

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Fiscal Policy & Resources offered the following:

Substitute Amendment for Amendment (975515) (with title amendment)

On page 1, line 18, through
Page 23, line 31
remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Chapter 261, Florida Statutes, consisting of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06, 261.07, 261.08, 261.09, 261.10, 261.11, and 261.12, Florida Statutes, is created to read:

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

261.02 Legislative intent.--

(1) The Legislature finds that off-highway vehicles are becoming ever-increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife

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1 habitats, native wildlife, and native flora.

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

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

7 (a) Existing off-highway-vehicle recreational areas,
8 facilities, and opportunities be improved and appropriately
9 expanded and be managed in a manner consistent with this
10 chapter, in particular to maintain natural resources and
11 sustained long-term use of off-highway-vehicle trails and
12 areas.

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

17 (c) Nothing contained within this act shall be
18 construed to require the construction or maintenance of
19 off-highway-vehicle recreation areas, facilities, or trails on
20 public lands where such construction or maintenance would be
21 inconsistent with the property's management objectives or land
22 management plan.

23 261.03 Definitions.--As used in this chapter, the
24 term:

25 (1) "Advisory committee" means the Off-Highway-Vehicle
26 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
31 straddled by the operator and handlebars for steering control,

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1 and intended for use by a single operator with no passenger.

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

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

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

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

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

17 (8) "Public lands" means lands within the State of
18 Florida which are available for public use and which are
19 owned, operated or managed by a federal, state, county or
20 municipal governmental entity.

21 (9) "System" means the off-highway-vehicle recreation
22 areas and trails on public lands within the state.

23 (10) "Trust fund" means the Incidental Trust Fund of
24 the Division of Forestry, Department of Agriculture and
25 Consumer Services.

26 261.04 Creation of the Off-Highway-Vehicle Recreation
27 Advisory Committee; members; appointment.--

28 (1) The Off-Highway-Vehicle Recreation Advisory
29 Committee is created within the Division of Forestry and
30 consists of nine members, all of whom are appointed by the
31 Commissioner of Agriculture. The appointees shall include one

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1 representative of the Department of Agriculture and Consumer
2 Services, one representative of the Department of Highway
3 Safety and Motor Vehicles, one representative of the
4 Department of Environmental Protection's Office of Greenways
5 and Trails, one representative of the Fish and Wildlife
6 Conservation Commission, one citizen with scientific expertise
7 in disciplines relating to ecology, wildlife biology, or other
8 environmental sciences, one representative of a licensed
9 off-highway-vehicle dealer, and three representatives of
10 off-highway-vehicle recreation groups. In making these
11 appointments, the commissioner shall consider the places of
12 residence of the members to ensure statewide representation.

13 (2) The term of office of each member of the advisory
14 committee is 2 years. The members first appointed shall
15 classify themselves by lot so that the terms of four members
16 expire June 30, 2003, and the terms of five members expire
17 June 30, 2004.

18 (3) In case of a vacancy on the committee, the
19 commissioner shall appoint a successor member for the
20 unexpired portion of the term.

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

23 (5) The members shall not receive a salary; however,
24 they shall be entitled to be reimbursed for the actual and
25 necessary expenses incurred in the performance of their
26 duties.

27 261.05 Duties and responsibilities of the
28 Off-Highway-Vehicle Recreation Advisory Committee.--

29 (1) The advisory committee shall establish policies to
30 guide the department regarding the off-highway-vehicle
31 recreational program and the system of off-highway-vehicle

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1 recreation areas and trails.

2 (2) The advisory committee shall make recommendations
3 to the department regarding off-highway-vehicle safety and
4 training and education programs in the operation of such
5 vehicles.

6 (3) The advisory committee must be informed regarding
7 all governmental activities affecting the program.

8 (4) The advisory committee must be informed regarding
9 off-highway-vehicle impacts and effects on the environment,
10 wildlife habitats, and native flora and fauna, and shall make
11 recommendations to avoid or minimize adverse environmental
12 impacts and promote sustained long-term use.

13 (5) The advisory committee must be fully informed
14 regarding the inventory of off-highway-vehicle access and
15 opportunities.

16 (6) The advisory committee shall meet at various times
17 and locations throughout the state to receive public comments
18 on the implementation of the program and shall take these
19 public comments into consideration when making its
20 recommendations.

21 (7) The advisory committee shall review and make
22 recommendations annually regarding the department's proposed
23 budget of expenditures from the designated off-highway-vehicle
24 funds in the trust fund, which may include providing funds to
25 match grant funds available from other sources.

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

29 (9) The advisory committee shall review grant
30 applications submitted by any governmental agency or entity,
31 or non-governmental entity, requesting moneys from the trust

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1 fund to create, operate, manage, or improve
2 off-highway-vehicle recreation areas or trails within the
3 state, protect and restore affected natural areas in the
4 system, or provide off-highway-vehicle driver education. The
5 advisory committee shall recommend to the department approval
6 or denial of such grant applications based upon criteria
7 established by the advisory committee.

8 261.06 Functions, duties, and responsibilities of the
9 department.--The following are functions, duties, and
10 responsibilities of the department through the division:

11 (1) Coordination of the planning, development,
12 conservation, and rehabilitation of state lands in and for the
13 system.

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

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

20 (4) Implementation of the program, including the
21 ultimate approval of grant applications submitted by
22 governmental agencies or entities or non-governmental
23 entities.

24 (5) Coordination to help ensure compliance with
25 environmental laws and regulations of the program and lands in
26 the system.

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

29 (7) Provision of staff assistance to the advisory
30 committee.

31 (8) Preparation of plans for lands in, or proposed to

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1 be included in, the system.

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

4 (10) Recruitment and utilization of volunteers to
5 further the program.

6 (11) Rulemaking authority to implement the provisions
7 of ss. 261.01-261.10.

8 261.07 Publication and distribution of guidebook;
9 contents.--In consultation with the advisory committee, the
10 department shall publish a guidebook, including the text of
11 this chapter, other laws and regulations relating to the
12 program, and maps of areas and trails for the system. The
13 guidebook may include other public areas, trails, and
14 facilities for the use of off-highway vehicles. The guidebook
15 must include information regarding the responsibilities of
16 users of the system and must set forth pertinent laws, rules,
17 and regulations including particular provisions and other
18 information intended to prevent trespass and damage to public
19 or private property. The guidebook must be prepared at minimal
20 cost to facilitate the broadest possible distribution and must
21 be available for distribution no later than October 1, 2002.

22 261.08 Repair, maintenance, and rehabilitation of
23 areas, trails, and lands.--

24 (1) The protection of public safety, the appropriate
25 use of lands in the system, and the conservation of the
26 environment, wildlife habitats, native wildlife, and native
27 flora in the system are of the highest priority in the
28 management of the system. Accordingly, the public land
29 managing agency shall avoid or minimize adverse impacts to the
30 environment, promptly repair and continuously maintain areas
31 and trails, anticipate and prevent accelerated erosion, and

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1 rehabilitate lands to the extent damaged by
2 off-highway-vehicle use in accordance with the management
3 plans of the public land managing agency.

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

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

15 261.10 Criteria for recreation areas and
16 trails.--Publicly owned or operated off-highway-vehicle
17 recreation areas and trails shall be designated and maintained
18 for recreational travel by off-highway vehicles. These areas
19 and trails need not be generally suitable or maintained for
20 normal travel by conventional two-wheel-drive vehicles, and
21 should not be designated as recreational foot paths. State
22 off-highway-vehicle recreation areas and trails must be
23 selected and managed in accordance with this chapter.

24 261.11 Penalties.--No off-highway vehicle may be
25 operated upon the public roads, streets, or highways of this
26 state. A violation of this section is a noncriminal traffic
27 infraction, punishable as provided in chapter 318.

28 261.12 Designated off-highway-vehicle funds within the
29 Incidental Trust Fund of the Division of Forestry, Department
30 of Agriculture and Consumer Services.--

31 (1) The designated off-highway-vehicle funds of the

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1 trust fund shall consist of deposits from the following
2 sources:

3 (a) Fees paid to the Department of Highway Safety and
4 Motor Vehicles for the titling and registration of off-highway
5 vehicles;

6 (b) Revenues and income from any other sources
7 required by law or as appropriated by the Legislature to be
8 deposited into the trust fund as designated
9 off-highway-vehicle funds;

10 (c) Donations from private sources that are designated
11 as off-highway-vehicle funds;

12 (d) Interest earned on designated off-highway-vehicle
13 funds on deposit in the trust fund.

14 (2) Designated off-highway-vehicle funds in the trust
15 fund shall be available for recommended allocation by the
16 Off-Highway-Vehicle Recreation Advisory Committee and the
17 Department of Agriculture and Consumer Services and upon
18 annual appropriation by the Legislature, exclusively for the
19 following:

20 (a) Implementation of the Off-Highway-Vehicle
21 Recreation Program by the Department of Agriculture and
22 Consumer Services, which includes personnel and other related
23 expenses; administrative and operating expenses; expenses
24 related to safety, training, rider-education programs,
25 management, maintenance, and rehabilitation of lands in the
26 Off-Highway-Vehicle Recreation Program's system of lands and
27 trails; and, if funds are available, acquisition of lands to
28 be included in the system and the management, maintenance, and
29 rehabilitation of such lands.

30 (b) Approved grants to governmental agencies or
31 entities or nongovernmental entities that wish to provide or

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1 improve off-highway-vehicle recreation areas or trails for
2 public use on public lands, provide environmental protection
3 and restoration to affected natural areas in the system, or
4 provide education in the operation of off-highway vehicles.

5 (c) Matching funds to be used to match grant funds
6 available from other sources.

7 (3) Notwithstanding s. 216.301 and pursuant to s.
8 216.351, any balance of designated off-highway-vehicle funds
9 in the trust fund at the end of any fiscal year shall remain
10 therein and shall be available for the purposes set out in
11 this section and as otherwise provided by law.

12 Section 2. Section 316.2074, Florida Statutes, is
13 amended to read:

14 316.2074 All-terrain vehicles.--

15 (1) It is the intent of the Legislature, through the
16 adoption of this section to provide safety protection for
17 minors while operating an all-terrain vehicle in this state.

18 (2) As used in this section, the term "all-terrain
19 vehicle" means any motorized off-highway vehicle 50 inches
20 (1270 mm) or less in width, having a dry weight of 900 ~~600~~
21 pounds(273 kg) or less, designed to travel ~~traveling~~ on three
22 or more low-pressure tires, ~~designed for operator use only~~
23 ~~with no passengers,~~ having a seat ~~or saddle~~ designed to be
24 straddled by the operator, ~~and having~~ handlebars for steering
25 control, and intended for use by a single operator with no
26 passenger.

27 (3) No person under 16 years of age shall operate,
28 ride, or be otherwise propelled on an all-terrain vehicle
29 unless the person wears a safety helmet meeting United States
30 Department of Transportation standards and eye protection.

31 (4) If a crash results in the death of any person or

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1 in the injury of any person which results in treatment of the
2 person by a physician, the operator of each all-terrain
3 vehicle involved in the crash shall give notice of the crash
4 pursuant to s. 316.066.

5 (5) Except as provided in this section, an all-terrain
6 vehicle may not be operated upon the public roads, streets, or
7 highways of this state.

8 (6)(5) An all-terrain vehicle having four wheels may
9 be used by police officers on public beaches designated as
10 public roadways for the purpose of enforcing the traffic laws
11 of the state. All-terrain vehicles may also be used by the
12 police to travel on public roadways within 5 miles of beach
13 access only when getting to and from the beach.

14 (7)(6) A violation of this section is a noncriminal
15 traffic infraction, punishable as a nonmoving violation as
16 provided in chapter 318.

17 Section 3. Short title.--Sections 3 through 20 of this
18 act may be cited as the "Florida Off-Highway-Vehicle Titling
19 and Registration Act."

20 Section 4. Legislative intent.--It is the
21 Legislature's intent that all off-highway vehicles purchased
22 after the effective date of this act and all off-highway
23 vehicles operated on public lands be titled and issued a
24 certificate of title to allow for easy determination of
25 ownership. It is also the Legislature's intent that all
26 off-highway vehicles that are operated on public lands be
27 registered and issued a registration decal containing a
28 registration identification number to provide funding for the
29 creation, management, and maintenance of off-highway-vehicle
30 recreation areas and trails, and their associated natural
31 resources, within the state. Finally, it is the Legislature's

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1 intent that all off-highway vehicles owned by non-Florida
2 residents shall be exempt from the titling and registration
3 requirements of this act, and that all off-highway vehicles
4 owned by governmental entities shall be exempt from the
5 titling and registration fees imposed by this act with the
6 exception of the applicable fees as set forth in this act
7 which are necessary to cover the administrative costs of the
8 department and the service fees of the county tax collectors.
9 However, all applicable laws, rules, and regulations governing
10 off-highway-vehicle use and operation established by the
11 applicable public land managing agencies shall apply to all
12 off-highway-vehicle users, including users that are
13 non-Florida residents and governmental entities.

14 Section 5. Definitions.--As used in sections 3 through
15 20, the term:

16 (1) "ATV" means any motorized off-highway or
17 all-terrain vehicle 50 inches or less in width, having a dry
18 weight of 900 pounds or less, designed to travel on three or
19 more low-pressure tires, having a seat designed to be
20 straddled by the operator and handlebars for steering control,
21 and intended for use by a single operator and with no
22 passenger.

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

30 (3) "Department" means the Department of Highway
31 Safety and Motor Vehicles.

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

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 which is not registered and licensed for highway use
15 pursuant to chapter 320.

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

23 (8) "Public lands" means lands within the state of
24 Florida which are available for public use and which are
25 owned, operated, or managed by a federal, state, county or
26 municipal governmental entity.

27 Section 6. Administration of off-highway-vehicle
28 titling and registration laws; records.--

29 (1) The administration of off-highway-vehicle titling
30 and registration laws in sections 3 through 20 is under the
31 Department of Highway Safety and Motor Vehicles, which shall

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

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

8 Section 7. Rules, forms, and notices.--

9 (1) The department may adopt rules under section
10 120.536(1), Florida Statutes, and section 120.54, Florida
11 Statutes, which pertain to off-highway-vehicle titling and
12 registration, to implement the provisions of sections 3
13 through 20 conferring duties upon it.

14 (2) The department shall prescribe and provide
15 suitable forms for applications and other notices and forms
16 necessary to administer the provisions of sections 3 through
17 20.

18 Section 8. Certificate of title required.--

19 (1) Any off-highway vehicle that is purchased by a
20 resident of this state after the effective date of this act or
21 which is owned by a resident and is operated on the public
22 lands of this state must be titled pursuant to sections 3
23 through 20.

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

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1 days after a change in off-highway-vehicle ownership, file an
2 application for a title transfer with the county tax
3 collector. An additional \$10 fee shall be charged against a
4 purchaser or transferee who files a title transfer application
5 after the 30-day period. The county tax collector may retain
6 \$5 of the additional amount.

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

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

20 (5)(a) There shall be a service charge of \$4.25 for
21 each application that is handled in connection with the
22 issuance, duplication, or transfer of any certificate of
23 title. There shall be a service charge of \$1.25 for each
24 application that is handled in connection with the recordation
25 or notation of a lien on an off-highway vehicle which is not
26 in connection with the purchase of such vehicle.

27 (b) The service charges specified in paragraph (a)
28 shall be collected by the department on any application
29 handled directly from its office. Otherwise, these service
30 charges shall be collected and retained by the tax collector
31 who handles the application.

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

7 Section 9. Application for and issuance of certificate
8 of title.--

9 (1) The owner of an off-highway vehicle that is
10 required to be titled must apply to the county tax collector
11 for a certificate of title. The application must include the
12 true name of the owner, the residence or business address of
13 the owner, and a complete description of the vehicle. The
14 application must be signed by the owner and must be
15 accompanied by a fee of \$29.

16 (2) The owner must establish by submitting with the
17 application an executed bill of sale, a manufacturer's
18 statement of origin, an affidavit of ownership for off-highway
19 vehicles purchased before the effective date of this act, or
20 any other document acceptable to the department.

21 (3) To apply for a title upon transfer of ownership of
22 an off-highway vehicle, the new owner must surrender to the
23 department the last title document issued for that vehicle.
24 The document must be properly executed. Proper execution
25 includes the previous owner's signature and certification that
26 the off-highway vehicle to be transferred is debt-free or is
27 subject to a lien. If a lien exists, the previous owner must
28 furnish the new owner, on forms supplied by the department,
29 the names and addresses of all lienholders and the dates of
30 all liens, with a statement from each lienholder that the
31 lienholder has knowledge of and consents to the transfer of

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1 title to the new owner.

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

7 (5) If the owner submits a complete application and
8 complies with all of the other requirements of this section,
9 the department shall issue a certificate of title that states
10 that the title is for an off-highway vehicle that is not
11 suitable for highway use. After October 1, 2002, the
12 department shall also issue a copy of the guidebook prepared
13 by the Department of Agriculture and Consumer Services,
14 pursuant to s. 261.07, F.S.

15 Section 10. Duplicate certificate of title.--

16 (1) The department may issue a duplicate certificate
17 of title upon application by the person entitled to hold such
18 a certificate if the department is satisfied that the original
19 certificate has been lost, destroyed, or mutilated. A fee of
20 \$15 shall be charged for issuing a duplicate certificate.

21 (2) In addition to the fee imposed by subsection (1),
22 a fee of \$7 shall be charged for expedited service in issuing
23 a duplicate certificate of title. Application for such
24 expedited service may be made by mail or in person. The
25 department shall issue each certificate of title applied for
26 under this subsection within 5 working days after receipt of a
27 proper application or shall refund the additional \$7 fee upon
28 written request by the applicant.

29 (3) If, following the issuance of an original,
30 duplicate, or corrected certificate of title by the
31 department, the certificate is lost in transit and is not

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1 delivered to the addressee, the owner of the off-highway
2 vehicle or the holder of a lien thereon may, within 180 days
3 after the date of issuance of the title, apply to the
4 department for reissuance of the certificate of title. An
5 additional fee may not be charged for reissuance under this
6 subsection.

7 (4) The department shall implement a system to verify
8 that the application is signed by a person authorized to
9 receive a duplicate title certificate under this section if
10 the address shown on the application is different from the
11 address shown for the applicant on the records of the
12 department.

13 Section 11. Manufacturer's statement of origin to be
14 furnished.--

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

25 (2) It is unlawful for an off-highway-vehicle
26 manufacturer, manufacturer's representative, or dealer to
27 issue a manufacturer's certificate of origin describing an
28 off-highway vehicle with the knowledge that the description is
29 false or that the off-highway vehicle described does not
30 exist. It is unlawful for any person to obtain or attempt to
31 obtain a certificate of origin with the knowledge that the

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1 description is false or that the off-highway vehicle does not
2 exist. Any person who violates this subsection is guilty of a
3 felony of the third degree, punishable as provided in section
4 775.082, section 775.083, or section 775.084, Florida
5 Statutes.

6 Section 12. Registration required.--

7 (1) Off-highway vehicles operated on public lands of
8 this state, with the exception of off-highway vehicles owned
9 by non-Florida residents, must be registered within 30 days
10 after purchase.

11 (2) Nothing in this act prohibits the owner, operator,
12 or manager of public lands containing improved and maintained
13 off-highway-vehicle recreation areas or trails from charging
14 an entrance or admission fee for the use of such lands to help
15 offset the cost of operation and maintenance of such
16 off-highway-vehicle facilities.

17 Section 13. Application for and issuance of
18 certificate of registration, registration number, and decal.--

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

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

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

29 (2) The department shall issue a certificate of
30 registration and a registration number upon submittal of a
31 complete application and compliance with the other

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1 requirements of this section. The certificate of registration
2 does not constitute a license.

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

8 Section 14. Registration period and reregistration by
9 mail.--

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

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

19 Section 15. Change of interest and address.--

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

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

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1 county tax collector with the new address. The department may
2 provide by rule for the surrender of the certificate bearing
3 the former address and for its replacement with a new
4 certificate bearing the new address or for the alteration of a
5 certificate to include the new address of the holder.

6 Section 16. Duplicate registration certificate or
7 decals, service fees.--

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

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

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

27 Section 17. Disposition of fees.--The department shall
28 deposit all funds received under sections 3 through 20, less
29 administrative costs of \$2 per title transaction and \$2 per
30 registration transaction, into the Incidental Trust Fund of
31 the Division of Forestry, Department of Agriculture and

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1 Consumer Services.

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

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

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

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

22 Section 19. Crimes relating to certificates of title
23 and registration decals; penalties.--

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

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1 degree, punishable as provided in section 775.082, section
2 775.083, or section 775.084, Florida Statutes.

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

14 (3) It is unlawful:

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

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

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

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

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

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

9 (4) It is unlawful for any person:

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

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

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

26 Section 20. Noncriminal infractions, penalties.--Any
27 person who fails to comply with any provision of sections 4
28 through 21 for which a greater penalty is not otherwise
29 provided is guilty of a misdemeanor of the second degree,
30 punishable as provided in section 775.082 or section 775.083,
31 Florida Statutes.

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1 Section 21. Subsection (1) of section 375.315, Florida
2 Statutes, is amended to read:

3 375.315 Registration of off-road vehicles.--

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

9 Section 22. There is appropriated to the Department of
10 Agriculture and Consumer Services from the designated
11 off-highway-vehicle funds in the Incidental Trust Fund of the
12 Division of Forestry, Department of Agriculture and Consumer
13 Services, for fiscal year 2001-2002, one position and \$156,660
14 to carry out the provisions of this act.

15 Section 23. This act shall take effect October 1,
16 2001.

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

20 And the title is amended as follows:

21 On page 24, line 7, through Page 25, line 24
22 remove from the title of the bill: all of said lines

23
24

and insert in lieu thereof:

25 An act relating to off-highway vehicles;
26 creating ch. 261, F.S.; creating the Florida
27 Off-Highway-Vehicle Safety and Recreation Act;
28 providing legislative intent; providing
29 definitions; creating the Off-Highway-Vehicle
30 Recreation Advisory Committee; providing duties
31 and responsibilities; providing for duties and

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1 responsibilities of the Department of
2 Agriculture and Consumer Services; providing
3 for rulemaking authority; providing for the
4 publication and distribution of a guidebook;
5 providing for the repair, maintenance, and
6 rehabilitation of areas, trails, and lands;
7 providing for contracts and agreements;
8 providing criteria for recreation areas and
9 trails; providing for the use of designated
10 off-highway-vehicle funds within the Incidental
11 Trust Fund of the Division of Forestry,
12 Department of Agriculture and Consumer
13 Services; amending s. 316.2074, F.S.; revising
14 the definition of the term "all-terrain
15 vehicle"; prohibiting the use of all-terrain
16 vehicles on public roadways in the state;
17 creating the Florida Off-Highway-Vehicle
18 Titling and Registration Act; providing
19 legislative intent; providing definitions;
20 providing for administration by the Department
21 of Highway Safety and Motor Vehicles; providing
22 for rules, forms, and notices; requiring
23 certificates of title; providing for
24 application for and issuance of certificates of
25 title; providing for duplicate certificates of
26 title; requiring the furnishing of a
27 manufacturer's statement of origin; requiring
28 registration; providing for application for and
29 issuance of certificate of registration,
30 registration number, and decal; providing for
31 the registration period and for reregistration

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1 by mail; providing for change of interest and
2 address; providing for duplicate registration
3 certificate and decal; providing for fees;
4 providing for disposition of fees; providing
5 for refusal to issue and authority to cancel a
6 certificate of title or registration; providing
7 for crimes relating to certificates of title
8 and registration decals; providing penalties;
9 providing for noncriminal infractions;
10 providing penalties; amending s. 375.315, F.S.,
11 relating to the registration of off-road
12 vehicles; providing an appropriation; providing
13 an effective date.

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