

STORAGE NAME: h1781s1.frc.doc
DATE: March 12, 2002

HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS

BILL #: CS/HB 1781
RELATING TO: Off-Highway Vehicles
SPONSOR(S): Fiscal Responsibility Council and Representative(s) Barreiro
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE & CONSUMER AFFAIRS (CCC) YEAS 7 NAYS 2
 - (2) FISCAL RESPONSIBILITY COUNCIL YEAS 21 NAYS 1
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

CS/HB 1781 creates the "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act", to provide for the expanded, managed use of off-highway vehicles on public lands, referred to in the bill as the Off-Highway Vehicle Recreation Program. The Act requires the Department of Agriculture and Consumer Services (DACS), in consultation with the Department of Environmental Protection and the Fish and Wildlife Conservation Commission, to review current state-owned lands for the feasibility of allowing public access for off-highway vehicle recreational use and to issue a report by January 1, 2003. The report will recommend five locations and cost estimates for renovating, maintaining, and operating each site. The report will also recommend an ongoing fee structure to fund the cost of the program.

The bill requires all off-highway vehicles owned by residents of the state for use on public lands to be titled, with the Department of Highway Safety and Motor Vehicles (DHSMV), and issued a certificate of title to allow for easy determination of ownership. This is a one-time titling requirement and an application fee of \$29 is required. Of this fee, \$27 is deposited into the Incidental Trust Fund in the Department of Agriculture and Consumer Services (DACS) to fund activities related to this Act. The department estimates that 12,000 titles will be issued annually, providing annual revenues of approximately \$324,000 with an anticipated 10% annual growth rate. The department estimates a trust fund cost of \$198,660 during fiscal year 2002/03 to implement provisions of the Act; however, no appropriation is provided in the bill.

The bill also eliminates the registration program in the Fish and Wildlife Conservation Commission for off-road vehicles operated upon public lands under its jurisdiction.

The bill provides that any person who commits certain unlawful acts related to vehicle certificates of title or manufacturer's certificate of origin is guilty of a felony of the third degree.

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Lower Taxes: The bill assesses fees for titling off-highway vehicles used on public lands.

Individual Freedom: The bill requires Florida residents to title off-highway vehicles with the Department of Highway Safety and Motor Vehicles.

B. PRESENT SITUATION:

The only facility on state land currently allowing off-highway vehicles is the Croom Motorcycle Area within the Withlacoochee State Forest. This facility is managed by the Department of Agriculture and Consumer Services' (department) Division of Forestry. The Croom Motorcycle Area sells annual permits for \$25. In 2000, approximately 13,250 permits were sold, totaling more than \$250,000.

Currently, the federal Recreational Trails Program (RTP) has matching funds available for off-highway vehicle recreation programs in each state. In the past three submission cycles, five projects totaling \$99,607 for improvements on the Croom tract have been funded. While more funds are available, the allocations for motorized use have been limited by the availability of matching funds, which have come from private users.

Off-highway vehicles are currently allowed on the United States Forest Service (USFS) lands, which include approximately 1.2 million acres in Florida. The USFS is currently addressing off-highway vehicle uses on these lands to balance use with resource protection. While the current practice allows motorized use unless posted, the goal is to limit additional trail development, motorized or non-motorized, and to consolidate existing trails.

Off-highway vehicles are excluded by definition from the titling and registration requirement of Chapters 319 and 320, F.S.; however, s. 375.315, F. S., which pertains to outdoor recreation and land conservation, requires off-road vehicles to be registered by the Fish and Wildlife Conservation Commission if operated upon public lands under its jurisdiction .

C. EFFECT OF PROPOSED CHANGES:

CS/HB 1781 creates the "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act", to provide for the expanded, managed use of off-highway vehicles on public lands, referred to in the bill as the Off-Highway Vehicle Recreation Program.

The duties of the Department of Agriculture and Consumer Services, with regards to the act, will include the following:

- The planning, acquisition, development, construction, conservation, and rehabilitation of lands in and for the system;
- The management, maintenance, administration, and operation of lands in the system and the provision of law enforcement and appropriate public safety activities;
- Management of the trust fund;
- Implementation of the programs, including the ultimate approval of grant applications submitted by governmental agencies;
- Ensuring compliance with environmental laws and regulations of the programs and lands in the system;
- Preparation of plans for lands in, or proposed to be included in, the system;
- Conducting surveys and the preparation of studies as are necessary or desirable for implementing the program;
- Recruitment and utilization of volunteers to further the program;
- Publication and sale of a guidebook, which will include information regarding the responsibility of users of the system, pertinent laws, rules, and regulations, as well as other information;
- In consultation with the Department of Environmental Protection and the Fish and Wildlife Conservation Commission, review current state-owned lands for the feasibility of allowing public access for off-highway vehicle recreation; and
- Issue a report by January 1, 2003, recommending five locations for off-highway vehicle recreation, estimating complete costs for renovating, maintaining, and operating each site, indicating the benefits and risks of offering each site, and recommending an ongoing fee structure to fund the cost of the program.

The bill allows the department to contract or enter into cooperative agreements with private persons or other public agencies for the care and maintenance of lands in the system, including law enforcement services. The bill amends s. 316.2074, F.S., redefining the term "all-terrain vehicle".

The bill requires all off-highway vehicles owned by residents of the state for use on public lands to be titled. The administration of the titling of the off-highway vehicles shall be the responsibility of DHSMV. The bill allows DHSMV to adopt rules and prescribe forms necessary for the titling of off-highway vehicles.

The bill establishes a \$29 fee for applications for certificates of title of an off-highway vehicle. Rates are also established for issuance of duplicate titles and mail service handling fees. The bill also provides for the tax collector to retain a portion of the fee for each titling transaction. DHSMV shall deposit all funds received for titling, less administrative costs, into the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services.

When justified, due to an applicant giving false information during application for a certificate of title or failing to comply with the provisions of said title, the bill gives DHSMV the authority to cancel or refuse to issue a title. Persons committing crimes relating to certificates of title are guilty of a third degree felony, punishable by a term of imprisonment not exceeding 5 years, a fine of \$5,000, or, in the case of a habitual felony offender, a term of imprisonment not to exceed 10 years. The bill also provides for punishment of certain offenses, if not otherwise provided for, as a nonmoving violation punishable as provided for in s. 318.18, F.S.

The bill also eliminates the registration program in the Fish and Wildlife Conservation Commission for off-road vehicles operated upon public lands under its jurisdiction.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. This bill creates chapter 261, F.S.

Creates s. 261.01, to provide for the short title, the "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act."

Creates s. 261.02, F.S., to provide legislative intent concerning the increased popularity of off-highway vehicles and to express the need for effective management in order to minimize the possible negative impacts of such vehicles on the environment. The bill further provides it is the intent of the Legislature that existing and new off-highway vehicle recreational areas be managed to sustain long-term use and the environment.

Creates s. 261.03, F.S., to provide the following definitions for use in chapter 261, F.S:

- "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger.
- "Department" means the Department of Agriculture and Consumer Services.
- "Division" means the Division of Forestry of the Department of Agriculture and Consumer Services.
- "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state which has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.
- "Off-highway vehicle" means any ATV or OHM used off the roads or highways of this state for recreational purposes, and which is not registered and licensed for highway use under chapter 320.
- "Program" means the Off-Highway Vehicle Recreation Program.
- "Public lands" means lands within the State of Florida which are available for public use and which are owned, operated or managed by a federal, state, county or municipal governmental entity.
- "System" means the state-owned off-highway vehicle recreation areas and trails within the state.
- "Trust fund" means the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services.

Creates s. 261.06, F.S., to provide the following functions, duties, and responsibilities of the department:

- Coordination of the planning, development, conservation, and rehabilitation of state lands in and for the system.
- Coordination of the management, maintenance, administration, and operation of lands in the system, and the provision of law enforcement and appropriate public safety activities.
- Management of the off-highway vehicle funds in the trust fund.
- The implementation of the program, including the ultimate approval of grant applications submitted by governmental agencies, or entities or non-governmental entities.
- Coordination to help ensure compliance with environmental laws and regulations of the program and lands in the system.
- Preparation of plans for lands in, or proposed to be included in, the system.
- Conducting surveys and the preparation of studies as are necessary or desirable for implementing the program.

- Recruitment and utilization of volunteers to further the program.
- Rulemaking authority to implement the provisions of ss. 261.01 through 261.10, F.S.
- Review current state-owned lands for the feasibility of allowing public access for off-highway vehicle recreational use and issue a report by January 1, 2003.

Creates s. 261.07, F.S., to provide that the department must publish a guidebook which includes applicable laws and regulations, trail and facility maps, and information regarding the responsibilities of users of the facilities and trails. The section provides the guidebook may include other public areas and trails, and facilities for the use of off-highway vehicles. The guidebook must be sold at a price which covers the cost of preparing, printing and distributing the guidebook, and must be available for distribution no later than October 1, 2003.

Creates s. 261.08, F.S., to provide for the repair, maintenance, and restoration of off-highway vehicle areas, trails, and lands. The section provides the highest priority for management of the system is the safety of the public; the appropriate use of lands, and the conservation of the environment, wildlife habitats, and native flora and fauna in the system. The section provides the public land management agency must monitor the system to determine compliance with applicable environmental laws and regulations, and take appropriate action as necessary.

Creates s. 261.09, F.S., to provide that the public land management agency may contract with private persons or entities and enter into cooperative agreements with other public agencies for the maintenance of the system, including public law enforcement agencies.

Creates s. 261.10, F.S., to provide that state off-highway vehicle recreation areas and trails must be designated and maintained for recreational travel by off-highway vehicles, not generally suitable or maintained for normal travel by conventional two-wheel-drive vehicles, and foot traffic.

Creates s. 261.11, F.S., to provide that no off-highway vehicle may be operated on public roads, streets or highways except as otherwise permitted by the managing state or federal agency. A violation of this section is a non-criminal traffic infraction punishable as provided in chapter 318 (\$30 fine).

Creates s. 261.12, F.S., to designate the monies that are to be designated as Off-Highway Vehicle funds and provide that those funds shall be allocated and appropriated exclusively for implementing the act and providing or matching grant funds to do the same. Provides that any balance from those designated funds shall remain therein.

Section 2. Amends s. 316.2074, F.S., to redefine the term "all-terrain vehicle." The definition increases the weight of an all-terrain vehicle from 600 to 900 pounds and removes references to metric measures. Provides that an all-terrain vehicle having four wheels may be used by law enforcement officers on public roads within public lands while in the course and scope of their duties.

Section 3. An un-numbered section that designates section 3 through 15 of this bill as the "Florida Off-Highway Vehicle Titling Act."

Section 4. An un-numbered section that provides for Legislative intent that all off-highway vehicles in the state, purchased after the effective date of this bill, or which are used on public lands must be titled.

Section 5. An un-numbered section that provides definitions for use in sections 3 through 15. The section provides the term:

- “ATV” means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.
- “Dealer” means any person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute off-highway vehicles. Such person must have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.
- “Department” means the Department of Highway Safety and Motor Vehicles.
- “Florida resident” means a person who has had a principal place of domicile in this state for a period of more than 6 consecutive months, who has registered to vote in this state, who has made a statement of domicile pursuant to section 222.17, Florida Statutes, or who has filed for homestead tax exemption on property in this state.
- “OHM” or “off-highway motorcycle” means any motor vehicle used off the roads or highways of this state which has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.
- “Off-highway vehicle” means any ATV or OHM used off the roads or highways of this state for recreational purposes, which is not registered and licensed for highway use pursuant to chapter 320, F.S.
- “Owner” means a person, other than a lien holder, having the property in or title to an off-highway vehicle, including a person entitled to the use or possession of an off-highway vehicle subject to an interest held by another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.
- “Public lands” means lands within the State of Florida which are available for public use and which are owned, operated or managed by a federal, state, county or municipal governmental entity.

Section 6. An un-numbered section that provides that the administration of the titling of off-highway vehicles is the responsibility of the DHSMV.

Section 7. An un-numbered section that authorizes DHSMV to adopt rules to administer the provisions of this act.

Section 8. An un-numbered section that provides all off-highway vehicles purchased by a resident of Florida after the effective date of this act or which are operated on public lands must be titled, and any such vehicle must have the title transferred within 30 days after the sale of the vehicle. The section provides for a \$10 fee for title transfer applications after the 30-day period. Five dollars of that fee is retained by the county tax collector.

The section further provides: the certificate of title is prima facie evidence of the ownership of the off-highway vehicle; for the cancellation of a title if the vehicle is destroyed or abandoned; and a design for the title certificate. The section provides a service charge of \$4.25 for the issuance, duplication, or transfer of any title, and a service charge of \$1.25 for each application which is handled in connection with the recordation or notation of a lien on an off-highway vehicle which is not in connection with the purchase of such vehicle. The service charge is retained by DHSMV for each handled directly by DHSMV. Otherwise, the service charge is retained by the tax collector who handles the application. The section further authorizes tax collectors to impose an additional service charge of 50 cents when a transaction occurs in a tax collector branch office.

Section 9. An un-numbered section that provides that the owner of an off-highway vehicle that is required to be titled must apply to the county tax collector for a certificate of title. The application must include the true name of the owner, the residence or business address of the owner, and a complete description of the vehicle. The application must be signed by the owner and must be accompanied by a fee of \$29.

The section provides that proof of ownership must be established by the owner when applying for a title. Such proof may be demonstrated with a bill of sale, a manufacturer's statement of origin, an affidavit of ownership for off-highway vehicles purchased before the effective date of this act, or any other document acceptable to DHSMV.

To apply for a title upon transfer of ownership of an off-highway vehicle, the new owner must surrender to DHSMV the last title document issued for that vehicle. The document must be properly executed. The section defines proper execution to include the previous owner's signature and certification that the off-highway vehicle to be transferred is debt-free or is subject to a lien. If a lien exists, the previous owner must furnish the new owner, on forms supplied by the DHSMV, the names and addresses of all lien holders and the dates of all liens, with a statement from each lien holder that the lien holder has knowledge of and consents to the transfer of title to the new owner.

The section provides that an application for an initial title or a title transfer must include payment of the applicable state sales tax or proof of payment of such tax, except for off-highway vehicles purchased or transferred before the effective date of this act.

Section 10. An un-numbered section that provides that DHSMV may issue a duplicate certificate of title upon application if DHSMV is satisfied the original certificate has been lost, destroyed, or mutilated. A fee of \$15 shall be charged for issuing a duplicate certificate. An additional fee of \$7 must be charged for expedited service in issuing a duplicate certificate of title. The DHSMV shall issue each certificate of title applied for under this subsection within 5 working days after receipt of a proper application or refund the additional \$7 fee upon written request by the applicant.

If, following the issuance of an original, duplicate, or corrected certificate of title by DHSMV, the certificate is lost in transit and is not delivered to the addressee, the owner of the off-highway vehicle or the holder of a lien may, within 180 days after the date of issuance of the title, apply to DHSMV for reissuance of the certificate of title free of charge.

The section provides DHSMV must implement a system to verify that the application is signed by a person authorized to receive a duplicate title certificate if the address shown on the application is different from the address shown for the applicant on the records of DHSMV.

Section 11. An un-numbered section that provides when any person is selling a new off-highway vehicle in this state, that person must furnish a manufacturer's statement of origin to the purchaser. The statement must: be signed and dated by an authorized representative of the manufacturer; indicate the complete name and address of the purchaser; include a complete description of the vehicle; and contain as many assignments as necessary to show title in the name of the purchaser.

The section further provides it is unlawful for an off-highway vehicle manufacturer, manufacturer's representative, or dealer to issue a manufacturer's certificate of origin describing an off-highway vehicle with the knowledge that the description is false or that the off-highway vehicle described does not exist. It is unlawful for any person to obtain or attempt to obtain a certificate of origin with the knowledge that the description is false or that the off-highway vehicle does not exist. The section provides any person who violates this subsection is guilty of a felony of the third degree.

Section 12. An un-numbered section that directs DHSMV to deposit all funds received from this bill, less administrative costs of \$2 per title transaction, into the Incidental Trust Fund of the division of Forestry, Department of Agriculture and Consumer Services.

Section 13. An un-numbered section that provides if DHSMV finds an applicant for an off-highway vehicle certificate of title gave a false statement or false or incomplete information in applying for the certificate or otherwise failed to comply with the applicable provisions pertaining to the application for a certificate, it may refuse to issue or cancel the certificate.

The section further provides that DHSMV may cancel any pending application or any certificate if it finds any title fee or sales tax pertaining to such registration has not been paid, unless the fee or tax is paid within a reasonable time after DHSMV has given notice.

Section 14. An un-numbered section that provides it is unlawful for any person to procure or attempt to procure a certificate of title or duplicate certificate of title to an off-highway vehicle, or to pass or attempt to pass a certificate of title or duplicate certificate of title to an off-highway vehicle, if such person knows or has reason to believe that the vehicle has been stolen. Any person who violates this provision is guilty of a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years, a fine not exceeding \$5,000, or, if applicable, as a habitual felony offender.

The section provides that it is unlawful for any person, knowingly and with intent to defraud, to have in his or her possession, sell, offer to sell, counterfeit, or supply a blank, forged, fictitious, counterfeit, stolen, or fraudulently or unlawfully obtained certificate of title, duplicate certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle or to conspire to do any of the foregoing. Any person who violates this provision is guilty of a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years, a fine not exceeding \$5,000, or, if applicable, as a habitual felony offender.

The section further provides that any person who violates the following unlawful acts related to off-highway vehicle certificates of title is guilty of a felony of the third degree, and such person's off-highway vehicle is subject to seizure:

- To alter or forge any certificate, or retain or use such a certificate knowing it has been altered or forged.
- To use a false name, address, or make any false statement on any application or affidavit required by this act or otherwise commit a fraud on any application.
- To knowingly obtain goods, services, credit, or money by means of an invalid, duplicate, fictitious, forged, counterfeit, stolen, or unlawfully obtained certificate of title registration, bill of sale, or other indicia of ownership.
- To knowingly obtain goods, services, credit, or money by means of a certificate of title which is required by law to be surrendered to DHSMV.

Section 15. An un-numbered section that provides that any person who fails to comply with any provision of sections 3 through 14 for which a penalty is not otherwise provided is guilty of a nonmoving traffic violation, such failure is punishable as provided in s. 318.18, F.S., by a \$30 fine.

Section 16. Amends s. 375.313, F.S., deleting fee collection responsibility of the Fish and Wildlife Conservation Commission for registration of off-road vehicles.

Section 17. Repeals s. 375.315, F.S., eliminating the registration program in the Fish and Wildlife Conservation Commission for off-road vehicles operated upon public lands under its jurisdiction.

Section 18. Provides that the act shall take effect October 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

	Amount Year 1 (FY 02-03)	Amount Year 2 (FY 03-04)	Amount Year 3 (FY 04-05)
1. <u>Revenues:</u>			
Department of Agriculture and Consumer Services: Incidental Trust Fund			
Recurring:			
Transfer from DHSMV (Fees)	<u>\$324,000</u>	<u>\$356,400</u>	<u>\$392,040</u>
2. <u>Expenditures:</u>			
Department of Agriculture and Consumer Services: Incidental Trust Fund			
Non-Recurring Costs:			
*OCO Professional Package			
1FTE @ \$1,500	\$ 1,500	\$ 0	\$ 0
OCO GPS Units/Computers/ Miscellaneous	2,000	3,000	3,000
Acquisition of Motor Vehicles 4x\$ Utility Vehicle	<u>26,000</u>	<u>0</u>	<u>0</u>
Total Non-Recurring Costs	29,500	3,000	3,000
Recurring Costs:			
Positions (located in Tallahassee)			
**1FTE – Environmental Specialist II	35,245	48,403	49,855
Other – OPS (Staff support)	12,000	12,000	12,000
Expenses – Professional Expense Package @ \$9,915	9,915	9,915	9,915
Travel (per diem, gas)	5,000	5,000	5,000
Advisory committee meetings	0	0	0
Supplies	5,000	10,000	15,000
Printers	-	50,000	50,000
Contractual services	100,000	100,000	200,000
Parts/maintenance	1,000	10,000	20,000
Utilities	<u>1,000</u>	<u>2,000</u>	<u>3,000</u>
Total Recurring Costs	<u>169,160</u>	<u>247,318</u>	<u>364,770</u>
Grand Total All Costs	<u>\$198,660</u>	<u>\$250,318</u>	<u>\$370,770</u>

*Other Costs of Operation

**Position entered at 10% above minimum with a 25% lapse for first year start-up. Second and third year salaries are annualized and given a projected 3% pay raise.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners of off-highway vehicles would pay \$29 to have off-highway vehicles titled.

D. FISCAL COMMENTS:

The Florida Off-Highway Vehicle Titling Act, through the Department of Highway Safety and Motor Vehicles, would require each new off-highway vehicle to be titled in order to help track stolen vehicles. Most of the revenue generated by the titling process will be placed in the Incidental Trust Fund of the Division of Forestry (division), Department of Agriculture and Consumer Services. The monies will be used to manage the Off-Highway Vehicle Recreation Program that will be administered by the division. This includes personnel, administrative and operating expenses, expenses related to safety, training, and ride-education, and acquisition of land for trails to be included in the Off-Highway Vehicle Recreation Program.

Revenues were calculated based on a study by the Off-Road Vehicle Industry shown below:

Certificate of Title

\$29 fee, less \$2 retained by the Department of Highway Safety and Motor Vehicles. Study estimates that 12,000 ATV/Off-highway motorcycles will be titled per year. The Department of Agriculture and Consumer Services estimates a 10% annual growth rate in vehicle titling.

12,000 x \$27	\$324,000
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The DHSMV will transfer net receipts to the Department of Agriculture and Consumer Services.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

CS/HB 1781 provides rulemaking authority to the Department of Agriculture and Consumer Services (department) for implementation of the bill provisions contained in [created] sections 261.01 through 261.10, F.S., and to the Department of Highway Safety and Motor Vehicles to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., pertaining to the implementation of off-highway vehicle titling contained in sections 3 through 15 of the bill, "Florida Off-Highway Vehicle Titling Act."

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 20, 2002, the Committee on Agriculture and Consumer Affairs adopted two amendments to HB 1781. The first amendment allows law enforcement officers to use all-terrain vehicles on public roads within public lands to enforce the provisions of this bill. The second amendment eliminates what remains of the Florida Fish and Wildlife Commission's off-highway vehicle registration program, since the bill transfers the registration program to the Department of Highway Safety and Motor Vehicles.

On March 8, 2002, the Fiscal Responsibility Council adopted twelve (12) amendments and adopted the bill as a council substitute. The following explains the major changes.

- Includes local government as a managing agency to clarify that off-highway vehicles may not be operated upon the state's public roads except as otherwise permitted by the managing local, state, or federal agency.
- Eliminates the creation of the Off-Highway Vehicle Recreation Advisory Committee.
- Directs the Department of Agriculture to review state-owned lands and issue a report recommending sites for off-highway vehicle recreational areas.
- Eliminates the creation of an optional annual registration and user fee to operate off-highway vehicles on public lands in the state.
- Deletes the appropriation to the Department of Agriculture and Consumer Services to carry out provisions of the bill.

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VII. SIGNATURES:

COMMITTEE ON AGRICULTURE & CONSUMER AFFAIRS:

Prepared by:

Staff Director:

Debbi Kaiser

Susan D. Reese

AS REVISED BY THE FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

Staff Director:

Marsha M. Belcher

David Coburn
