

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11 The Committee on Agriculture & Consumer Affairs offered the
12 following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Paragraph (x) is added to subsection (1) of
19 section 215.22, Florida Statutes, to read:

20 215.22 Certain income and certain trust funds
21 exempt.--

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

25 (x) The Off-Highway Vehicle Revolving Trust Fund.

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

30 261.01 Short title.--This chapter may be cited as the
31 "Florida Off-Highway Vehicle Safety and Recreation Act."

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1 261.02 Legislative intent.--

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

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

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

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

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 both long-term
21 use and the environment.

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

28 261.03 Definitions.--As used in this chapter, the
29 term:

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

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

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

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

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

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

20 (7) "Program" means the Off-Highway Vehicle Recreation
21 Program.

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

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

28 (10) "Trust fund" means the "Off-Highway Vehicle
29 Revolving Trust Fund" created by s. 261.11.

30 261.04 Creation of the Off-Highway Vehicle Recreation
31 Advisory Committee; members; appointment.--

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1 (1) The Off-Highway Vehicle Recreation Advisory
2 Committee is created within the Division of Forestry and
3 consists of nine members, all of whom are appointed by the
4 Commissioner of Agriculture. The appointees shall include one
5 representative of the Department of Agriculture and Consumer
6 Services, one representative of the Department of Highway
7 Safety and Motor Vehicles, one representative of the
8 Department of Environmental Protection's Office of Greenways
9 and Trails, one representative of the Fish and Wildlife
10 Conservation Commission, one citizen with scientific expertise
11 in disciplines relating to ecology, wildlife biology, or other
12 environmental sciences, one representative of a licensed
13 off-highway vehicle dealer, and three representatives of
14 off-highway vehicle recreation groups. In making these
15 appointments, the commissioner shall consider the places of
16 residence of the members to ensure statewide representation.

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

22 (3) In case of a vacancy on the committee, the
23 commissioner shall appoint a successor member for the
24 unexpired portion of the term.

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

27 (5) The members shall not receive a salary; however,
28 they shall be entitled to be reimbursed for the actual and
29 necessary expenses incurred in the performance of their
30 duties.

31 261.05 Duties and responsibilities of the Off-Highway

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1 Vehicle Recreation Advisory Committee.--

2 (1) The advisory committee shall establish policies to
3 guide the department regarding the off-highway vehicle
4 recreational program and the system of off-highway vehicle
5 recreation areas and trails.

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

9 (3) The advisory committee shall be informed regarding
10 all governmental activities affecting the program.

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

16 (5) The advisory committee shall be fully informed
17 regarding the inventory of off-highway vehicle access and
18 opportunities.

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

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

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

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1 (9) The advisory committee shall review grant
2 applications submitted by any governmental agency or entity,
3 or non-governmental entity, requesting moneys from the trust
4 fund to create, operate, manage, or improve off-highway
5 vehicle recreation areas or trails within the state, protect
6 and restore affected natural areas in the system, or provide
7 off-highway vehicle rider education. The advisory committee
8 shall recommend to the department approval or denial of such
9 grant applications based upon criteria established by the
10 advisory committee.

11 261.06 Functions, duties, and responsibilities of the
12 department.--The following are functions, duties, and
13 responsibilities of the department through the division:

14 (1) Coordination of the planning, development,
15 conservation, and rehabilitation of state lands in and for the
16 system.

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

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

23 (4) Implementation of the program, including the
24 ultimate approval of grant applications submitted by
25 governmental agencies or entities, or non-governmental
26 entities.

27 (5) Coordination to help ensure compliance with
28 environmental laws and regulations of the program and lands in
29 the system.

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

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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 distribution 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 available for distribution no later than October 1, 2002.

25 261.08 Repair, maintenance, and rehabilitation of
26 areas, trails, and lands.--

27 (1) The protection of public safety, the appropriate
28 use of lands in the system, and the conservation of the
29 environment, wildlife habitats, native wildlife and native
30 flora in the system are of the highest priority in the
31 management of the system. Accordingly, the public land

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1 managing agency shall avoid or minimize adverse impacts to the
2 environment, promptly repair and continuously maintain areas
3 and trails, anticipate and prevent accelerated erosion, and
4 rehabilitate lands to the extent damaged by off-highway
5 vehicle use in accordance with the management plans of the
6 public land managing agency.

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

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

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

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

31 Section 3. Section 316.2074, Florida Statutes, is

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1 amended to read:

2 316.2074 All-terrain vehicles.--

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

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

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

19 (4) If a crash results in the death of any person or
20 in the injury of any person which results in treatment of the
21 person by a physician, the operator of each all-terrain
22 vehicle involved in the crash shall give notice of the crash
23 pursuant to s. 316.066.

24 (5) Except as provided in this section, no all-terrain
25 vehicle may be operated upon the public roads, streets, or
26 highways of this state.

27 (6) An all-terrain vehicle having four wheels may be
28 used by police officers on public beaches designated as public
29 roadways for the purpose of enforcing the traffic laws of the
30 state. All-terrain vehicles may also be used by the police to
31 travel on public roadways within 5 miles of beach access only

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1 when getting to and from the beach.

2 (7) A violation of this section is a noncriminal
3 traffic infraction, punishable as a nonmoving violation as
4 provided in chapter 318.

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

8 Section 5. 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, and their associated natural
19 resources, within the state. Finally, it is the Legislature's
20 intent that all off-highway vehicles owned by non-Florida
21 residents shall be exempt from the titling and registration
22 requirements of this act, and that all off-highway vehicles
23 owned by governmental entities shall be exempt from the
24 titling and registration fees imposed by this act with the
25 exception of the applicable fees as set forth in this act
26 which are necessary to cover the administrative costs of the
27 department and the service fees of the county tax collectors.
28 However, all applicable laws, rules and regulations governing
29 off-highway vehicle use and operation established by the
30 applicable public land managing agencies shall apply to all
31 off-highway vehicle users, including users that are

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1 non-Florida residents and governmental entities.

2 Section 6. Definitions.--As used in sections 4 through
3 21, the term:

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

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

18 (3) "Department" means the Department of Highway
19 Safety and Motor Vehicles.

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

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

31 (6) "Off-highway vehicle" means any ATV or OHM used

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1 off the roads or highways of this state for recreational
2 purposes, which is not registered and licensed for highway use
3 pursuant to chapter 320.

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

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

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

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

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

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

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

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1 through 21 conferring duties upon it.

2 (2) The department shall prescribe and provide
3 suitable forms for applications and other notices and forms
4 necessary to administer the provisions of sections 4 through
5 21.

6 Section 9. Certificate of title required.--

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

12 (2) A person may not sell, assign, or transfer an
13 off-highway vehicle titled by the state without delivering to
14 the purchaser or transferee a valid certificate of title with
15 an assignment on it showing the transfer of title to the
16 purchaser or transferee. A person may not purchase or
17 otherwise acquire an off-highway vehicle required to be titled
18 without obtaining a certificate of title for the vehicle in
19 his or her name. The purchaser or transferee shall, within 30
20 days after a change in off-highway vehicle ownership, file an
21 application for a title transfer with the county tax
22 collector. An additional \$10 fee shall be charged against a
23 purchaser or transferee who files a title transfer application
24 after the 30-day period. The county tax collector may retain
25 \$5 of the additional amount.

26 (3) A certificate of title is prima facie evidence of
27 the ownership of the off-highway vehicle and is good for the
28 life of the off-highway vehicle so long as the certificate is
29 owned or held by the legal holder. If a titled off-highway
30 vehicle is destroyed or abandoned, the owner, with the consent
31 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

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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. After October 1, 2002, the

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1 department shall also issue a copy of the guidebook prepared
2 by the Department of Agriculture and Consumer Services,
3 pursuant to s. 261.07, F.S.

4 Section 11. Duplicate certificate of title.--

5 (1) The department may issue a duplicate certificate
6 of title upon application by the person entitled to hold such
7 a certificate if the department is satisfied that the original
8 certificate has been lost, destroyed, or mutilated. A fee of
9 \$15 shall be charged for issuing a duplicate certificate.

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

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

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

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1 department.

2 Section 12. Manufacturer's statement of origin to be
3 furnished.--

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

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

26 Section 13. Registration required.--

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

31 (2) Nothing herein shall prohibit the owner, operator or

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1 manager of public lands containing improved and maintained
2 off-highway vehicle recreation areas or trails from charging
3 an entrance or admission fee for the use of such lands to help
4 offset the cost of operation and maintenance of such
5 off-highway vehicle facilities.

6 Section 14. Application for and issuance of
7 certificate of registration, registration number, and decal.--

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

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

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

18 (2) The department shall issue a certificate of
19 registration and a registration number upon submittal of a
20 complete application and compliance with the other
21 requirements of this section. The certificate of registration
22 does not constitute a license.

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

28 Section 15. Registration period and reregistration by
29 mail.--

30 (1) An off-highway vehicle certificate of registration
31 is valid through the owner's next birthday. If the owner's

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1 birthday falls within the first 3 months after issuance of the
2 certificate of registration, the certificate is valid through
3 the owner's following birthday. However, a certificate of
4 registration may not be valid for more than 15 months.

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

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

9 (1) The owner must furnish to the department notice of
10 the transfer of any whole or partial interest in an
11 off-highway vehicle registered or titled in this state or of
12 the destruction or abandonment of such vehicle within 30 days
13 thereof. The certificate expires upon such transfer,
14 destruction, or abandonment, unless the transfer of a partial
15 interest does not affect the owner's right to operate the
16 vehicle.

17 (2) Any holder of a certificate of registration must
18 notify the department or the county tax collector within 30
19 days after a change of address to one other than the address
20 on the certificate and must furnish the department or the
21 county tax collector with the new address. The department may
22 provide by rule for the surrender of the certificate bearing
23 the former address and for its replacement with a new
24 certificate bearing the new address or for the alteration of
25 an outstanding certificate to show the new address of the
26 holder.

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

29 (1) A duplicate off-highway vehicle registration
30 certificate or decal to replace a lost or misplaced
31 certificate or decal may be obtained from the county tax

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1 collector for \$10. A duplicate certificate or decal may not be
2 issued except by written request of the registered owner or a
3 person authorized by the owner.

4 (2) Included in the registration fee for off-highway
5 vehicles is a \$2.50 service fee to be retained by the county
6 tax collector for each registration certificate or decal
7 issued, replaced, or renewed. The remainder of the fees
8 collected by the county tax collector shall be remitted to the
9 department.

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

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

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

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

31 (2) If the department finds that an owner or dealer

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1 named in an off-highway vehicle certificate of title or
2 registration gave a false statement or false or incomplete
3 information in applying for the certificate or otherwise
4 failed to comply with the applicable provisions pertaining to
5 the application for a certificate, it may cancel the
6 certificate.

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

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

14 (1) It is unlawful for any person to procure or
15 attempt to procure a certificate of title or duplicate
16 certificate of title to an off-highway vehicle, or to pass or
17 attempt to pass a certificate of title or duplicate
18 certificate of title to an off-highway vehicle or any
19 assignment thereof, if such person knows or has reason to
20 believe that the vehicle has been stolen. Any person who
21 violates this subsection is guilty of a felony of the third
22 degree, punishable as provided in section 775.082, section
23 775.083, or section 775.084, Florida Statutes.

24 (2) It is unlawful for any person, knowingly and with
25 intent to defraud, to have in his or her possession, sell,
26 offer to sell, counterfeit, or supply a blank, forged,
27 fictitious, counterfeit, stolen, or fraudulently or unlawfully
28 obtained certificate of title, duplicate certificate of title,
29 registration, bill of sale, or other indicia of ownership of
30 an off-highway vehicle or to conspire to do any of the
31 foregoing. Any person who violates this subsection is guilty

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1 of a felony of the third degree, punishable as provided in
2 section 775.082, section 775.083, or section 775.084, Florida
3 Statutes.

4 (3) It is unlawful:

5 (a) To alter or forge any certificate of title to an
6 off-highway vehicle or any assignment thereof or any
7 cancellation of any lien on an off-highway vehicle.

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

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

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

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

30 (4) It is unlawful for any person:

31 (a) To make, alter, forge, counterfeit, or reproduce

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1 an off-highway vehicle registration decal unless authorized by
2 the department.

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

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

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

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

24 375.315 Registration of off-road vehicles.--

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

30 Section 23. This act shall take effect October 1,
31 2001.

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

2 And the title is amended as follows:

3 On page 1, line 2, through page 2, line 16,
4 remove from the title of the bill: all of said lines

5
6 and insert in lieu thereof:

7 An act relating to off-highway vehicles;
8 amending s. 215.22, F.S.; exempting the
9 Off-Highway Vehicle Revolving Trust Fund from a
10 required deduction; creating ch. 261, F.S.;
11 creating the Florida Off-Highway Vehicle Safety
12 and Recreation Act; providing legislative
13 intent; providing definitions; creating the
14 Off-Highway Vehicle Recreation Advisory
15 Committee; providing duties and
16 responsibilities; providing for the duties and
17 responsibilities of the Department of
18 Agriculture and Consumer Services; providing
19 for rulemaking authority; providing for the
20 publication and distribution of a guidebook;
21 providing for the repair, maintenance and
22 rehabilitation of areas, trails, and lands;
23 providing for contracts and agreements;
24 providing criteria for recreation areas and
25 trails; amending s. 316.2074, F.S.; revising
26 the definition of the term "all-terrain
27 vehicle"; prohibiting the use of all-terrain
28 vehicles on public roadways in the state;
29 creating the Florida Off-Highway Vehicle
30 Titling and Registration Act; providing
31 legislative intent; providing definitions;

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1 providing for administration by the Department
2 of Highway Safety and Motor Vehicles; providing
3 for rules, forms, and notices; requiring
4 certificates of title; providing for
5 application for and issuance of certificates of
6 title; providing for duplicate certificates of
7 title; requiring the furnishing of a
8 manufacturer's statement of origin; requiring
9 registration; providing for application for and
10 issuance of certificate of registration,
11 registration number, and decal; providing for
12 the registration period and for reregistration
13 by mail; providing for change of interest and
14 address; providing for duplicate registration
15 certificate and decal; providing for fees;
16 providing for disposition of fees; providing
17 for refusal to issue and authority to cancel a
18 certificate of title or registration; providing
19 for crimes relating to certificates of title
20 and registration decals; providing penalties;
21 providing for noncriminal infractions;
22 providing penalties; amending s. 375.315, F.S.,
23 relating to the registration of off-road
24 vehicles; providing an effective date.

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