

By Senator Garcia

39-1089-02

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

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

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (x) is added to subsection (1) of
24 section 215.22, Florida Statutes, to read:

25 215.22 Certain income and certain trust funds
26 exempt.--

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

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

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1 Section 2. Chapter 261, Florida Statutes, consisting
2 of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,
3 261.07, 261.08, 261.09, and 261.10, Florida Statutes, is
4 created to read:

5 261.01 Short title.--This chapter may be cited as the
6 "Florida Off-Highway-Vehicle Safety and Recreation Act."

7 261.02 Legislative intent.--

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

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

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

18 (a) Existing off-highway-vehicle recreational areas,
19 facilities, and opportunities be improved and appropriately
20 expanded and be managed in a manner consistent with this
21 chapter, in particular to maintain natural resources and
22 sustained long-term use of off-highway-vehicle trails and
23 areas.

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

28 (c) Nothing contained within this act shall be
29 construed to require the construction or maintenance of
30 off-highway-vehicle recreation areas, facilities, or trails on
31 public lands where such construction or maintenance would be

1 inconsistent with the property's management objectives or land
2 management plan.

3 261.03 Definitions.--As used in this chapter, the
4 term:

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

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

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

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

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

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

26 (7) "Program" means the Off-Highway Vehicle Recreation
27 Program.

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

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

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

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

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

23 (2) The term of office of each member of the advisory
24 committee is 2 years. The members first appointed shall
25 classify themselves by lot so that the terms of four members
26 expire June 30, 2004, and the terms of five members expire
27 June 30, 2005.

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

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

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

7 261.05 Duties and responsibilities of the
8 Off-Highway-Vehicle Recreation Advisory Committee.--

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

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

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

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

24 (5) The advisory committee must be fully informed
25 regarding the inventory of off-highway-vehicle access and
26 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 trust fund, which may include
4 providing funds to match grant funds available from other
5 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,
11 or non-governmental entity, requesting moneys from the trust
12 fund to create, operate, manage, or improve
13 off-highway-vehicle recreation areas or trails within the
14 state, protect and restore affected natural areas in the
15 system, or provide off-highway-vehicle driver education. The
16 advisory committee shall recommend to the department approval
17 or denial of such grant applications based upon criteria
18 established by the 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 non-governmental
4 entities.

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

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

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

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

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

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

18 (11) Rulemaking authority to implement the provisions
19 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, including the text of
23 this chapter, other laws and regulations relating to the
24 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. A violation of this section is a noncriminal traffic
8 infraction, punishable as provided in chapter 318.

9 Section 3. Section 316.2074, Florida Statutes, is
10 amended to read:

11 316.2074 All-terrain vehicles.--

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

15 (2) As used in this section, the term "all-terrain
16 vehicle" means any motorized off-highway vehicle 50 inches
17 (1270 mm) or less in width, having a dry weight of 900 600
18 pounds(273 kg) or less, designed to travel ~~traveling~~ on three
19 or more low-pressure tires, ~~designed for operator use only~~
20 ~~with no passengers,~~ having a seat ~~or saddle~~ designed to be
21 straddled by the operator, and ~~having~~ handlebars for steering
22 control, and intended for use by a single operator with no
23 passenger.

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

28 (4) If a crash results in the death of any person or
29 in the injury of any person which results in treatment of the
30 person by a physician, the operator of each all-terrain
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1 vehicle involved in the crash shall give notice of the crash
2 pursuant to s. 316.066.

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

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

12 (7)~~(6)~~ A violation of this section is a noncriminal
13 traffic infraction, punishable as a nonmoving violation as
14 provided in chapter 318.

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

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

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

12 Section 6. Definitions.--As used in sections 4 through
13 21, the term:

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

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

28 (3) "Department" means the Department of Highway
29 Safety and Motor Vehicles.

30 (4) "Florida resident" means a person who has had a
31 principal place of domicile in this state for a period of more

1 than 6 consecutive months, who has registered to vote in this
2 state, who has made a statement of domicile pursuant to
3 section 222.17, Florida Statutes, or who has filed for
4 homestead tax exemption on property in this state.

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

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

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

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

25 Section 7. Administration of off-highway-vehicle
26 titling and registration laws; records.--

27 (1) The administration of off-highway-vehicle titling
28 and registration laws in sections 4 through 21 is under the
29 Department of Highway Safety and Motor Vehicles, which shall
30 provide for the issuing, handling, and recording of all
31 off-highway-vehicle titling and registration applications and

1 certificates, including the receipt and accounting of
2 off-highway-vehicle titling and registration fees.

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

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

7 (1) The department may adopt rules under section
8 120.536(1), Florida Statutes, and section 120.54, Florida
9 Statutes, which pertain to off-highway-vehicle titling and
10 registration, to implement the provisions of sections 4
11 through 21 conferring duties upon it.

12 (2) The department shall prescribe and provide
13 suitable forms for applications and other notices and forms
14 necessary to administer the provisions of sections 4 through
15 21.

16 Section 9. Certificate of title required.--

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

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

1 collector. An additional \$10 fee shall be charged against a
2 purchaser or transferee who files a title transfer application
3 after the 30-day period. The county tax collector may retain
4 \$5 of the additional amount.

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

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

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

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

30 (c) In addition to the fees provided in paragraph (a),
31 any tax collector may impose an additional service charge of

1 not more than 50 cents on any transaction specified in
2 paragraph (a) or on any transaction specified in section 17,
3 subsection (2), when such transaction occurs at any tax
4 collector's branch office.

5 Section 10. Application for and issuance of
6 certificate of title.--

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

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

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

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

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

14 Section 11. Duplicate certificate of title.--

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

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

28 (3) If, following the issuance of an original,
29 duplicate, or corrected certificate of title by the
30 department, the certificate is lost in transit and is not
31 delivered to the addressee, the owner of the off-highway

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

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

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

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

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

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

5 Section 13. Registration required.--

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

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

16 Section 14. Application for and issuance of
17 certificate of registration, registration number, and decal.--

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

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

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

28 (2) The department shall issue a certificate of
29 registration and a registration number upon submittal of a
30 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 15. 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 16. 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

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 17. Duplicate registration certificate or
7 decal, 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 18. Disposition of fees.--The department shall
28 deposit all funds received under sections 4 through 21, less
29 administrative costs of \$2 per title transaction, and \$2 per
30 registration transaction, into the Off-Highway-Vehicle
31

1 Revolving Trust Fund created by section 261.11, Florida
2 Statutes.

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

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

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

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

23 Section 20. Crimes relating to certificates of title
24 and registration decals; penalties.--

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

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

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

15 (3) It is unlawful:

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

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

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

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

31

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

11 (4) It is unlawful for any person:

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

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

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

28 Section 21. Noncriminal infractions, penalties.--Any
29 person who fails to comply with any provision of sections 4
30 through 21 for which a greater penalty is not otherwise
31 provided is guilty of a misdemeanor of the second degree,

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

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

5 375.315 Registration of off-road vehicles.--

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

11 Section 23. This act shall take effect October 1,
12 2002.

13

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15 SENATE SUMMARY

16 creates chapter 261, F.S., to regulate
17 off-highway-vehicle safety and recreation in order to
18 control and manage off-highway vehicles to ensure that
19 they create no negative effects on the environment,
20 wildlife habitats, native wildlife, and native flora. The
act declares that effectively managed areas and adequate
facilities for the use of off-highway vehicles are
compatible with Florida's overall recreation plan and the
underlying goal of multiple use.

21 Creates the Florida Off-Highway-Vehicle Titling and
22 Registration Act. (See bill for details.)

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