title transaction, and \$2 per
14 registration transaction, into the
15 Off-Highway-Vehicle-Revolving Trust Fund created by section
16 261.11, Florida Statutes.

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

19 (1) If the department finds that an applicant for an
20 off-highway-vehicle certificate of title or registration gave
21 a false statement or false or incomplete information in
22 applying for the certificate or otherwise failed to comply
23 with the applicable provisions pertaining to the application
24 for a certificate, it may refuse to issue the certificate.

25 (2) If the department finds that an owner or dealer
26 named in an off-highway-vehicle certificate of title or
27 registration gave a false statement or false or incomplete
28 information in applying for the certificate or otherwise
29 failed to comply with the applicable provisions pertaining to
30 the application for a certificate, it may cancel the
31 certificate.

1 (3) The department may cancel any pending application
2 or any certificate if it finds that any title or registration
3 fee or sales tax pertaining to such registration has not been
4 paid, unless the fee or tax is paid within a reasonable time
5 after the department has given notice.

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

8 (1) It is unlawful for any person to procure or
9 attempt to procure a certificate of title or duplicate
10 certificate of title to an off-highway vehicle, or to pass or
11 attempt to pass a certificate of title or duplicate
12 certificate of title to an off-highway vehicle or any
13 assignment thereof, if such person knows or has reason to
14 believe that the vehicle has been stolen. Any person who
15 violates this subsection is guilty of a felony of the third
16 degree, punishable as provided in section 775.082, section
17 775.083, or section 775.084, Florida Statutes.

18 (2) It is unlawful for any person, knowingly and with
19 intent to defraud, to have in his or her possession, sell,
20 offer to sell, counterfeit, or supply a blank, forged,
21 fictitious, counterfeit, stolen, or fraudulently or unlawfully
22 obtained certificate of title, duplicate certificate of title,
23 registration, bill of sale, or other indicia of ownership of
24 an off-highway vehicle or to conspire to do any of the
25 foregoing. Any person who violates this subsection is guilty
26 of a felony of the third degree, punishable as provided in
27 section 775.082, section 775.083, or section 775.084, Florida
28 Statutes.

29 (3) It is unlawful:
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1 (a) To alter or forge any certificate of title to an
2 off-highway vehicle or any assignment thereof or any
3 cancellation of any lien on an off-highway vehicle.

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

6 (c) To use a false or fictitious name, give a false or
7 fictitious address, or make any false statement in any
8 application or affidavit required by sections 4 through 21 or
9 in a bill of sale or sworn statement of ownership or otherwise
10 commit a fraud in any application.

11 (d) To knowingly obtain goods, services, credit, or
12 money by means of an invalid, duplicate, fictitious, forged,
13 counterfeit, stolen, or unlawfully obtained certificate of
14 title, registration, bill of sale, or other indicia of
15 ownership of an off-highway vehicle.

16 (e) To knowingly obtain goods, services, credit, or
17 money by means of a certificate of title to an off-highway
18 vehicle which certificate is required by law to be surrendered
19 to the department. Any person who violates this subsection is
20 guilty of a felony of the third degree, punishable as provided
21 in section 775.082, section 775.083, or section 775.084,
22 Florida Statutes. A violation of this subsection with respect
23 to any off-highway vehicle makes such off-highway vehicle
24 contraband which may be seized by a law enforcement agency and
25 forfeited under sections 932.701-932.704, Florida Statutes.

26 (4) It is unlawful for any person:

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

30 (b) To knowingly have in his or her possession a
31 forged, counterfeit, or imitation off-highway-vehicle

1 registration decal, or reproduction of a decal, unless such
2 possession has been authorized by the department.

3 (c) To barter, trade, sell, supply, agree to supply,
4 aid in supplying, or give away an off-highway-vehicle
5 registration decal or to conspire to barter, trade, sell,
6 supply, agree to supply, aid in supplying, or give away an
7 off-highway-vehicle registration decal, unless authorized by
8 the department. Any person who violates this subsection is
9 guilty of a felony of the third degree, punishable as provided
10 in section 775.082, section 775.083, or section 775.084,
11 Florida Statutes.

12 Section 21. Non-criminal infractions, penalties.--Any
13 person who fails to comply with any provisions of sections 4
14 through 21 for which a greater penalty is not otherwise
15 provided is guilty of a misdemeanor of the second degree,
16 punishable as provided in section 775.082 or section 775.083,
17 Florida Statutes.

18 Section 22. Section 375.315, Florida Statutes, is
19 repealed.

20 Section 23. Subsection (2) of section 375.313, Florida
21 Statutes, is repealed.

22 Section 24. This act shall take effect upon becoming a
23 law.

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SENATE SUMMARY

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

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