

Bill No. CS/HB 1723

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator King moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 6, between lines 13 and 14,		
15			
16	insert:		
17	Section 7. Paragraph (v) is added to subsection (1) of		
18	section 215.22, Florida Statutes, to read:		
19	215.22 Certain income and certain trust funds		
20	exempt.--		
21	(1) The following income of a revenue nature or the		
22	following trust funds shall be exempt from the deduction		
23	required by s. 215.20(1):		
24	<u>(v) The Off-Highway-Vehicle Revolving Trust Fund.</u>		
25	Section 8. Chapter 261, Florida Statutes, consisting		
26	of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,		
27	261.07, 261.08, 261.09, and 261.10, Florida Statutes, is		
28	created to read:		
29	<u>261.01 Short title.--This chapter may be cited as the</u>		
30	<u>"Florida Off-Highway-Vehicle Safety and Recreation Act."</u>		
31	<u>261.02 Legislative intent.--</u>		

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

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

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

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

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

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

18           261.03 Definitions.--As used in this chapter, the  
19 term:

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

22           (2) "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 with no passenger.

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

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

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

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

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

10           (7) "Program" means the Off-Highway-Vehicle Recreation  
11 Program.

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

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

16           261.04 Creation of the Off-Highway-Vehicle Recreation  
17 Advisory Committee; members; appointment.--

18           (1) The Off-Highway-Vehicle Recreation Advisory  
19 Committee is created within the Division of Forestry and  
20 consists of nine members, all of whom are appointed by the  
21 Commissioner of Agriculture. The appointees shall include one  
22 representative of the Department of Agriculture and Consumer  
23 Services, one representative of the Department of Highway  
24 Safety and Motor Vehicles, one representative of the  
25 Department of Environmental Protection's Office of Greenways  
26 and Trails, one representative of the Fish and Wildlife  
27 Conservation Commission, one representative of a licensed  
28 off-highway-vehicle dealer, and four representatives of  
29 off-highway-vehicle recreation groups. In making these  
30 appointments, the commissioner shall consider the places of  
31 residence of the members to ensure statewide representation.

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

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

6           (3) In case of a vacancy on the committee, the  
7 commissioner shall appoint a successor member for the  
8 unexpired portion of the term.

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

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

15           261.05 Duties and responsibilities of the  
16 Off-Highway-Vehicle Recreation Advisory Committee.--

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

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

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

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

29           (5) The advisory committee shall review and make  
30 recommendations annually regarding the department's proposed  
31 budget of expenditures from the trust fund, which may include

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 providing funds to match grant funds available from other  
2 sources.

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

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

14 261.06 Functions, duties, and responsibilities of the  
15 department.--The following are functions, duties, and  
16 responsibilities of the department through the division:

17 (1) The planning, acquisition, development,  
18 construction, conservation, and rehabilitation of lands in and  
19 for the system.

20 (2) The management, maintenance, administration, and  
21 operation of lands in the system, and the provision of law  
22 enforcement and appropriate public safety activities.

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

25 (4) Implementation of the program, including the  
26 ultimate approval of grant applications submitted by  
27 governmental agencies.

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

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

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1           (7) Provision of staff assistance to the advisory  
2 committee.

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

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

7           (10) Recruitment and utilization of volunteers to  
8 further the program.

9           (11) Rulemaking authority to implement the provisions  
10 of ss. 261.01-261.10.

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

26           261.08 Repair, maintenance, and restoration of areas,  
27 trails, and lands.--

28           (1) The protection of public safety, the appropriate  
29 use of lands in the system, and the conservation of land  
30 resources in the system are of the highest priority in the  
31 management of the system. Accordingly, the department shall

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 promptly repair and continuously maintain areas and trails,  
2 anticipate and prevent accelerated and unnatural erosion, and  
3 restore lands damaged by erosion to the extent possible.

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

9 261.09 Contracts and agreements.--The department may  
10 contract with private persons or entities and enter into  
11 cooperative agreements with other public agencies for the care  
12 and maintenance of lands in the system, including contracts  
13 for law enforcement services with public agencies having law  
14 enforcement powers.

15 261.10 Criteria for recreation areas and  
16 trails.--State off-highway-vehicle recreation areas and trails  
17 shall consist of corridors that are designated and maintained  
18 for recreational travel by off-highway vehicles, that are not  
19 generally suitable or maintained for normal travel by  
20 conventional two-wheel-drive vehicles, and that are designated  
21 by the department for off-highway-vehicle travel. State  
22 off-highway-vehicle recreation areas and trails must be  
23 selected and managed in accordance with this chapter.

24 Section 9. Subsection (2) of section 316.2074, Florida  
25 Statutes, is amended to read:

26 316.2074 All-terrain vehicles.--

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

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

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

5 Section 10. Short title.--Sections 8 through 25 of  
6 this act may be cited as the "Florida Off-Highway-Vehicle  
7 Titling and Registration Act."

8 Section 11. Legislative intent.--It is the  
9 Legislature's intent that all off-highway vehicles purchased  
10 after the effective date of this act and all off-highway  
11 vehicles operated on public lands be titled and issued a  
12 certificate of title to allow for easy determination of  
13 ownership. It is also the Legislature's intent that all  
14 off-highway vehicles that are operated on public lands be  
15 registered and issued a registration decal containing a  
16 registration identification number to provide funding for the  
17 creation, management, and maintenance of off-highway-vehicle  
18 recreation areas and trails within the state. Finally, it is  
19 the Legislature's intent that all off-highway vehicles owned  
20 by non-Florida residents shall be exempt from the titling and  
21 registration requirements of this act, and that all  
22 off-highway vehicles owned by governmental entities shall be  
23 exempt from the titling and registration fees imposed by this  
24 act with the exception of the applicable fees as set forth in  
25 this act which are necessary to cover the administrative costs  
26 of the department and the service fees of the county tax  
27 collectors.

28 Section 12. Definitions.--As used in sections 8  
29 through 25, the term:

30 (1) "ATV" means any motorized off-highway or  
31 all-terrain vehicle 50 inches or less in width, having a dry



Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 weight of 900 pounds or less, designed to travel on three or  
2 more low-pressure tires, having a seat designed to be  
3 straddled by the operator and handlebars for steering control,  
4 and intended for use by a single operator and with no  
5 passenger.

6 (2) "Dealer" means any person authorized by the  
7 Department of Revenue to buy, sell, resell, or otherwise  
8 distribute off-highway vehicles. Such person must have a valid  
9 sales tax certificate of registration issued by the Department  
10 of Revenue and a valid commercial or occupational license  
11 required by any county, municipality, or political subdivision  
12 of the state in which the person operates.

13 (3) "Department" means the Department of Highway  
14 Safety and Motor Vehicles.

15 (4) "Florida resident" means a person who has had a  
16 principal place of domicile in this state for a period of more  
17 than 6 consecutive months, who has registered to vote in this  
18 state, who has made a statement of domicile pursuant to  
19 section 222.17, Florida Statutes, or who has filed for  
20 homestead tax exemption on property in this state.

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

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

30 (7) "Owner" means a person, other than a lienholder,  
31 having the property in or title to an off-highway vehicle,

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 including a person entitled to the use or possession of an  
2 off-highway vehicle subject to an interest held by another  
3 person, reserved or created by agreement and securing payment  
4 of performance of an obligation, but the term excludes a  
5 lessee under a lease not intended as security.

6 Section 13. Administration of off-highway-vehicle  
7 titling and registration laws; records.--

8 (1) The administration of off-highway-vehicle titling  
9 and registration laws in sections 8 through 25 is under the  
10 Department of Highway Safety and Motor Vehicles, which shall  
11 provide for the issuing, handling, and recording of all  
12 off-highway-vehicle titling and registration applications and  
13 certificates, including the receipt and accounting of  
14 off-highway-vehicle titling and registration fees.

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

18 Section 14. Rules, forms, and notices.--

19 (1) The department may adopt rules under section  
20 120.536(1), Florida Statutes, and section 120.54, Florida  
21 Statutes, which pertain to off-highway-vehicle titling and  
22 registration, to implement the provisions of sections 8  
23 through 25 conferring duties upon it.

24 (2) The department shall prescribe and provide  
25 suitable forms for applications and other notices and forms  
26 necessary to administer the provisions of sections 8 through  
27 25.

28 Section 15. Certificate of title required.--

29 (1) Any off-highway vehicle that is purchased by a  
30 resident of this state after the effective date of this act or  
31 which is owned by a resident and is operated on the public

Bill No. CS/HB 1723

Amendment No.     

1 lands of this state must be titled pursuant to sections 8  
2 through 25.

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

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

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

30 (5)(a) There shall be a service charge of \$4.25 for  
31 each application which is handled in connection with the

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 issuance, duplication, or transfer of any certificate of  
2 title. There shall be a service charge of \$1.25 for each  
3 application which is handled in connection with the  
4 recordation or notation of a lien on an off-highway vehicle  
5 which is not in connection with the purchase of such vehicle.

6 (b) The service charges specified in paragraph (a)  
7 shall be collected by the department on any application  
8 handled directly from its office. Otherwise, these service  
9 charges shall be collected and retained by the tax collector  
10 who handles the application.

11 (c) In addition to the fees provided in paragraph (a),  
12 any tax collector may impose an additional service charge of  
13 not more than 50 cents on any transaction specified in  
14 paragraph (a) or on any transaction specified in section 17,  
15 subsection (2), when such transaction occurs at any tax  
16 collector's branch office.

17 Section 16. Application for and issuance of  
18 certificate of title.--

19 (1) The owner of an off-highway vehicle that is  
20 required to be titled must apply to the county tax collector  
21 for a certificate of title. The application must include the  
22 true name of the owner, the residence or business address of  
23 the owner, and a complete description of the vehicle. The  
24 application must be signed by the owner and must be  
25 accompanied by a fee of \$29.

26 (2) Proof of ownership must be established by the  
27 owner submitting with the application an executed bill of  
28 sale, a manufacturer's statement of origin, an affidavit of  
29 ownership for off-highway vehicles purchased before the  
30 effective date of this act, or any other document acceptable  
31 to the department.

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

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

13           (4) An application for an initial title or a title  
14 transfer must include payment of the applicable state sales  
15 tax or proof of payment of such tax, except for off-highway  
16 vehicles purchased or transferred before the effective date of  
17 this act.

18           (5) If the owner submits a complete application and  
19 complies with all of the other requirements of this section,  
20 the department shall issue a certificate of title that states  
21 that the title is for an off-highway vehicle that is not  
22 suitable for highway use.

23           Section 17. Duplicate certificate of title.--

24           (1) The department may issue a duplicate certificate  
25 of title upon application by the person entitled to hold such  
26 a certificate if the department is satisfied that the original  
27 certificate has been lost, destroyed, or mutilated. A fee of  
28 \$15 shall be charged for issuing a duplicate certificate.

29           (2) In addition to the fee imposed by subsection (1),  
30 a fee of \$7 shall be charged for expedited service in issuing  
31 a duplicate certificate of title. Application for such

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 expedited service may be made by mail or in person. The  
2 department shall issue each certificate of title applied for  
3 under this subsection within 5 working days after receipt of a  
4 proper application or shall refund the additional \$7 fee upon  
5 written request by the applicant.

6 (3) If, following the issuance of an original,  
7 duplicate, or corrected certificate of title by the  
8 department, the certificate is lost in transit and is not  
9 delivered to the addressee, the owner of the off-highway  
10 vehicle or the holder of a lien thereon may, within 180 days  
11 after the date of issuance of the title, apply to the  
12 department for reissuance of the certificate of title. An  
13 additional fee may not be charged for reissuance under this  
14 subsection.

15 (4) The department shall implement a system to verify  
16 that the application is signed by a person authorized to  
17 receive a duplicate title certificate under this section if  
18 the address shown on the application is different from the  
19 address shown for the applicant on the records of the  
20 department.

21 Section 18. Manufacturer's statement of origin to be  
22 furnished.--

23 (1) Any person selling a new off-highway vehicle in  
24 this state must furnish a manufacturer's statement of origin  
25 to the purchaser. The statement, which must be in English or  
26 accompanied by an English translation if the vehicle was  
27 purchased outside the United States, must be signed and dated  
28 by an authorized representative of the manufacturer, indicate  
29 the complete name and address of the purchaser, include a  
30 complete description of the vehicle, and contain as many  
31 assignments as necessary to show title in the name of the

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 purchaser.

2 (2) It is unlawful for an off-highway-vehicle  
3 manufacturer, manufacturer's representative, or dealer to  
4 issue a manufacturer's certificate of origin describing an  
5 off-highway vehicle with the knowledge that the description is  
6 false or that the off-highway vehicle described does not  
7 exist. It is unlawful for any person to obtain or attempt to  
8 obtain a certificate of origin with the knowledge that the  
9 description is false or that the off-highway vehicle does not  
10 exist. Any person who violates this subsection is guilty of a  
11 felony of the third degree, punishable as provided in section  
12 775.082, section 775.083, or section 775.084, Florida  
13 Statutes.

14 Section 19. Registration required.--Off-highway  
15 vehicles operated on public lands of this state, with the  
16 exception of off-highway vehicles owned by non-Florida  
17 residents, must be registered within 30 days after purchase.

18 Section 20. Application for and issuance of  
19 certificate of registration, registration number, and decal.--

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

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

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

30 (2) The department shall issue a certificate of  
31 registration and a registration number upon submittal of a

Bill No. CS/HB 1723

Amendment No.     

1 complete application and compliance with the other  
2 requirements of this section. The certificate of registration  
3 does not constitute a license.

4 (3) The department shall furnish with each  
5 registration certificate issued, a decal signifying the years  
6 during which the certificate is valid and containing the  
7 assigned registration number, and such decal must be affixed  
8 to the rear of the off-highway vehicle.

9 Section 21. Registration period and reregistration by  
10 mail.--

11 (1) An off-highway-vehicle certificate of registration  
12 is valid through the owner's next birthday. If the owner's  
13 birthday falls within the first 3 months after issuance of the  
14 certificate of registration, the certificate is valid through  
15 the owner's following birthday. However, a certificate of  
16 registration may not be valid for more than 15 months.

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

20 Section 22. Change of interest and address.--

21 (1) The owner must furnish to the department notice of  
22 the transfer of any whole or partial interest in an  
23 off-highway vehicle registered or titled in this state or of  
24 the destruction or abandonment of such vehicle within 30 days  
25 thereof. The certificate expires upon such transfer,  
26 destruction, or abandonment, unless the transfer of a partial  
27 interest does not affect the owner's right to operate the  
28 vehicle.

29 (2) Any holder of a certificate of registration must  
30 notify the department or the county tax collector within 30  
31 days after a change of address to one other than the address



Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 on the certificate and must furnish the department or the  
2 county tax collector with the new address. The department may  
3 provide by rule for the surrender of the certificate bearing  
4 the former address and for its replacement with a new  
5 certificate bearing the new address or for the alteration of  
6 an outstanding certificate to show the new address of the  
7 holder.

8           Section 23. Duplicate registration certificate or  
9 decal, service fees.--

10           (1) A duplicate off-highway-vehicle registration  
11 certificate or decal to replace a lost or misplaced  
12 certificate or decal may be obtained from the county tax  
13 collector for \$10. A duplicate certificate or decal may not be  
14 issued except by written request of the registered owner or a  
15 person authorized by the owner.

16           (2) Included in the registration fee for off-highway  
17 vehicles is a \$2.50 service fee to be retained by the county  
18 tax collector for each registration certificate or decal  
19 issued, replaced, or renewed. The remainder of the fees  
20 collected by the county tax collector shall be remitted to the  
21 department.

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

29           Section 24. Disposition of fees.--The department shall  
30 deposit all funds received under sections 8 through 25, less  
31 administrative costs of \$2 per title transaction, and \$2 per

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 registration transaction, into the Off-Highway-Vehicle  
2 Revolving Trust Fund created by section 261.11, Florida  
3 Statutes.

4 Section 25. Refusal to issue and authority to cancel a  
5 certificate of title or registration.--

6 (1) If the department finds that an applicant for an  
7 off-highway-vehicle certificate of title or registration gave  
8 a false statement or false or incomplete information in  
9 applying for the certificate or otherwise failed to comply  
10 with the applicable provisions pertaining to the application  
11 for a certificate, it may refuse to issue the certificate.

12 (2) If the department finds that an owner or dealer  
13 named in an off-highway-vehicle certificate of title or  
14 registration gave a false statement or false or incomplete  
15 information in applying for the certificate or otherwise  
16 failed to comply with the applicable provisions pertaining to  
17 the application for a certificate, it may cancel the  
18 certificate.

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

24 Section 26. Crimes relating to certificates of title  
25 and registration decals; penalties.--

26 (1) It is unlawful for any person to procure or  
27 attempt to procure a certificate of title or duplicate  
28 certificate of title to an off-highway vehicle, or to pass or  
29 attempt to pass a certificate of title or duplicate  
30 certificate of title to an off-highway vehicle or any  
31 assignment thereof, if such person knows or has reason to

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 believe that the vehicle has been stolen. Any person who  
2 violates this subsection is guilty of a felony of the third  
3 degree, punishable as provided in section 775.082, section  
4 775.083, or section 775.084, Florida Statutes.

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

16 (3) It is unlawful:

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

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

22 (c) To use a false or fictitious name, give a false or  
23 fictitious address, or make any false statement in any  
24 application or affidavit required by sections 8 through 25 or  
25 in a bill of sale or sworn statement of ownership or otherwise  
26 commit a fraud in any application.

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

Bill No. CS/HB 1723

Amendment No.     

1           (e) To knowingly obtain goods, services, credit, or  
2 money by means of a certificate of title to an off-highway  
3 vehicle which certificate is required by law to be surrendered  
4 to the department. Any person who violates this subsection is  
5 guilty of a felony of the third degree, punishable as provided  
6 in section 775.082, section 775.083, or section 775.084,  
7 Florida Statutes. A violation of this subsection with respect  
8 to any off-highway vehicle makes such off-highway vehicle  
9 contraband which may be seized by a law enforcement agency and  
10 forfeited under sections 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 such  
18 possession has been authorized by the department.

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

28           Section 27. Noncriminal infractions, penalties.--Any  
29 person who fails to comply with any provisions of sections 8  
30 through 25 for which a greater penalty is not otherwise  
31 provided is guilty of a misdemeanor of the second degree,

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 punishable as provided in section 775.082 or section 775.083,  
2 Florida Statutes.

3 Section 28. Subsection (1) of section 375.315, Florida  
4 Statutes, is amended to read:

5 375.315 Registration of off-road vehicles.--

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

11  
12 (Redesignate subsequent sections.)

13  
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 21, after the semicolon

18  
19 insert:

20 amending s. 215.22, F.S.; exempting the  
21 Off-Highway-Vehicle Revolving Trust Fund from a  
22 required deduction; creating ch. 261, F.S.;  
23 creating the Florida Off-Highway-Vehicle Safety  
24 and Recreation Act; providing legislative  
25 intent; providing definitions; creating the  
26 Off-Highway-Vehicle Recreation Advisory  
27 Committee; providing duties and  
28 responsibilities; providing for the duties and  
29 responsibilities of the Department of  
30 Agriculture and Consumer Services; providing  
31 for rulemaking authority; providing for the

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1 publication and sale of a guidebook; providing  
2 for the repair, maintenance and restoration of  
3 areas, trails, and lands; providing for  
4 contracts and agreements; providing criteria  
5 for recreation areas and trails; amending s.  
6 316.2074, F.S.; revising the definition of the  
7 term "all-terrain vehicle"; creating the  
8 Florida Off-Highway-Vehicle Titling and  
9 Registration Act; providing legislative intent;  
10 providing definitions; providing for  
11 administration by the Department of Highway  
12 Safety and Motor Vehicles; providing for rules,  
13 forms, and notices; requiring certificates of  
14 title; providing for application for and  
15 issuance of certificates of title; providing  
16 for duplicate certificates of title; requiring  
17 the furnishing of a manufacturer's statement of  
18 origin; requiring registration; providing for  
19 application for and issuance of certificate of  
20 registration, registration number, and decal;  
21 providing for the registration period and for  
22 reregistration by mail; providing for change of  
23 interest and address; providing for duplicate  
24 registration certificate and decal; providing  
25 for fees; providing for disposition of fees;  
26 providing for refusal to issue and authority to  
27 cancel a certificate of title or registration;  
28 providing for crimes relating to certificates  
29 of title and registration decals; providing  
30 penalties; providing for noncriminal  
31 infractions; providing penalties; amending s.

Bill No. CS/HB 1723

Amendment No. \_\_\_\_

1           375.315, F.S., relating to the registration of  
2           off-road vehicles;  
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