

By the Committee on Transportation and Senators Kirkpatrick
and Forman

306-2200-00

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 rulemaking authority; providing for the
15 publication and sale of a guidebook; providing
16 for the repair, maintenance and restoration of
17 areas, trails, and lands; providing for
18 contracts and agreements; providing criteria
19 for recreation areas and trails; amending s.
20 316.2074, F.S.; revising the definition of the
21 term "all-terrain vehicle"; 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 reregistration by mail; providing for change of
6 interest and address; providing for duplicate
7 registration certificate and decal; providing
8 for fees; providing for disposition of fees;
9 providing for refusal to issue and authority to
10 cancel a certificate of title or registration;
11 providing for crimes relating to certificates
12 of title and registration decals; providing
13 penalties; providing for noncriminal
14 infractions; providing penalties; amending s.
15 375.315, F.S., relating to the registration of
16 off-road vehicles; providing an effective date.

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

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20 Section 1. Paragraph (v) is added to subsection (1) of
21 section 215.22, Florida Statutes, to read:

22 215.22 Certain income and certain trust funds
23 exempt.--

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

27 (v) The Off-Highway-Vehicle Revolving Trust Fund.

28 Section 2. Chapter 261, Florida Statutes, consisting
29 of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,
30 261.07, 261.08, 261.09, and 261.10, Florida Statutes, is
31 created to read:

1 261.01 Short title.--This chapter may be cited as the
2 "Florida Off-Highway-Vehicle Safety and Recreation Act."

3 261.02 Legislative intent.--

4 (1) The Legislature finds that off-highway vehicles
5 are enjoying an ever-increasing popularity in this state and
6 that the use of these vehicles should be controlled and
7 managed to minimize negative effects on the environment,
8 wildlife habitats, native wildlife, and native flora.

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

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

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

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

21 261.03 Definitions.--As used in this chapter, the
22 term:

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

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

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

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

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

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

14 (7) "Program" means the Off-Highway-Vehicle Recreation
15 Program.

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

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

20 261.04 Creation of the Off-Highway-Vehicle Recreation
21 Advisory Committee; members; appointment.--

22 (1) The Off-Highway-Vehicle Recreation Advisory
23 Committee is created within the Division of Forestry and
24 consists of nine members, all of whom are appointed by the
25 Commissioner of Agriculture. The appointees shall include one
26 representative of the Department of Agriculture and Consumer
27 Services, one representative of the Department of Highway
28 Safety and Motor Vehicles, one representative of the
29 Department of Environmental Protection's Office of Greenways
30 and Trails, one representative of the Fish and Wildlife
31 Conservation Commission, one representative of a licensed

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

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

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

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

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

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

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

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

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

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

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

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

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

20 261.06 Functions, duties, and responsibilities of the
21 department.--The following are functions, duties, and
22 responsibilities of the department through the division:

23 (1) The planning, acquisition, development,
24 construction, conservation, and rehabilitation of lands in and
25 for the system.

26 (2) The management, maintenance, administration, and
27 operation of lands in the system, and the provision of law
28 enforcement and appropriate public safety activities.

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

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1 (4) Implementation of the program, including the
2 ultimate approval of grant applications submitted by
3 governmental agencies.

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

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

8 (7) Provision of staff assistance to the advisory
9 committee.

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

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

14 (10) Recruitment and utilization of volunteers to
15 further the program.

16 (11) Rulemaking authority to implement the provisions
17 of ss. 261.01-261.10.

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

3 261.08 Repair, maintenance, and restoration of areas,
4 trails, and lands.--

5 (1) The protection of public safety, the appropriate
6 use of lands in the system, and the conservation of land
7 resources in the system are of the highest priority in the
8 management of the system. Accordingly, the department shall
9 promptly repair and continuously maintain areas and trails,
10 anticipate and prevent accelerated and unnatural erosion, and
11 restore lands damaged by erosion to the extent possible.

12 (2) The department shall monitor the condition of
13 soils and wildlife habitat in each area of the system to
14 determine whether there is compliance with applicable
15 environmental laws and regulations and take appropriate action
16 as necessary.

17 261.09 Contracts and agreements.--The department may
18 contract with private persons or entities and enter into
19 cooperative agreements with other public agencies for the care
20 and maintenance of lands in the system, including contracts
21 for law enforcement services with public agencies having law
22 enforcement powers.

23 261.10 Criteria for recreation areas and
24 trails.--State off-highway-vehicle recreation areas and trails
25 shall consist of corridors that are designated and maintained
26 for recreational travel by off-highway vehicles, that are not
27 generally suitable or maintained for normal travel by
28 conventional two-wheel-drive vehicles, and that are designated
29 by the department for off-highway-vehicle travel. State
30 off-highway-vehicle recreation areas and trails must be
31 selected and managed in accordance with this chapter.

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

3 316.2074 All-terrain vehicles.--

4 (2) As used in this section, the term "all-terrain
5 vehicle" means any motorized off-highway vehicle 50 inches
6 (1270 mm) or less in width, having a dry weight of 900 600
7 pounds(273 kg) or less, designed to travel ~~traveling~~ on three
8 or more low-pressure tires, ~~designed for operator use only~~
9 with no passengers, having a seat ~~or saddle~~ designed to be
10 straddled by the operator, and ~~having~~ handlebars for steering
11 control, and intended for use by a single operator with no
12 passenger.

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

16 Section 5. Legislative intent.--It is the
17 Legislature's intent that all off-highway vehicles purchased
18 after the effective date of this act and all off-highway
19 vehicles operated on public lands be titled and issued a
20 certificate of title to allow for easy determination of
21 ownership. It is also the Legislature's intent that all
22 off-highway vehicles that are operated on public lands be
23 registered and issued a registration decal containing a
24 registration identification number to provide funding for the
25 creation, management, and maintenance of off-highway-vehicle
26 recreation areas and trails within the state. Finally, it is
27 the Legislature's intent that all off-highway vehicles owned
28 by non-Florida residents shall be exempt from the titling and
29 registration requirements of this act, and that all
30 off-highway vehicles owned by governmental entities shall be
31 exempt from the titling and registration fees imposed by this

1 act with the exception of the applicable fees as set forth in
2 this act which are necessary to cover the administrative costs
3 of the department and the service fees of the county tax
4 collectors.

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

7 (1) "ATV" means any motorized off-highway or
8 all-terrain vehicle 50 inches or less in width, having a dry
9 weight of 900 pounds or less, designed to travel on three or
10 more low-pressure tires, having a seat designed to be
11 straddled by the operator and handlebars for steering control,
12 and intended for use by a single operator and with no
13 passenger.

14 (2) "Dealer" means any person authorized by the
15 Department of Revenue to buy, sell, resell, or otherwise
16 distribute off-highway vehicles. Such person must have a valid
17 sales tax certificate of registration issued by the Department
18 of Revenue and a valid commercial or occupational license
19 required by any county, municipality, or political subdivision
20 of the state in which the person operates.

21 (3) "Department" means the Department of Highway
22 Safety and Motor Vehicles.

23 (4) "Florida resident" means a person who has had a
24 principal place of domicile in this state for a period of more
25 than 6 consecutive months, who has registered to vote in this
26 state, who has made a statement of domicile pursuant to
27 section 222.17, Florida Statutes, or who has filed for
28 homestead tax exemption on property in this state.

29 (5) "OHM" or "off-highway motorcycle" means any motor
30 vehicle used off the roads or highways of this state which has
31 a seat or saddle for the use of the rider and is designed to

1 travel with not more than two wheels in contact with the
2 ground, but excludes a tractor or a moped.

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

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

14 Section 7. Administration of off-highway-vehicle
15 titling and registration laws; records.--

16 (1) The administration of off-highway-vehicle titling
17 and registration laws in sections 4 through 21 is under the
18 Department of Highway Safety and Motor Vehicles, which shall
19 provide for the issuing, handling, and recording of all
20 off-highway-vehicle titling and registration applications and
21 certificates, including the receipt and accounting of
22 off-highway-vehicle titling and registration fees.

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

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

27 (1) The department may adopt rules under section
28 120.536(1), Florida Statutes, and section 120.54, Florida
29 Statutes, which pertain to off-highway-vehicle titling and
30 registration, to implement the provisions of sections 4
31 through 21 conferring duties upon it.

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

5 Section 9. Certificate of title required.--

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

11 (2) A person may not sell, assign, or transfer an
12 off-highway vehicle titled by the state without delivering to
13 the purchaser or transferee a valid certificate of title with
14 an assignment on it showing the transfer of title to the
15 purchaser or transferee. A person may not purchase or
16 otherwise acquire an off-highway vehicle required to be titled
17 without obtaining a certificate of title for the vehicle in
18 his or her name. The purchaser or transferee shall, within 30
19 days after a change in off-highway-vehicle ownership, file an
20 application for a title transfer with the county tax
21 collector. An additional \$10 fee shall be charged against a
22 purchaser or transferee who files a title transfer application
23 after the 30-day period. The county tax collector may retain
24 \$5 of the additional amount.

25 (3) A certificate of title is prima facie evidence of
26 the ownership of the off-highway vehicle and is good for the
27 life of the off-highway vehicle so long as the certificate is
28 owned or held by the legal holder. If a titled off-highway
29 vehicle is destroyed or abandoned, the owner, with the consent
30 of any recorded lienholders, shall, within 30 days after the
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1 destruction or abandonment, surrender to the department all
2 title documents for cancellation.

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

8 (5)(a) There shall be a service charge of \$4.25 for
9 each application which is handled in connection with the
10 issuance, duplication, or transfer of any certificate of
11 title. There shall be a service charge of \$1.25 for each
12 application which is handled in connection with the
13 recordation or notation of a lien on an off-highway vehicle
14 which is not in connection with the purchase of such vehicle.

15 (b) The service charges specified in paragraph (a)
16 shall be collected by the department on any application
17 handled directly from its office. Otherwise, these service
18 charges shall be collected and retained by the tax collector
19 who handles the application.

20 (c) In addition to the fees provided in paragraph (a),
21 any tax collector may impose an additional service charge of
22 not more than 50 cents on any transaction specified in
23 paragraph (a) or on any transaction specified in section 17,
24 subsection (2), when such transaction occurs at any tax
25 collector's branch office.

26 Section 10. Application for and issuance of
27 certificate of title.--

28 (1) The owner of an off-highway vehicle that is
29 required to be titled must apply to the county tax collector
30 for a certificate of title. The application must 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 must be signed by the owner and must be
3 accompanied by a fee of \$29.

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

10 (3) To apply for a title upon transfer of ownership of
11 an off-highway vehicle, the new owner must surrender to the
12 department the last title document issued for that vehicle.
13 The document must be properly executed. Proper execution
14 includes the previous owner's signature and certification that
15 the off-highway vehicle to be transferred is debt-free or is
16 subject to a lien. If a lien exists, the previous owner must
17 furnish the new owner, on forms supplied by the department,
18 the names and addresses of all lienholders and the dates of
19 all liens, with a statement from each lienholder that the
20 lienholder has knowledge of and consents to the transfer of
21 title to the new owner.

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

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

1 Section 11. Duplicate certificate of title.--

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

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

15 (3) If, following the issuance of an original,
16 duplicate, or corrected certificate of title by the
17 department, the certificate is lost in transit and is not
18 delivered to the addressee, the owner of the off-highway
19 vehicle or the holder of a lien thereon may, within 180 days
20 after the date of issuance of the title, apply to the
21 department for reissuance of the certificate of title. An
22 additional fee may not be charged for reissuance under this
23 subsection.

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

30 Section 12. Manufacturer's statement of origin to be
31 furnished.--

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

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

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

27 Section 14. Application for and issuance of
28 certificate of registration, registration number, and decal.--

29 (1) The owner of each off-highway vehicle that
30 requires registration in this state must file a registration
31 application with the county tax collector.

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

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

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

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

18 Section 15. Registration period and reregistration by
19 mail.--

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

26 (2) The department shall provide for annual
27 reregistration of off-highway vehicles either in person at the
28 county tax collector's office or by mail.

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

30 (1) The owner must furnish to the department notice of
31 the transfer of any whole or partial interest in an

1 off-highway vehicle registered or titled in this state or of
2 the destruction or abandonment of such vehicle within 30 days
3 thereof. The certificate expires upon such transfer,
4 destruction, or abandonment, unless the transfer of a partial
5 interest does not affect the owner's right to operate the
6 vehicle.

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

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

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

25 (2) Included in the registration fee for off-highway
26 vehicles is a \$2.50 service fee to be retained by the county
27 tax collector for each registration certificate or decal
28 issued, replaced, or renewed. The remainder of the fees
29 collected by the county tax collector shall be remitted to the
30 department.

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

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

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

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

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

29 (3) The department may cancel any pending application
30 or any certificate if it finds that any title or registration
31 fee or sales tax pertaining to such registration has not been

1 paid, unless the fee or tax is paid within a reasonable time
2 after the department has given notice.

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

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

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

26 (3) It is unlawful:

27 (a) To alter or forge any certificate of title to an
28 off-highway vehicle or any assignment thereof or any
29 cancellation of any lien on an off-highway vehicle.

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

1 (c) To use a false or fictitious name, give a false or
2 fictitious address, or make any false statement in any
3 application or affidavit required by sections 4 through 21 or
4 in a bill of sale or sworn statement of ownership or otherwise
5 commit a fraud in any application.

6 (d) To knowingly obtain goods, services, credit, or
7 money by means of an invalid, duplicate, fictitious, forged,
8 counterfeit, stolen, or unlawfully obtained certificate of
9 title, registration, bill of sale, or other indicia of
10 ownership of an off-highway vehicle.

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

21 (4) It is unlawful for any person:

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

25 (b) To knowingly have in his or her possession a
26 forged, counterfeit, or imitation off-highway-vehicle
27 registration decal, or reproduction of a decal, unless such
28 possession has been authorized by the department.

29 (c) To barter, trade, sell, supply, agree to supply,
30 aid in supplying, or give away an off-highway-vehicle
31 registration decal or to conspire to barter, trade, sell,

1 supply, agree to supply, aid in supplying, or give away an
2 off-highway-vehicle registration decal, unless authorized by
3 the department. Any person who violates this subsection is
4 guilty of a felony of the third degree, punishable as provided
5 in section 775.082, section 775.083, or section 775.084,
6 Florida Statutes.

7 Section 21. Noncriminal infractions, penalties.--Any
8 person who fails to comply with any provisions of sections 4
9 through 21 for which a greater penalty is not otherwise
10 provided is guilty of a misdemeanor of the second degree,
11 punishable as provided in section 775.082 or section 775.083,
12 Florida Statutes.

13 Section 22. Subsection (1) of section 375.315, Florida
14 Statutes, is amended to read:

15 375.315 Registration of off-road vehicles.--

16 (1) Any off-road vehicle operated upon public lands,
17 ~~and~~ not registered or licensed under s. 320.02 or s. 320.06,
18 and not otherwise required to be registered pursuant to the
19 Florida Off-Highway-Vehicle Titling and Registration Act, must
20 be registered as provided in this section.

21 Section 23. This act shall take effect October 1,
22 2000.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1036

4 (1) The CS adds one representative of the Florida Department
5 of Environmental Protection's Office of Greenways and Trails
6 and one representative of the Fish and Wildlife Conservation
7 Commission to the Off-Highway-Vehicle Recreation Advisory
8 Committee.

9 (2) The CS provides rulemaking authority for the Department
10 of Agriculture and Consumer Services to implement the
11 provisions of the Florida Off-Highway Vehicle Safety and
12 Recreation Act.

13 (3) The CS provides revised service charges for the titling
14 and registration of off-highway vehicles.

15 (4) The CS provides that if following the issuance of an
16 original, duplicate, or corrected certificate of title by the
17 Department of Highway Safety and Motor Vehicles (DHSMV), the
18 certificate is lost in transit and is not delivered to the
19 addressee, the owner of the off-highway vehicle or the holder
20 of a lien may, within 180 days (90 days in the original bill)
21 after the date of issuance of the title, apply to DHSMV for
22 reissuance of the certificate of title free of charge.

23 (5) The CS amends s. 375.315, F.S., (the section was repealed
24 in the original bill) to clarify the Fish and Wildlife
25 Conservation Commission may continue to collect a \$10 fee, and
26 issue a registration certificate and decal for off-road
27 vehicles operated upon public lands under their jurisdiction.

28 (6) The CS does not repeal s. 375.313 (2), F.S., (the
29 subsection was repealed in the original bill) which authorizes
30 the Fish and Wildlife Conservation Commission to regulate or
31 prohibit the use of motor vehicles on public lands in order to
prevent damage to state lands.