

By the Council for Competitive Commerce and Representative
Russell

1 A bill to be entitled
2 An act relating to off-highway vehicles;
3 creating ch. 261, F.S.; creating the T. Mark
4 Schmidt Off-Highway-Vehicle Safety and
5 Recreation Act; providing legislative intent;
6 providing definitions; creating the
7 Off-Highway-Vehicle Recreation Advisory
8 Committee; providing duties and
9 responsibilities; providing for duties and
10 responsibilities of the Department of
11 Agriculture and Consumer Services; providing
12 for rulemaking authority; providing for the
13 publication and distribution of a guidebook;
14 providing for the repair, maintenance, and
15 rehabilitation of areas, trails, and lands;
16 providing for contracts and agreements;
17 providing criteria for recreation areas and
18 trails; providing for the use of designated
19 off-highway-vehicle funds within the Incidental
20 Trust Fund of the Division of Forestry of the
21 Department of Agriculture and Consumer
22 Services; amending s. 316.2074, F.S.; revising
23 the definition of the term "all-terrain
24 vehicle"; prohibiting the use of all-terrain
25 vehicles on public roadways in the state;
26 creating the Florida Off-Highway-Vehicle
27 Titling and Registration Act; providing
28 legislative intent; providing definitions;
29 providing for administration by the Department
30 of Highway Safety and Motor Vehicles; providing
31 for rules, forms, and notices; requiring

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

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. 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, 261.10, 261.11, and 261.12, Florida
29 Statutes, is created to read:

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1 261.01 Short title.--This chapter may be cited as the
2 "T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation
3 Act."
4 261.02 Legislative intent.--
5 (1) The Legislature finds that off-highway vehicles
6 are becoming increasingly popular in this state and that the
7 use of these vehicles should be controlled and managed to
8 minimize negative effects on the environment, wildlife
9 habitats, native wildlife, and native flora.
10 (2) The Legislature declares that effectively managed
11 areas and adequate facilities for the use of off-highway
12 vehicles are compatible with this state's overall recreation
13 plan and the underlying goal of multiple use.
14 (3) It is the intent of the Legislature that:
15 (a) Existing off-highway-vehicle recreational areas,
16 facilities, and opportunities be improved and appropriately
17 expanded, and be managed in a manner consistent with this
18 chapter, in order to maintain natural resources and sustained
19 long-term use of off-highway-vehicle trails and areas.
20 (b) New off-highway-vehicle recreational areas,
21 facilities, and opportunities be provided and managed pursuant
22 to this chapter in a manner that will sustain both long-term
23 use and the environment.
24 (c) Nothing contained within this act shall be
25 construed to require the construction or maintenance of
26 off-highway-vehicle recreation areas, facilities, or trails on
27 public lands where such construction or maintenance would be
28 inconsistent with the property's management objectives or land
29 management plan.
30 261.03 Definitions.--As used in this chapter, the
31 term:

- 1 (1) "Advisory committee" means the Off-Highway-Vehicle
2 Recreation Advisory Committee created by s. 261.04.
- 3 (2) "ATV" means any motorized off-highway or
4 all-terrain vehicle 50 inches or less in width, having a dry
5 weight of 900 pounds or less, designed to travel on three or
6 more low-pressure tires, having a seat designed to be
7 straddled by the operator and handlebars for steering control,
8 and intended for use by a single operator with no passenger.
- 9 (3) "Department" means the Department of Agriculture
10 and Consumer Services.
- 11 (4) "Division" means the Division of Forestry of the
12 Department of Agriculture and Consumer Services.
- 13 (5) "OHM" or "off-highway motorcycle" means any motor
14 vehicle used off the roads or highways of this state which has
15 a seat or saddle for the use of the rider and is designed to
16 travel with not more than two wheels in contact with the
17 ground, but excludes a tractor or a moped.
- 18 (6) "Off-highway vehicle" means any ATV or OHM used
19 off the roads or highways of this state for recreational
20 purposes and which is not registered and licensed for highway
21 use under chapter 320.
- 22 (7) "Program" means the Off-Highway-Vehicle Recreation
23 Program.
- 24 (8) "Public lands" means lands within the State of
25 Florida which are available for public use and which are
26 owned, operated, or managed by a federal, state, county, or
27 municipal governmental entity.
- 28 (9) "System" means the off-highway-vehicle recreation
29 areas and trails on public lands within the state.
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1 (10) "Trust fund" means the Incidental Trust Fund of
2 the Division of Forestry of the Department of Agriculture and
3 Consumer Services.

4 261.04 Creation of the Off-Highway-Vehicle Recreation
5 Advisory Committee; members; appointment.--

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

22 (2) The term of office of each member of the advisory
23 committee shall be 2 years. The members first appointed shall
24 classify themselves by lot so that the terms of four members
25 expire June 30, 2003, and the terms of five members expire
26 June 30, 2004.

27 (3) In case of a vacancy on the committee, the
28 commissioner shall appoint a successor member for the
29 unexpired portion of the term.

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

4 (5) The members of the advisory committee shall serve
5 without compensation, but shall be paid travel and per diem,
6 as provided in s. 112.061, while in the performance of their
7 official duties.

8 261.05 Duties and responsibilities of the
9 Off-Highway-Vehicle Recreation Advisory Committee.--

10 (1) The advisory committee shall establish policies to
11 guide the department regarding the off-highway-vehicle
12 recreational program and the system of off-highway-vehicle
13 recreation areas and trails.

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

18 (3) The advisory committee must be informed of all
19 governmental activities affecting the program.

20 (4) The advisory committee must be informed of
21 off-highway-vehicle impacts and effects on the environment,
22 wildlife habitats, and native flora and fauna, and shall make
23 recommendations to avoid or minimize adverse environmental
24 impacts and promote sustained, long-term use.

25 (5) The advisory committee must be fully informed of
26 the inventory of off-highway-vehicle access and opportunities.

27 (6) The advisory committee shall meet at various times
28 and locations throughout the state to receive public comments
29 on the implementation of the program, and shall take these
30 public comments into consideration when making its
31 recommendations.

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

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

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

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

22 (1) Coordination of the planning, development,
23 conservation, and rehabilitation of state lands in and for the
24 system.

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

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

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

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

7 (6) Implementation of the policies established by the
8 advisory committee.

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

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

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

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

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18 The department shall have rulemaking authority to implement
19 the provisions of ss. 261.01-261.10.

20 261.07 Publication and distribution of guidebook;
21 contents.--In consultation with the advisory committee, the
22 department shall publish a guidebook, which shall include the
23 text of this chapter, other laws and regulations relating to
24 the program, and maps of areas and trails for the system. The
25 guidebook may include other public areas, trails, and
26 facilities for the use of off-highway vehicles. The guidebook
27 must include information regarding the responsibilities of
28 users of the system and must set forth pertinent laws, rules,
29 and regulations, including particular provisions and other
30 information intended to prevent trespass and damage to public
31 or private property. The guidebook must be prepared at minimal

1 cost to facilitate the broadest possible distribution and must
2 be available for distribution no later than October 1, 2002.

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

5 (1) The protection of public safety, the appropriate
6 use of lands in the system, and the conservation of the
7 environment, wildlife habitats, native wildlife, and native
8 flora in the system are of the highest priority in the
9 management of the system. Accordingly, the public land
10 managing agency shall avoid or minimize adverse impacts to the
11 environment, promptly repair and continuously maintain areas
12 and trails, anticipate and prevent accelerated erosion, and
13 rehabilitate lands to the extent damaged by
14 off-highway-vehicle use in accordance with the management
15 plans of the public land managing agency.

16 (2) The public land managing agency shall monitor the
17 condition of soils and wildlife habitat in each area of the
18 system to determine whether there is compliance with
19 applicable environmental laws and regulations and take
20 appropriate action as necessary.

21 261.09 Contracts and agreements.--The public land
22 managing agency may contract with private persons or entities
23 and enter into cooperative agreements with other public
24 agencies for the care and maintenance of lands in the system,
25 including contracts for law enforcement services with public
26 agencies having law enforcement powers.

27 261.10 Criteria for recreation areas and
28 trails.--Publicly owned or operated off-highway-vehicle
29 recreation areas and trails shall be designated and maintained
30 for recreational travel by off-highway vehicles. These areas
31 and trails need not be generally suitable or maintained for

1 normal travel by conventional two-wheel-drive vehicles, and
2 should not be designated as recreational foot paths. State
3 off-highway-vehicle recreation areas and trails must be
4 selected and managed in accordance with this chapter.

5 261.11 Penalties.--No off-highway vehicle may be
6 operated upon the public roads, streets, or highways of this
7 state, except as otherwise permitted by the managing state or
8 federal agency. A violation of this section is a noncriminal
9 traffic infraction, punishable as provided in chapter 318.

10 261.12 Designated off-highway-vehicle funds within the
11 Incidental Trust Fund of the Division of Forestry, Department
12 of Agriculture and Consumer Services.--

13 (1) The designated off-highway-vehicle funds of the
14 trust fund shall consist of deposits from the following
15 sources:

16 (a) Fees paid to the Department of Highway Safety and
17 Motor Vehicles for the titling and registration of off-highway
18 vehicles;

19 (b) Revenues and income from any other sources
20 required by law or as appropriated by the Legislature to be
21 deposited into the trust fund as designated
22 off-highway-vehicle funds;

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

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

27 (2) Designated off-highway-vehicle funds in the trust
28 fund shall be available for recommended allocation by the
29 Off-Highway-Vehicle Recreation Advisory Committee and the
30 Department of Agriculture and Consumer Services and upon
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1 annual appropriation by the Legislature, exclusively for the
2 following:

3 (a) Implementation of the Off-Highway-Vehicle
4 Recreation Program by the Department of Agriculture and
5 Consumer Services, which includes personnel and other related
6 expenses; administrative and operating expenses; expenses
7 related to safety, training, rider education programs,
8 management, maintenance, and rehabilitation of lands in the
9 Off-Highway-Vehicle Recreation Program's system of lands and
10 trails; and, if funds are available, acquisition of lands to
11 be included in the system and the management, maintenance, and
12 rehabilitation of such lands.

13 (b) Approved grants to governmental agencies or
14 entities or nongovernmental entities that wish to provide or
15 improve off-highway-vehicle recreation areas or trails for
16 public use on public lands, provide environmental protection
17 and restoration to affected natural areas in the system, or
18 provide education in the operation of off-highway vehicles.

19 (c) Matching funds to be used to match grant funds
20 available from other sources.

21 (3) Notwithstanding s. 216.301 and pursuant to s.
22 216.351, any balance of designated off-highway-vehicle funds
23 in the trust fund at the end of any fiscal year shall remain
24 therein and shall be available for the purposes set out in
25 this section and as otherwise provided by law.

26 Section 2. Section 316.2074, Florida Statutes, is
27 amended to read:

28 316.2074 All-terrain vehicles.--

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

1 (2) As used in this section, the term "all-terrain
2 vehicle" means any motorized off-highway vehicle 50 inches
3 ~~(1270 mm)~~ or less in width, having a dry weight of 900 ~~600~~
4 pounds ~~(273 kg)~~ or less, designed to travel ~~traveling~~ on three
5 or more low-pressure tires, ~~designed for operator use only~~
6 ~~with no passengers~~, having a seat ~~or saddle~~ designed to be
7 straddled by the operator, ~~and having~~ handlebars for steering
8 control, and intended for use by a single operator with no
9 passenger.

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

14 (4) If a crash results in the death of any person or
15 in the injury of any person which results in treatment of the
16 person by a physician, the operator of each all-terrain
17 vehicle involved in the crash shall give notice of the crash
18 pursuant to s. 316.066.

19 (5) Except as provided in this section, an all-terrain
20 vehicle may not be operated upon the public roads, streets, or
21 highways of this state, except as otherwise permitted by the
22 managing state or federal agency.

23 ~~(6)(5)~~ An all-terrain vehicle having four wheels may
24 be used by police officers on public beaches designated as
25 public roadways for the purpose of enforcing the traffic laws
26 of the state. All-terrain vehicles may also be used by the
27 police to travel on public roadways within 5 miles of beach
28 access only when getting to and from the beach.

29 ~~(7)(6)~~ A violation of this section is a noncriminal
30 traffic infraction, punishable as a nonmoving violation as
31 provided in chapter 318.

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

4 Section 4. Legislative intent.--It is the
5 Legislature's intent that all off-highway vehicles purchased
6 after the effective date of this act and all off-highway
7 vehicles operated on public lands be titled and issued a
8 certificate of title to allow for easy determination of
9 ownership. It is also the Legislature's intent that all
10 off-highway vehicles that are operated on public lands be
11 registered and issued a registration decal containing a
12 registration identification number to provide funding for the
13 creation, management, and maintenance of off-highway-vehicle
14 recreation areas and trails, and their associated natural
15 resources, within the state. Finally, it is the Legislature's
16 intent that all off-highway vehicles owned by non-Florida
17 residents shall be exempt from the titling and registration
18 requirements of this act, and that all off-highway vehicles
19 owned by governmental entities shall be exempt from the
20 titling and registration fees imposed by this act with the
21 exception of the applicable fees as set forth in this act
22 which are necessary to cover the administrative costs of the
23 department and the service fees of the county tax collectors.
24 However, all applicable laws, rules, and regulations governing
25 off-highway-vehicle use and operation established by the
26 applicable public land managing agencies shall apply to all
27 off-highway-vehicle users, including users that are
28 non-Florida residents and governmental entities.

29 Section 5. Definitions.--As used in sections 3 through
30 20, the term:

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1 (1) "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 (2) "Dealer" means any person authorized by the
8 Department of Revenue to buy, sell, resell, or otherwise
9 distribute off-highway vehicles. Such person must have a valid
10 sales tax certificate of registration issued by the Department
11 of Revenue and a valid commercial or occupational license
12 required by any county, municipality, or political subdivision
13 of the state in which the person operates.

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

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

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

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

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

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

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

14 (1) The administration of off-highway-vehicle titling
15 and registration laws in sections 3 through 20 is under the
16 Department of Highway Safety and Motor Vehicles, which shall
17 provide for the issuing, handling, and recording of all
18 off-highway-vehicle titling and registration applications and
19 certificates, including the receipt of and accounting for
20 off-highway-vehicle titling and registration fees.

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

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

25 (1) The department may adopt rules under ss.
26 120.536(1) and 120.54, Florida Statutes, which pertain to
27 off-highway-vehicle titling and registration to implement the
28 provisions of sections 3 through 20 conferring duties upon it.

29 (2) The department shall prescribe and provide
30 suitable forms for applications and other notices and forms
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1 necessary to administer the provisions of sections 3 through
2 20.

3 Section 8. Certificate of title required.--

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

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

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

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

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

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

18 (c) In addition to the fees provided in paragraph (a),
19 any tax collector may impose an additional service charge of
20 not more than 50 cents on any transaction specified in
21 paragraph (a) or on any transaction specified in section 16,
22 subsection (2), when such transaction occurs at any tax
23 collector's branch office.

24 Section 9. Application for and issuance of certificate
25 of title.--

26 (1) The owner of an off-highway vehicle that is
27 required to be titled must apply to the county tax collector
28 for a certificate of title. The application must include the
29 true name of the owner, the residence or business address of
30 the owner, and a complete description of the vehicle. The
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1 application must be signed by the owner and must be
2 accompanied by a fee of \$29.

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

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

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

25 (5) If the owner submits a complete application and
26 complies with all of the other requirements of this section,
27 the department shall issue a certificate of title that states
28 that the title is for an off-highway vehicle that is not
29 suitable for highway use. After October 1, 2002, the
30 department shall also issue a copy of the guidebook prepared
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1 by the Department of Agriculture and Consumer Services,
2 pursuant to s. 261.07, Florida Statutes.

3 Section 10. Duplicate certificate of title.--

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

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

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

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

1 Section 11. Manufacturer's statement of origin to be
2 furnished.--

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

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

24 Section 12. Registration required.--

25 (1) Off-highway vehicles operated on public lands of
26 this state, with the exception of off-highway vehicles owned
27 by non-Florida residents, off-highway vehicles used for
28 agricultural purposes, or off-highway vehicles rented for use
29 on public beaches by concessionaires who are franchised by the
30 public entities controlling those beaches, must be registered
31 within 30 days after purchase.

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

7 Section 13. Application for and issuance of
8 certificate of registration, registration number, and decal.--

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

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

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

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

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

29 Section 14. Registration period and reregistration by
30 mail.--

31

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

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

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

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

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

28 Section 16. Duplicate registration certificate or
29 decal; service fees.--

30 (1) A duplicate off-highway-vehicle registration
31 certificate or decal to replace a lost or misplaced

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

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

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

18 Section 17. Disposition of fees.--The department shall
19 deposit all funds received under sections 3 through 20, less
20 administrative costs of \$2 per title transaction and \$2 per
21 registration transaction, into the Incidental Trust Fund of
22 the Division of Forestry of the Department of Agriculture and
23 Consumer Services.

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

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

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

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

13 Section 19. Crimes relating to certificates of title
14 and registration decals; penalties.--

15 (1) It is unlawful for any person to procure or
16 attempt to procure a certificate of title or duplicate
17 certificate of title to an off-highway vehicle, or to pass or
18 attempt to pass a certificate of title or duplicate
19 certificate of title to an off-highway vehicle or any
20 assignment thereof, if such person knows or has reason to
21 believe that the vehicle has been stolen. Any person who
22 violates this subsection commits a felony of the third degree,
23 punishable as provided in s. 775.082, s. 775.083, or s.
24 775.084, Florida Statutes.

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

1 foregoing. Any person who violates this subsection commits a
2 felony of the third degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084, Florida 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
24 commits a felony of the third degree, punishable as provided
25 in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes. A
26 violation of this subsection with respect to any off-highway
27 vehicle makes such off-highway vehicle contraband which may be
28 seized by a law enforcement agency and forfeited under ss.
29 932.701-932.704, Florida Statutes.
30 (4) It is unlawful for any person:
31

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

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

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

16 Section 20. Nonmoving traffic violations.--Any person
17 who fails to comply with any provision of sections 3 through
18 20 for which a penalty is not otherwise provided commits a
19 nonmoving traffic violation, punishable as provided in s.
20 318.18, Florida Statutes.

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

23 375.315 Registration of off-road vehicles.--

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

29 Section 22. There is appropriated to the Department of
30 Agriculture and Consumer Services from the designated
31 off-highway-vehicle funds in the Incidental Trust Fund of the

1 Division of Forestry of the Department of Agriculture and
2 Consumer Services, for fiscal year 2001-2002, one position and
3 \$156,660 to carry out the provisions of this act.

4 Section 23. This act shall take effect October 1,
5 2001.

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