

By the Fiscal Responsibility Council and 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; providing  
7           functions, duties, and responsibilities of the  
8           Department of Agriculture and Consumer  
9           Services; providing for rulemaking authority;  
10          providing for the publication and distribution  
11          of a guidebook; providing for the repair,  
12          maintenance, and rehabilitation of areas,  
13          trails, and lands; providing for contracts and  
14          agreements; providing criteria for recreation  
15          areas and trails; providing a penalty;  
16          providing for the use of designated off-highway  
17          vehicle funds within the Incidental Trust Fund  
18          of the Division of Forestry of the department;  
19          amending s. 316.2074, F.S.; revising the  
20          definition of the term "all-terrain vehicle";  
21          prohibiting the use of all-terrain vehicles on  
22          public roadways in the state; providing  
23          exceptions; creating the Florida Off-Highway  
24          Vehicle Titling Act; providing legislative  
25          intent; providing definitions; providing for  
26          administration by the Department of Highway  
27          Safety and Motor Vehicles; providing for rules,  
28          forms, and notices; requiring certificates of  
29          title; providing for application for and  
30          issuance of certificates of title; providing  
31          for duplicate certificates of title; requiring

1 the furnishing of a manufacturer's statement of  
2 origin; providing for fees; providing for  
3 disposition of fees; providing authority to  
4 refuse to issue and to cancel a certificate of  
5 title; providing crimes relating to  
6 certificates of title; providing penalties;  
7 providing noncriminal infractions; providing  
8 penalties; amending s. 375.313, F.S.; deleting  
9 fee collection responsibility of the Fish and  
10 Wildlife Conservation Commission for  
11 registration of off-road vehicles; repealing s.  
12 375.315, F.S., relating to the registration of  
13 off-road vehicles by the commission; providing  
14 an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Chapter 261, Florida Statutes, consisting  
19 of sections 261.01, 261.02, 261.03, 261.06, 261.07, 261.08,  
20 261.09, 261.10, 261.11, and 261.12, Florida Statutes, is  
21 created to read:

22 261.01 Short title.--This chapter may be cited as the  
23 "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation  
24 Act."

25 261.02 Legislative findings and intent.--

26 (1) The Legislature finds that off-highway vehicles  
27 are becoming increasingly popular in this state and that the  
28 use of these vehicles should be controlled and managed to  
29 minimize negative effects on the environment, wildlife  
30 habitats, native wildlife, and native flora and fauna.

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

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

6       (a) Existing off-highway vehicle recreational areas,  
7 facilities, and opportunities be improved and appropriately  
8 expanded and be managed in a manner consistent with this  
9 chapter, in particular to maintain natural resources and  
10 sustained long-term use of off-highway vehicle trails and  
11 areas.

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

16       (4) Nothing contained within this chapter shall be  
17 construed to require the construction or maintenance of  
18 off-highway vehicle recreation areas, facilities, or trails on  
19 public lands where such construction or maintenance would be  
20 inconsistent with the property's management objectives or land  
21 management plan.

22       261.03 Definitions.--As used in this chapter, the  
23 term:

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

30       (2) "Department" means the Department of Agriculture  
31 and Consumer Services.

1           (3) "Division" means the Division of Forestry of the  
2 Department of Agriculture and Consumer Services.

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

8           (5) "Off-highway vehicle" means any ATV or OHM that is  
9 used off the roads or highways of this state for recreational  
10 purposes and that is not registered and licensed for highway  
11 use under chapter 320.

12           (6) "Program" means the Off-Highway Vehicle Recreation  
13 Program.

14           (7) "Public lands" means lands within the state that  
15 are available for public use and that are owned, operated, or  
16 managed by a federal, state, county, or municipal governmental  
17 entity.

18           (8) "System" means the off-highway vehicle recreation  
19 areas and trails on public lands within the state.

20           (9) "Trust fund" means the Incidental Trust Fund of  
21 the Division of Forestry of the Department of Agriculture and  
22 Consumer Services.

23           261.06 Functions, duties, and responsibilities of the  
24 department.--The following are functions, duties, and  
25 responsibilities of the department through the division:

26           (1) Coordination of the planning, development,  
27 conservation, and rehabilitation of state lands in and for the  
28 system.

29           (2) Coordination of the management, maintenance,  
30 administration, and operation of state lands in the system and  
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1 the provision of law enforcement and appropriate public safety  
2 activities.  
3 (3) Management of the trust fund.  
4 (4) Implementation of the program, including the  
5 ultimate approval of grant applications submitted by  
6 governmental agencies or entities or nongovernmental entities.  
7 (5) Coordination to help ensure compliance with  
8 environmental laws and regulations of the program and lands in  
9 the system.  
10 (6) Preparation of plans for lands in, or proposed to  
11 be included in, the system.  
12 (7) Conducting surveys and the preparation of studies  
13 as are necessary or desirable for implementing the program.  
14 (8) Recruitment and utilization of volunteers to  
15 further the program.  
16 (9) Rulemaking authority to implement the provisions  
17 of ss. 261.01-261.10.  
18 (10) In consultation with the Department of  
19 Environmental Protection and the Fish and Wildlife  
20 Conservation Commission, review of the inventory of current  
21 state-owned lands to determine the feasibility of providing  
22 public access for off-highway vehicle recreation and trails.  
23 The department shall provide a report to the Governor and the  
24 presiding officers of the Legislature by January 1, 2003. The  
25 report must include a recommendation of five locations for  
26 public access for off-highway vehicle recreational use and the  
27 applicable cost of providing each facility. The cost section  
28 of the report should fully explain the fiscal approach of  
29 renovating, maintaining, and operating each site and include a  
30 recommended fee structure to support the ongoing maintenance  
31 and operation of the program. The report should also include

1 the benefits and risks of offering each site for off-highway  
2 vehicle recreational use. This subsection shall expire July 1,  
3 2003.

4 261.07 Publication and distribution of guidebook;  
5 contents.--The department shall publish a guidebook that  
6 includes the text of this chapter, other laws and regulations  
7 relating to the program, and maps of areas and trails of the  
8 system. The guidebook may include other public areas, trails,  
9 and facilities for the use of off-highway vehicles. The  
10 guidebook must include information regarding the  
11 responsibilities of users of the system and must set forth  
12 pertinent laws, rules, and regulations, including particular  
13 provisions and other information intended to prevent trespass  
14 and damage to public or private property. The guidebook must  
15 be prepared at minimal cost to facilitate the broadest  
16 possible distribution and must be available for distribution  
17 no later than October 1, 2003.

18 261.08 Repair, maintenance, and rehabilitation of  
19 areas, trails, and lands.--

20 (1) The protection of public safety, the appropriate  
21 use of lands in the system, and the conservation of the  
22 environment, wildlife habitats, native wildlife, and native  
23 flora and fauna in the system are of the highest priority in  
24 the management of the system. Accordingly, the public land  
25 managing agency shall avoid or minimize adverse impacts to the  
26 environment, promptly repair and continuously maintain areas  
27 and trails, anticipate and prevent accelerated erosion, and  
28 rehabilitate lands to the extent damaged by off-highway  
29 vehicle use in accordance with the management plans of the  
30 public land managing agency.

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

6       261.09 Contracts and agreements.--The public land  
7 managing agency may contract with private persons or entities  
8 and enter into cooperative agreements with other public  
9 agencies for the care and maintenance of lands in the system,  
10 including contracts for law enforcement services with public  
11 agencies having law enforcement powers.

12       261.10 Criteria for recreation areas and  
13 trails.--Publicly owned or operated off-highway vehicle  
14 recreation areas and trails shall be designated and maintained  
15 for recreational travel by off-highway vehicles. These areas  
16 and trails need not be generally suitable or maintained for  
17 normal travel by conventional two-wheel-drive vehicles and  
18 should not be designated as recreational footpaths. State  
19 off-highway vehicle recreation areas and trails must be  
20 selected and managed in accordance with this chapter.

21       261.11 Penalties.--No off-highway vehicle may be  
22 operated upon the public roads, streets, or highways of this  
23 state, except as otherwise permitted by the managing local,  
24 state, or federal agency. A violation of this section is a  
25 noncriminal traffic infraction, punishable as provided in  
26 chapter 318.

27       261.12 Designated off-highway vehicle funds within the  
28 Incidental Trust Fund of the Division of Forestry of the  
29 Department of Agriculture and Consumer Services.--  
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1           (1) The designated off-highway vehicle funds of the  
2 trust fund shall consist of deposits from the following  
3 sources:

4           (a) Fees paid to the Department of Highway Safety and  
5 Motor Vehicles for the titling of off-highway vehicles.

6           (b) Revenues and income from any other sources  
7 required by law or as appropriated by the Legislature to be  
8 deposited into the trust fund as designated off-highway  
9 vehicle funds.

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

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

14          (2) Designated off-highway vehicle funds in the trust  
15 fund shall be available for recommended allocation by the  
16 Department of Agriculture and Consumer Services and upon  
17 annual appropriation by the Legislature, exclusively for the  
18 following:

19          (a) Implementation of the Off-Highway Vehicle  
20 Recreation Program by the Department of Agriculture and  
21 Consumer Services, which includes personnel and other related  
22 expenses; administrative and operating expenses; expenses  
23 related to safety, training, rider education programs,  
24 management, maintenance, and rehabilitation of lands in the  
25 Off-Highway Vehicle Recreation Program's system of lands and  
26 trails; and, if funds are available, acquisition of lands to  
27 be included in the system and the management, maintenance, and  
28 rehabilitation of such lands.

29          (b) Approved grants to governmental agencies or  
30 entities or nongovernmental entities that wish to provide or  
31 improve off-highway vehicle recreation areas or trails for



1 public use on public lands, provide environmental protection  
2 and restoration to affected natural areas in the system, or  
3 provide education in the operation of off-highway vehicles.

4 (c) Matching funds to be used to match grant funds  
5 available from other sources.

6 (3) Notwithstanding s. 216.301 and pursuant to s.  
7 216.351, any balance of designated off-highway vehicle funds  
8 in the trust fund at the end of any fiscal year shall remain  
9 therein and shall be available for the purposes set out in  
10 this section and as otherwise provided by law.

11 Section 2. Section 316.2074, Florida Statutes, is  
12 amended to read:

13 316.2074 All-terrain vehicles.--

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

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

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

30 (4) If a crash results in the death of any person or  
31 in the injury of any person which results in treatment of the

1 person by a physician, the operator of each all-terrain  
2 vehicle involved in the crash shall give notice of the crash  
3 pursuant to s. 316.066.

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

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

14 (7) An all-terrain vehicle having four wheels may be  
15 used by law enforcement officers on public roads within public  
16 lands while in the course and scope of their duties.

17 ~~(8)(6)~~ A violation of this section is a noncriminal  
18 traffic infraction, punishable as a nonmoving violation as  
19 provided in chapter 318.

20 Section 3. Short title.--Sections 3 through 15 of this  
21 act may be cited as the "Florida Off-Highway Vehicle Titling  
22 Act."

23 Section 4. Legislative intent.--It is the intent of  
24 the Legislature that all off-highway vehicles purchased after  
25 the effective date of this act and all off-highway vehicles  
26 operated on public lands be titled and issued a certificate of  
27 title to allow for easy determination of ownership.

28 Section 5. Definitions.--As used in sections 3 through  
29 15, the term:

30 (1) "ATV" means any motorized off-highway or  
31 all-terrain vehicle 50 inches or less in width, having a dry

1 weight of 900 pounds or less, designed to travel on three or  
2 more low-pressure tires, having a seat designed to be  
3 straddled by the operator and handlebars for steering control,  
4 and intended for use by a single operator and with no  
5 passenger.

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

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

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

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

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

30 (7) "Owner" means a person, other than a lienholder,  
31 having the property in or title to an off-highway vehicle,

1 including a person entitled to the use or possession of an  
2 off-highway vehicle subject to an interest held by another  
3 person, reserved or created by agreement and securing payment  
4 of performance of an obligation, but the term excludes a  
5 lessee under a lease not intended as security.

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

10 Section 6. Administration of off-highway vehicle  
11 titling laws; records.--

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

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

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

22 (1) The department may adopt rules pursuant to ss.  
23 120.536(1) and 120.54, Florida Statutes, which pertain to  
24 off-highway vehicle titling, in order to implement the  
25 provisions of sections 3 through 15 conferring duties upon it.

26 (2) The department shall prescribe and provide  
27 suitable forms for applications and other notices and forms  
28 necessary to administer the provisions of sections 3 through  
29 15.

30 Section 8. Certificate of title required.--  
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1       (1) Any off-highway vehicle that is purchased by a  
2 resident of this state after the effective date of this act or  
3 that is owned by a resident and is operated on the public  
4 lands of this state must be titled pursuant to sections 3  
5 through 15.

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

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

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

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

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

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

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

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

29 (2) The owner must establish proof of ownership by  
30 submitting with the application an executed bill of sale, a  
31 manufacturer's statement of origin, an affidavit of ownership

1 for off-highway vehicles purchased before the effective date  
2 of this act, or any other document acceptable to the  
3 department.

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

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

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

29 Section 10. Duplicate certificate of title.--

30 (1) The department may issue a duplicate certificate  
31 of title upon application by the person entitled to hold such

1 a certificate if the department is satisfied that the original  
2 certificate has been lost, destroyed, or mutilated. A fee of  
3 \$15 shall be charged for issuing a duplicate certificate.

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

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

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

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

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



1 purchased outside the United States, must be signed and dated  
2 by an authorized representative of the manufacturer, indicate  
3 the complete name and address of the purchaser, include a  
4 complete description of the vehicle, and contain as many  
5 assignments as necessary to show title in the name of the  
6 purchaser.

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

18 Section 12. Disposition of fees.--The department shall  
19 deposit all funds received under sections 3 through 15, less  
20 administrative costs of \$2 per title transaction, into the  
21 Incidental Trust Fund of the Division of Forestry of the  
22 Department of Agriculture and Consumer Services.

23 Section 13. Refusal to issue and authority to cancel a  
24 certificate of title.--

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

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

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

12       Section 14. Crimes relating to certificates of title;  
13 penalties.--

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

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

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084, Florida Statutes.  
3       (3) It is unlawful to:  
4       (a) Alter or forge any certificate of title to an  
5 off-highway vehicle or any assignment thereof or any  
6 cancellation of any lien on an off-highway vehicle.  
7       (b) Retain or use such certificate, assignment, or  
8 cancellation knowing that it has been altered or forged.  
9       (c) Use a false or fictitious name, give a false or  
10 fictitious address, or make any false statement in any  
11 application or affidavit required by sections 3 through 15 or  
12 in a bill of sale or sworn statement of ownership or otherwise  
13 commit a fraud in any application.  
14       (d) Knowingly obtain goods, services, credit, or money  
15 by means of an invalid, duplicate, fictitious, forged,  
16 counterfeit, stolen, or unlawfully obtained certificate of  
17 title, bill of sale, or other indicia of ownership of an  
18 off-highway vehicle.  
19       (e) Knowingly obtain goods, services, credit, or money  
20 by means of a certificate of title to an off-highway vehicle  
21 which certificate is required by law to be surrendered to the  
22 department.  
23  
24 Any person who violates this subsection commits a felony of  
25 the third degree, punishable as provided in s. 775.082, s.  
26 775.083, or s. 775.084, Florida Statutes. A violation of this  
27 subsection with respect to any off-highway vehicle makes such  
28 off-highway vehicle contraband which may be seized by a law  
29 enforcement agency and forfeited under ss. 932.701-932.704,  
30 Florida Statutes.  
31

1           Section 15. Nonmoving traffic violations.--Any person  
2 who fails to comply with any provision of sections 3 through  
3 14 for which a penalty is not otherwise provided commits a  
4 nonmoving traffic violation, punishable as provided in s.  
5 318.18, Florida Statutes.

6           Section 16. Section 375.313, Florida Statutes, is  
7 amended to read:

8           375.313 Commission powers and duties.--The commission  
9 shall:

10           (1) Regulate or prohibit, when necessary, the use of  
11 motor vehicles on the public lands of the state in order to  
12 prevent damage or destruction to said lands.

13           ~~(2) Collect any registration fees imposed by s.~~  
14 ~~375.315 and deposit said fees in the State Game Trust Fund.~~  
15 ~~The revenue resulting from said registration shall be expended~~  
16 ~~for the funding and administration of ss. 375.311-375.315.~~

17           (2)(3) Adopt and promulgate such reasonable rules as  
18 deemed necessary to administer the provisions of ss.  
19 375.311-375.315, except that, before any such rules are  
20 adopted, the commission shall obtain the consent and  
21 agreement, in writing, of the owner, in the case of privately  
22 owned lands, or the owner or primary custodian, in the case of  
23 publicly owned lands.

24           Section 17. Section 375.315, Florida Statutes, is  
25 repealed.

26           Section 18. This act shall take effect October 1,  
27 2002.

28  
29  
30  
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