

By Representative Barreiro

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 findings
6 and intent; providing definitions; creating the
7 Off-Highway Vehicle Recreation Advisory
8 Committee; providing membership, duties, and
9 responsibilities; providing functions, duties,
10 and 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 a penalty; providing for the
19 use of designated off-highway vehicle funds
20 within the Incidental Trust Fund of the
21 Division of Forestry of the department;
22 amending s. 316.2074, F.S.; revising the
23 definition of the term "all-terrain vehicle";
24 prohibiting the use of all-terrain vehicles on
25 public roadways in the state; providing
26 exceptions; creating the Florida Off-Highway
27 Vehicle 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 the registration period and for reregistration
10 by 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 authority to refuse to issue and to cancel a
15 certificate of title or registration; providing
16 crimes relating to certificates of title and
17 registration decals; providing penalties;
18 providing noncriminal infractions; providing
19 penalties; amending s. 375.315, F.S., relating
20 to the registration of off-road vehicles;
21 providing an appropriation; providing an
22 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 findings and 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 and fauna.
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 particular to maintain natural resources and
19 sustained long-term use of off-highway vehicle trails and
20 areas.
21 (b) New off-highway vehicle recreational areas,
22 facilities, and opportunities be provided and managed pursuant
23 to this chapter in a manner that will sustain both long-term
24 use and the environment.
25 (4) Nothing contained within this chapter shall be
26 construed to require the construction or maintenance of
27 off-highway vehicle recreation areas, facilities, or trails on
28 public lands where such construction or maintenance would be
29 inconsistent with the property's management objectives or land
30 management plan.
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- 1 261.03 Definitions.--As used in this chapter, the
2 term:
- 3 (1) "Advisory committee" means the Off-Highway Vehicle
4 Recreation Advisory Committee created by s. 261.04.
- 5 (2) "ATV" means any motorized off-highway or
6 all-terrain vehicle 50 inches or less in width, having a dry
7 weight of 900 pounds or less, designed to travel on three or
8 more low-pressure tires, having a seat designed to be
9 straddled by the operator and handlebars for steering control,
10 and intended for use by a single operator with no passenger.
- 11 (3) "Department" means the Department of Agriculture
12 and Consumer Services.
- 13 (4) "Division" means the Division of Forestry of the
14 Department of Agriculture and Consumer Services.
- 15 (5) "OHM" or "off-highway motorcycle" means any motor
16 vehicle used off the roads or highways of this state that has
17 a seat or saddle for the use of the rider and is designed to
18 travel with not more than two wheels in contact with the
19 ground, but excludes a tractor or a moped.
- 20 (6) "Off-highway vehicle" means any ATV or OHM that is
21 used off the roads or highways of this state for recreational
22 purposes and that is not registered and licensed for highway
23 use under chapter 320.
- 24 (7) "Program" means the Off-Highway Vehicle Recreation
25 Program.
- 26 (8) "Public lands" means lands within the state that
27 are available for public use and that are owned, operated, or
28 managed by a federal, state, county, or municipal governmental
29 entity.
- 30 (9) "System" means the off-highway vehicle recreation
31 areas and trails on public lands within the state.

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 Off-Highway Vehicle Recreation Advisory
5 Committee; members; appointment.--

6 (1) The Off-Highway Vehicle Recreation Advisory
7 Committee is created within the Division of Forestry and
8 consists 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
13 Department of Environmental Protection's Office of Greenways
14 and Trails, 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 is 2 years. The members first appointed shall
24 classify themselves by lot so that the terms of four members
25 expire June 30, 2004, and the terms of five members expire
26 June 30, 2005.

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

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

1 (5) The members of the advisory committee shall serve
2 without compensation, but shall be reimbursed for travel and
3 per diem expenses as provided in s. 112.061, while in the
4 performance of their official duties.

5 261.05 Duties and responsibilities of the Off-Highway
6 Vehicle Recreation Advisory Committee.--

7 (1) The advisory committee shall establish policies to
8 guide the department regarding the Off-Highway Vehicle
9 Recreation Program and the system of off-highway vehicle
10 recreation areas and trails.

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

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

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

22 (5) The advisory committee must be fully informed
23 regarding the inventory of off-highway vehicle access and
24 opportunities.

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

30 (7) The advisory committee shall review and make
31 recommendations annually regarding the department's proposed

1 budget of expenditures from the designated off-highway vehicle
2 funds in the trust fund, which may include providing funds to
3 match grant funds available from other sources.

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

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

17 261.06 Functions, duties, and responsibilities of the
18 department.--The following are functions, duties, and
19 responsibilities of the department through the division:

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

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

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

29 (4) Implementation of the program, including the
30 ultimate approval of grant applications submitted by
31 governmental agencies or entities or nongovernmental entities.

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

4 (6) Implementation of the policies established by the
5 advisory committee.

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

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

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

12 (10) Recruitment and utilization of volunteers to
13 further the program.

14 (11) Rulemaking authority to implement the provisions
15 of ss. 261.01-261.10.

16 261.07 Publication and distribution of guidebook;
17 contents.--In consultation with the advisory committee, the
18 department shall publish a guidebook that includes the text of
19 this chapter, other laws and regulations relating to the
20 program, and maps of areas and trails of the system. The
21 guidebook may include other public areas, trails, and
22 facilities for the use of off-highway vehicles. The guidebook
23 must include information regarding the responsibilities of
24 users of the system and must set forth pertinent laws, rules,
25 and regulations including particular provisions and other
26 information intended to prevent trespass and damage to public
27 or private property. The guidebook must be prepared at minimal
28 cost to facilitate the broadest possible distribution and must
29 be available for distribution no later than October 1, 2003.

30 261.08 Repair, maintenance, and rehabilitation of
31 areas, trails, and lands.--

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

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

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

23 261.10 Criteria for recreation areas and
24 trails.--Publicly owned or operated off-highway vehicle
25 recreation areas and trails shall be designated and maintained
26 for recreational travel by off-highway vehicles. These areas
27 and trails need not be generally suitable or maintained for
28 normal travel by conventional two-wheel-drive vehicles and
29 should not be designated as recreational footpaths. State
30 off-highway vehicle recreation areas and trails must be
31 selected and managed in accordance with this chapter.

1 261.11 Penalties.--No off-highway vehicle may be
2 operated upon the public roads, streets, or highways of this
3 state, except as otherwise permitted by the managing state or
4 federal agency. A violation of this section is a noncriminal
5 traffic infraction, punishable as provided in chapter 318.

6 261.12 Designated off-highway vehicle funds within the
7 Incidental Trust Fund of the Division of Forestry of the
8 Department of Agriculture and Consumer Services.--

9 (1) The designated off-highway vehicle funds of the
10 trust fund shall consist of deposits from the following
11 sources:

12 (a) Fees paid to the Department of Highway Safety and
13 Motor Vehicles for the titling and registration of off-highway
14 vehicles.

15 (b) Revenues and income from any other sources
16 required by law or as appropriated by the Legislature to be
17 deposited into the trust fund as designated off-highway
18 vehicle funds.

19 (c) Donations from private sources that are designated
20 as off-highway vehicle funds.

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

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

29 (a) Implementation of the Off-Highway Vehicle
30 Recreation Program by the Department of Agriculture and
31 Consumer Services, which includes personnel and other related

1 expenses; administrative and operating expenses; expenses
2 related to safety, training, rider education programs,
3 management, maintenance, and rehabilitation of lands in the
4 Off-Highway Vehicle Recreation Program's system of lands and
5 trails; and, if funds are available, acquisition of lands to
6 be included in the system and the management, maintenance, and
7 rehabilitation of such lands.

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

14 (c) Matching funds to be used to match grant funds
15 available from other sources.

16 (3) Notwithstanding s. 216.301 and pursuant to s.
17 216.351, any balance of designated off-highway vehicle funds
18 in the trust fund at the end of any fiscal year shall remain
19 therein and shall be available for the purposes set out in
20 this section and as otherwise provided by law.

21 Section 2. Section 316.2074, Florida Statutes, is
22 amended to read:

23 316.2074 All-terrain vehicles.--

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

27 (2) As used in this section, the term "all-terrain
28 vehicle" means any motorized off-highway vehicle 50 inches
29 ~~(1270 mm)~~ or less in width, having a dry weight of 900 ~~600~~
30 ~~pounds(273 kg)~~ or less, designed to travel ~~traveling~~ on three
31 or more low-pressure tires, ~~designed for operator use only~~

1 ~~with no passengers, having a seat or saddle~~ designed to be
2 straddled by the operator, ~~and having~~ handlebars for steering
3 control, and intended for use by a single operator with no
4 passenger.

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

9 (4) If a crash results in the death of any person or
10 in the injury of any person which results in treatment of the
11 person by a physician, the operator of each all-terrain
12 vehicle involved in the crash shall give notice of the crash
13 pursuant to s. 316.066.

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

18 ~~(6)(5)~~ An all-terrain vehicle having four wheels may
19 be used by police officers on public beaches designated as
20 public roadways for the purpose of enforcing the traffic laws
21 of the state. All-terrain vehicles may also be used by the
22 police to travel on public roadways within 5 miles of beach
23 access only when getting to and from the beach.

24 ~~(7)(6)~~ A violation of this section is a noncriminal
25 traffic infraction, punishable as a nonmoving violation as
26 provided in chapter 318.

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

30 Section 4. Legislative intent.--It is the intent of
31 the Legislature that all off-highway vehicles purchased after

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

24 Section 5. Definitions.--As used in sections 3 through
25 20, the term:

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

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

10 (3) "Department" means the Department of Highway
11 Safety and Motor Vehicles.

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

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

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

27 (7) "Owner" means a person, other than a lienholder,
28 having the property in or title to an off-highway vehicle,
29 including a person entitled to the use or possession of an
30 off-highway vehicle subject to an interest held by another
31 person, reserved or created by agreement and securing payment

1 of performance of an obligation, but the term excludes a
2 lessee under a lease not intended as security.

3 (8) "Public lands" means lands within the state that
4 are available for public use and that are owned, operated, or
5 managed by a federal, state, county, or municipal governmental
6 entity.

7 Section 6. Administration of off-highway vehicle
8 titling and registration laws; records.--

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

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

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

20 (1) The department may adopt rules pursuant to ss.
21 120.536(1) and 120.54, Florida Statutes, which pertain to
22 off-highway vehicle titling and registration, in order to
23 implement the provisions of sections 3 through 20 conferring
24 duties upon it.

25 (2) The department shall prescribe and provide
26 suitable forms for applications and other notices and forms
27 necessary to administer the provisions of sections 3 through
28 20.

29 Section 8. Certificate of title required.--

30 (1) Any off-highway vehicle that is purchased by a
31 resident of this state after the effective date of this act or

1 that is owned by a resident and is operated on the public
2 lands of this state must be titled pursuant to sections 3
3 through 20.

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

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

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

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1 (5)(a) There shall be a service charge of \$4.25 for
2 each application that is handled in connection with the
3 issuance, duplication, or transfer of any certificate of
4 title. There shall be a service charge of \$1.25 for each
5 application that is handled in connection with the recording
6 or notation of a lien on an off-highway vehicle that is not in
7 connection with the purchase of such vehicle.

8 (b) The service charges specified in paragraph (a)
9 shall be collected by the department on any application
10 handled directly from its office. Otherwise, these service
11 charges shall be collected and retained by the tax collector
12 who handles the application.

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

19 Section 9. Application for and issuance of certificate
20 of title.--

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

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

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

15 (4) An application for an initial certificate of title
16 or a title transfer must include payment of the applicable
17 state sales tax or proof of payment of such tax, except for
18 off-highway vehicles purchased or transferred before the
19 effective date of this act.

20 (5) If the owner submits a complete application and
21 complies with all other requirements of this section, the
22 department shall issue a certificate of title that states that
23 the title is for an off-highway vehicle that is not suitable
24 for highway use. After October 1, 2003, the department shall
25 also issue a copy of the guidebook prepared by the Department
26 of Agriculture and Consumer Services pursuant to s. 261.07,
27 Florida Statutes.

28 Section 10. Duplicate certificate of title.--

29 (1) The department may issue a duplicate certificate
30 of title upon application by the person entitled to hold such
31 a certificate if the department is satisfied that the original

1 certificate has been lost, destroyed, or mutilated. A fee of
2 \$15 shall be charged for issuing a duplicate certificate.

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

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

19 (4) The department shall implement a system to verify
20 that the application is signed by a person authorized to
21 receive a duplicate certificate of title under this section if
22 the address shown on the application is different from the
23 address shown for the applicant on the records of the
24 department.

25 Section 11. Manufacturer's statement of origin to be
26 furnished.--

27 (1) Any person selling a new off-highway vehicle in
28 this state must furnish a manufacturer's statement of origin
29 to the purchaser. The statement, which must be in English or
30 accompanied by an English translation if the vehicle was
31 purchased outside the United States, must be signed and dated

1 by an authorized representative of the manufacturer, indicate
2 the complete name and address of the purchaser, include a
3 complete description of the vehicle, and contain as many
4 assignments as necessary to show title in the name of the
5 purchaser.

6 (2) It is unlawful for an off-highway vehicle
7 manufacturer, manufacturer's representative, or dealer to
8 issue a manufacturer's certificate of origin describing an
9 off-highway vehicle with the knowledge that the description is
10 false or that the off-highway vehicle described does not
11 exist. It is unlawful for any person to obtain or attempt to
12 obtain a certificate of origin with the knowledge that the
13 description is false or that the off-highway vehicle does not
14 exist. Any person who violates this subsection is guilty of a
15 felony of the third degree, punishable as provided in s.
16 775.082, s. 775.083, or s. 775.084, Florida Statutes.

17 Section 12. Registration required.--

18 (1) Off-highway vehicles operated on public lands of
19 this state, with the exception of off-highway vehicles owned
20 by non-Florida residents, off-highway vehicles in use for
21 specific agricultural purposes, or off-highway vehicles rented
22 for use on public beaches by concessionaires who are
23 franchised by the public entities controlling those beaches,
24 must be registered within 30 days after purchase.

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

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1 Section 13. Application for and issuance of
2 certificate of registration, registration number, and decal.--

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

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

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

13 (2) The department shall issue a certificate of
14 registration and a registration number upon submittal of a
15 complete application and compliance with the other
16 requirements of this section. The certificate of registration
17 shall not constitute a license.

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

23 Section 14. Registration period and reregistration by
24 mail.--

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

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

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

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

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

23 Section 16. Duplicate registration certificate or
24 decal; service fees.--

25 (1) A duplicate off-highway vehicle registration
26 certificate or decal to replace a lost or misplaced
27 certificate or decal may be obtained from the county tax
28 collector for \$10. A duplicate certificate or decal may not be
29 issued except upon written request of the registered owner or
30 a person authorized by the owner.

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

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

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

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

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

29 (2) If the department finds that an owner or dealer
30 named in an off-highway vehicle certificate of title or
31 certificate of registration has given a false statement or

1 false or incomplete information in applying for the
2 certificate or has otherwise failed to comply with the
3 applicable provisions pertaining to the application for a
4 certificate, it may cancel the certificate.

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

10 Section 19. Crimes relating to certificates of title
11 and registration decals; penalties.--

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

22 (2) It is unlawful for any person, knowingly and with
23 intent to defraud, to have in his or her possession, sell,
24 offer to sell, counterfeit, or supply a blank, forged,
25 fictitious, counterfeit, stolen, or fraudulently or unlawfully
26 obtained certificate of title, duplicate certificate of title,
27 registration, bill of sale, or other indicia of ownership of
28 an off-highway vehicle or to conspire to do any of the
29 foregoing. Any person who violates this subsection commits a
30 felony of the third degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084, Florida Statutes.

1 (3) It is unlawful to:
2 (a) Alter or forge any certificate of title to an
3 off-highway vehicle or any assignment thereof or any
4 cancellation of any lien on an off-highway vehicle.
5 (b) Retain or use such certificate, assignment, or
6 cancellation knowing that it has been altered or forged.
7 (c) Use a false or fictitious name, give a false or
8 fictitious address, or make any false statement in any
9 application or affidavit required by sections 3 through 20 or
10 in a bill of sale or sworn statement of ownership or otherwise
11 commit a fraud in any application.
12 (d) Knowingly obtain goods, services, credit, or money
13 by means of an invalid, duplicate, fictitious, forged,
14 counterfeit, stolen, or unlawfully obtained certificate of
15 title, registration, bill of sale, or other indicia of
16 ownership of an off-highway vehicle.
17 (e) Knowingly obtain goods, services, credit, or money
18 by means of a certificate of title to an off-highway vehicle
19 which certificate is required by law to be surrendered to the
20 department.
21
22 Any person who violates this subsection commits a felony of
23 the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084, Florida Statutes. A violation of this
25 subsection with respect to any off-highway vehicle makes such
26 off-highway vehicle contraband which may be seized by a law
27 enforcement agency and forfeited under ss. 932.701-932.704,
28 Florida Statutes.
29 (4) It is unlawful for any person to:
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1 (a) Make, alter, forge, counterfeit, or reproduce an
2 off-highway vehicle registration decal unless authorized by
3 the department.

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

8 (c) Barter, trade, sell, supply, agree to supply, aid
9 in supplying, or give away an off-highway vehicle registration
10 decal, or to conspire to barter, trade, sell, supply, agree to
11 supply, aid in supplying, or give away an off-highway vehicle
12 registration decal, unless authorized by the department.

13
14 Any person who violates this subsection commits a felony of
15 the third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084, Florida Statutes.

17 Section 20. Nonmoving traffic violations.--Any person
18 who fails to comply with any provision of sections 3 through
19 19 for which a penalty is not otherwise provided commits a
20 nonmoving traffic violation, punishable as provided in s.
21 318.18, Florida Statutes.

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

24 375.315 Registration of off-road vehicles.--

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

30 Section 22. There is appropriated to the Department of
31 Agriculture and Consumer Services from the designated

1 off-highway vehicle funds in the Incidental Trust Fund of the
2 Division of Forestry of the Department of Agriculture and
3 Consumer Services, for fiscal year 2002-2003, one position and
4 \$156,660 to carry out the provisions of this act.

5 Section 23. This act shall take effect October 1,
6 2002.

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LEGISLATIVE SUMMARY

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11 Creates the T. Mark Schmidt Off-Highway Vehicle Safety
12 and Recreation Act to control and manage off-highway
13 vehicles to minimize negative effects on the environment,
14 wildlife habitats, and native flora and fauna.

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14 Creates the Off-Highway Vehicle Recreation Advisory
15 Committee to establish policies and guide the Department
16 of Agriculture and Consumer Services regarding such
17 vehicles.

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17 Creates the Florida Off-Highway Vehicle Titling and
18 Registration Act to provide for titling and registration
19 of off-highway vehicles.

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See bill for details.

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