FLORIDA

OFF-HIGHWAY VEHICLE

GUIDEBOOK

Revised: March, 2021

This guidebook was developed to inform the public of the responsibilities of safe and legal riding of OHVs on public lands, and to identify areas currently available for this sport. The Department of Agriculture and Consumer Services supports a statewide system of carefully planned and operated OHV recreation areas that will successfully meet the growth and demand for this activity. Safe and responsible riding, along with respect for private and public lands is the ultimate goal for this program.

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Acknowledgements

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1. About This Guidebook

The passage of the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act (Chapter 261, F.S.) has provided the State of Florida with a set of guidelines to follow for maintaining and providing state lands for Off-Highway Motorcycle (OHM) and All-Terrain Vehicle (ATV) users. An important aspect of Off-Highway Vehicle (OHV) use is understanding the legal requirements and responsibilities associated with this recreational activity. The guidebook contains essential information for OHV users and answers to frequently asked questions about OHV use on public lands, roads and trails. The guidebook is available online at https://www.fdacs.gov/content/download/31616/file/Florida-OHV-Guidebook.pdf with updates as they occur.

Rules and rates contained in this guidebook are subject to change. Please contact each site for current information.

2. Safe Riding Tips

An enjoyable OHV riding experience begins with safety. While some safety guidelines may be required by law, good riding means planning, safety and common sense.

- Always ride within your abilities.
- Dress to spill – wear appropriate protective gear.
- Travel in a group of two or more riders.
- One rider per machine (unless the machine is designed for two).
- Riders under 16 years old should always be supervised by an adult.
- Do not ride a machine that is too big for you.
- Always provide someone with a ride plan. This should include where and when you are riding, as well as a return time and date.
- Be in shape to take all the punishments a trail will offer. Be prepared to walk out in case of breakdown.
- Prepare for the unexpected- your emergency kit should include the items in the Trip Planning Checklist.
- Check the weather forecast before leaving.
- Do not drink alcohol and ride.
- Obey all traffic and information signs.

For additional information on safety contact:
Motorcycle Safety Foundation Dirt Bike School; telephone (877) 288-7093 http://www.dirtbikeschool.org/
ATV Safety Institutes ATV Rider Course; telephone (877) 288-7093 https://cbt.svia.org/

3. Courtesy, Ethics and the Environment

- Share the trail – give non-motorized trail users the right of way.
- Stay on designated trails – riding off the trail damages wildlife habitat and contributes to erosion.
- Keep the noise down. Remember – less sound means more ground.
- Do not litter. If you packed it in, pack it out.
- Keep out of closed areas and off private property.
- Always use TREAD Lightly and RIGHT RIDER principles.
- For additional information on TREAD Lightly, visit their website at www.treadlightly.org

TREAD Lightly
Travel and recreate with minimum impact
Respect the environment and the rights of others
Educate yourself – plan and prepare before you go
Allow for future use of the outdoors – leave it better than you found it
Discover the rewards of responsible recreation

4. Protect Your Privilege

Riding on public lands is a privilege, not a right. As such, it can be taken away if riders don't do everything they possibly can to protect it.

Responsible riders protect their privilege by:

- Staying on designated trails
- Keeping out of closed areas and off private property
- Following applicable rules, regulations and laws

PROTECT YOUR PRIVILEGE — STAY ON THE TRAIL!

5. Trip Planning Checklist

All safe and enjoyable activities start with proper planning. Always provide someone with a ride plan. This should include where and when you are riding, as well as a return time and date. Make sure you and your machine are in top operating condition. Call ahead to see whether site conditions are conducive to riding.

Using the following checklist will help ensure that that your experience is an enjoyable one:

- Title of OHV
- Protective gear – helmet, goggles, boots, gloves, body protection, long pants and shirt
- Plenty of food and water
- Extra fuel and oil
- Tool kit
- First aid kit
- Extra spark plugs
- Flashlight

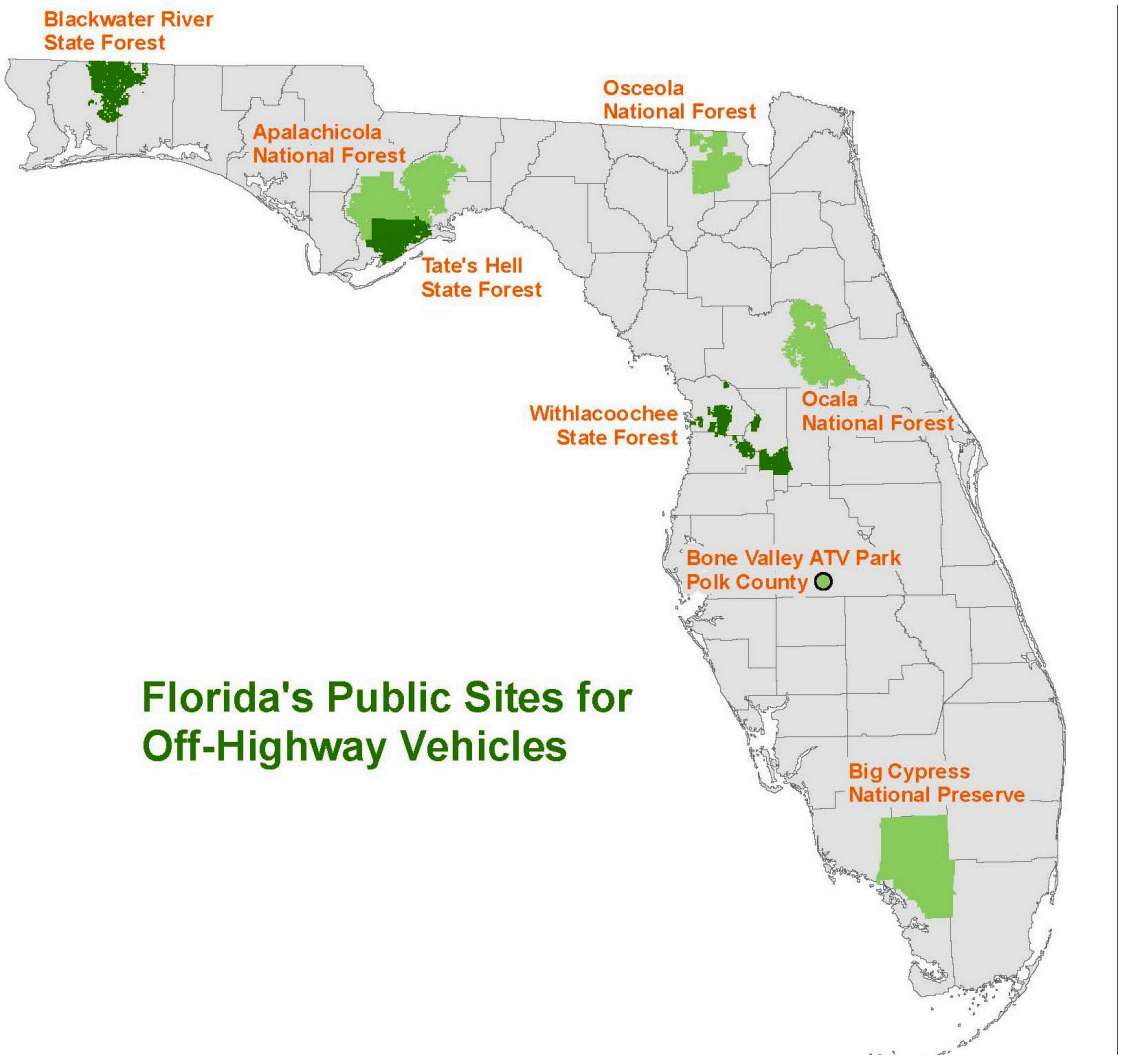
- Tow strap or rope
- Waterproof matches
- Duct tape and electrical tape
- Tire repair kit
- A good map of the area, a compass and GPS
- Cell phone or 2-way radio
- Camera

PROPER PLANNING PREVENTS POOR PERFORMANCE

6. Where To Ride On Public Lands

A title is required for all OHVs (all-terrain vehicles and off-highway motorcycles) operated on all public lands where OHVs are allowed. Visit the Florida Highway Safety and Motor Vehicles website at https://www.flhsmv.gov for information on obtaining a title. Riders are cautioned that additional laws and rules apply to the operation of OHVs.

Rules and Regulations for riding OHVs at specific sites are subject to change. Please call site prior to departure to check hours of operation, track/trail conditions, weather conditions, exclusive sponsored event or general public event.



National Park Service
Big Cypress National Preserve
https://www.nps.gov/bicy/index.htm
33100 Tamiami Trail East
Ochopee, FL 34141
Phone: (239) 695-2000

It's a 3-step process to obtain an off-road vehicle permit for use of an ATV, UTV, airboat, swamp buggy or street-legal 4x4 along designated ORV trails in Big Cypress National Preserve:

1) an operator permit (free)
2) an inspection sticker (free)
3) an annual vehicle permit (fees apply) are required.

Motorcycles and other two-wheeled motorized vehicles are not permitted in the national preserve backcountry.

The Off-Road Vehicle Permitting Office is located at the Big Cypress National Preserve Oasis Visitor Center. Contact the office at 239-695-1205 for details and hours.

RULE HIGHLIGHTS:

• An operator's permit, an inspection sticker and an annual vehicle permit are required to operate an OHV in the Preserve.
• Permits may be obtained only Friday through Monday, 8:30 a.m. to 3 p.m. Permit process will take approximately 45 minutes at the Visitor Center.
• Call the Visitor Center at (239) 695-1205 before you bring your vehicle in for inspection.
• Vehicle Indentification Number (VIN) must be located and will be recorded.

PUBLIC LAND MAY BE YOUR FUN PLACE,
BUT IT IS HOME TO WILDLIFE RESPECT THEIR NEEDS

National Forest Service
http://www.fs.fed.us

OHV use is currently allowed in some national forests. For information on riding in the national forests, please contact the appropriate office for more information.

Apalachicola National Forest
Apalachicola Ranger District
P.O.Box 579
11152 NW Hwy 20
Bristol, FL 32312
Phone: (850) 643-2282

Wakulla Ranger District
57 Taff Drive
Crawfordville, FL 32327
Phone: (850) 926-3561

Ocala National Forest
Lake George Ranger District
17147 E. Hwy 40
Silver Springs, FL 34488
Phone: (352) 625-2520

Seminole Ranger District
40929 State Road 19
Umatilla, FL 32784
Phone: (352) 669-3153

Osceola National Forest
Osceola Ranger District
P.O.Box 70
Olustee, FL 32072
Phone: (386) 752-2577

RULE HIGHLIGHTS:

- Cross-country travel is prohibited with either motorized vehicles or bicycles throughout the national forests.
- Within restricted areas, travel by motorized vehicles and bicycles will be permitted only on open numbered roads and designated trails specified for their use.
- Operating motorized vehicles, both licensed and unlicensed, 11/2 hour after sunset to 11/2 hour before sunrise is limited to designated, numbered roads only.

Florida Forest Service
https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Our-Forests

There are three designated Off-Highway Vehicle (OHV) areas on Florida state forests that offer many miles of trails to explore. For camping and additional rules unique to each riding area, please contact the riding area directly.

Blackwater River State Forest
Clear Creek OHV Riding Area
8348 Redbird Trail
Milton, FL 32570
Phone: (850) 957-5700

Tate's Hell State Forest
290 Airport Road
Carrabelle, FL 32322-3059
Phone: (850) 694-0010

Withlacoochee State Forest
Croom Motorcycle Area
15003 Broad Street
Brooksville, FL 34601-4201
Phone: (352) 797-5759

RULE HIGHLIGHTS:

- A permit is required to ride within the motorcycle area. The permit must be displayed on the front of each motorcycle and ATV.
- Titled vehicles only may be used.
- All motorcycles and ATVs will be required to have mufflers in accordance with the Florida Highway Patrol handbook.

Florida Fish and Wildlife Conservation Commission (FWC)
http://myfwc.com

The Florida Fish and Wildlife Conservation Commission currently allows OHV use on some of its properties on named and numbered roads during non-hunting periods. For information on riding in FWC areas, please contact the regional offices:

Northwest Region
3911 Hwy. 2321
Panama City, FL 32409-1658
Phone: (850) 265-3676

North Central Region
Route 7, Box 440
Lake City, FL 32055-8713
Phone: (386) 758-0525

Northeast Region
1239 S.W. 10th Street
Ocala, FL 34474-2797
Phone: (352) 732-1225

Southwest Region
3900 Drane Field Road
Lakeland, FL 33811-1299
Phone: (863) 648-3200

South Region
8535 Northlake Boulevard
West Palm Beach, FL 33412
Phone: (561) 625-5122

County

Polk County's Bone Valley ATV Park
https://www.polk-county.net/parks-and-recreation/bone-valley-atv-park
10427 CR 630 West
Mulberry, FL
Phone: (863) 428-0525

Privately Owned Sites

OHV use is available on some privately owned sites (some may require a title). The following list was provided by http://www.prosportsusa.com and may not include all private OHV riding sites. For maps please contact the site of interest.

River Ranch Property Owners Association is located in Polk County: http://www.rrpoa.net/

TrailSource website (requires subscription): ATV Riding Trails for Florida

More information on private riding areas in Florida: RiderPlanet USA Florida ATV Trails

7. Florida OHV Laws

Florida's off-highway vehicle laws and rules are intended to promote safety and protection for people, property and the environment.The following information highlights Florida's OHV laws and rules. Riders are cautioned that additional laws and rules apply to the operation of off-highway vehicles. Chapter 261, F.S. Off-Highway Vehicle Safety and Recreation Act is located in the back of the guidebook as an appendix.

Section 316.2074, F.S. All-terrain vehicles.

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

(2) As used in this section, the term "all-terrain vehicle" means any motorized off-highway vehicle 55 inches or less in width, having a dry weight of 1,500 pounds or less, designed to travel on three or more low-pressure tires, and manufactured for recreational use by one or more persons. For the purposes of this section, "all-terrain vehicle" also includes a "two-rider ATV" as defined in s. 317.0003.

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

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

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

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

(7) 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.

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

Section 810.12, F.S. Unauthorized entry on land; prima facie evidence of trespass.

(1) The unauthorized entry by any person into or upon any enclosed and posted land shall be prima facie evidence of the intention of such person to commit an act of trespass.

(2) The act of entry upon enclosed and posted land without permission of the owner of said land by any worker, servant, employee, or agent while actually engaged in the performance of his or her work or duties incident to such employment and while under the supervision or direction, or through the procurement, of any other person acting as supervisor, foreman, employer, or principal, or in any other capacity, shall be prima facie evidence of the causing, and of the procurement, of such act by the supervisor, foreman, employer, principal, or other person.

(3) The act committed by any person or persons of taking, transporting, operating, or driving, or the act of permitting or consenting to the taking or transporting of, any machine, tool, motor vehicle, or draft animal into or upon any enclosed and posted land without the permission of the owner of said land by any person who is not the owner of such machine, tool, vehicle, or animal, but with the knowledge or consent of the owner of such machine, tool, vehicle, or animal, or of the person then having the right to possession thereof, shall be prima facie evidence of the intent of such owner of such machine, tool, vehicle, or animal, or of the person then entitled to the possession thereof, to cause or procure an act of trespass.

(4) As used herein, the term "owner of said land" shall include the beneficial owner, lessee, occupant, or other person having any interest in said land under and by virtue of which that person is entitled to possession thereof, and shall also include the agents or authorized employees of such owner.
(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers and surveyors and mappers authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.
(6) The unlawful dumping by any person of any litter in violation of s. 403.413(4) is prima facie evidence of the intention of such person to commit an act of trespass. If any waste that is dumped in violation of s. 403.413(4) is discovered to contain any article, including, but not limited to, a letter, bill, publication, or other writing that displays the name of a person thereon, addressed to such person or in any other manner indicating that the article last belonged to such person, that discovery raises a mere inference that the person so identified has violated this section. If the court finds that the discovery of the location of the article is corroborated by the existence of an independent fact or circumstance which, standing alone, would constitute evidence sufficient to prove a violation of s. 403.413(4), such person is rebuttably presumed to have violated that section.

Section 375.314, F.S. Damage to public lands.
(1) Whoever damages public lands by the use of a motor vehicle is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 or by restitution.
(2) For the purpose of this section, damage shall include, but is not limited to, injury to or destruction of trees, flora, sand dunes or other environmentally sensitive land, roads, trails, drainage systems or natural water courses or sources, wildlife resources, fences or gates, or crops or cultivated land.
(3) Any person who operates a motor vehicle on lands owned by the state or its agency shall be civilly liable for the actual damage to the lands by reason of his or her wrongful act, which damages may be recovered by suit and, when collected, shall go to the state or its agency to be used to restore or replace the damaged property.

Section 806.13, F.S. Criminal mischief; penalties; penalty for minor.
(1)(a) A person commits the offense of criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.
(b)1. If the damage to such property is $200 or less, it is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
2. If the damage to such property is greater than $200 but less than $1,000, it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
3. If the damage is $1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs $1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
4. If the person has one or more previous convictions for violating this subsection, the offense under subparagraph 1. or subparagraph 2. for which the person is charged shall be reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(2) Any person who willfully and maliciously defaces, injures, or damages by any means any church, synagogue, mosque, or other place of worship, or any religious article contained therein, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the damage to the property is greater than $200.

(3) Whoever, without the consent of the owner thereof, willfully destroys or substantially damages any public telephone, or telephone cables, wires, fixtures, antennas, amplifiers, or any other apparatus, equipment, or appliances, which destruction or damage renders a public telephone inoperative or which opens the body of a public telephone, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; provided, however, that a conspicuous notice of the provisions of this subsection and the penalties provided is posted on or near the destroyed or damaged instrument and visible to the public at the time of the commission of the offense.
(4) Any person who willfully and maliciously defaces, injures, or damages by any means a sexually violent predator detention or commitment facility, as defined in part V of chapter 394, or any property contained therein, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the damage to property is greater than $200.
(5)(a) The amounts of value of damage to property owned by separate persons, if the property was damaged during one scheme or course of conduct, may be aggregated in determining the grade of the offense under this section.
(b) Any person who violates this section may, in addition to any other criminal penalty, be required to pay for the damages caused by such offense.
(6)(a) Any person who violates this section when the violation is related to the placement of graffiti shall, in addition to any other criminal penalty, be required to pay a fine of:
1. Not less than $250 for a first conviction.
2. Not less than $500 for a second conviction.
3. Not less than $1,000 for a third or subsequent conviction.
(b) Any person convicted under this section when the offense is related to the placement of graffiti shall, in addition to any other criminal penalty, be required to perform at least 40 hours of community service and, if possible, perform at least 100 hours of community service that involves the removal of graffiti.
(c) If a minor commits a delinquent act prohibited under paragraph (a), the parent or legal guardian of the minor is liable along with the minor for payment of the fine. The court may decline to order a person to pay a fine under paragraph (a) if the court finds that the person is indigent and does not have the ability to pay the fine or if the court finds that the person does not have the ability to pay the fine whether or not the person is indigent.
(7) In addition to any other penalty provided by law, if a minor is found to have committed a delinquent act under this section for placing graffiti on any public property or private property, and:
(a) The minor is eligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to revoke or withhold issuance of the minor's driver license or driving privilege for not more than 1 year.
(b) The minor's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of not more than 1 year.
(c) The minor is ineligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for not more than 1 year after the date on which he or she would otherwise have become eligible.
(8) A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection (7) may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor's family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term "community service" means cleaning graffiti from public property.

(9) Because of the difficulty of confronting the blight of graffiti, it is the intent of the Legislature that municipalities and counties not be preempted by state law from establishing ordinances that prohibit the marking of graffiti or other graffiti-related offenses. Furthermore, as related to graffiti, such municipalities and counties are not preempted by state law from establishing higher penalties than those provided by state law and mandatory penalties when state law provides discretionary penalties. Such higher and mandatory penalties include fines that do not exceed the amount specified in ss. 125.69 and 162.21, community service, restitution, and forfeiture. Upon a finding that a juvenile has violated a graffiti-related ordinance, a court acting under chapter 985 may not provide a disposition of the case which is less severe than any mandatory penalty prescribed by municipal or county ordinance for such violation.

317.0002, F.S. Legislative intent.

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

CHAPTER 261
OFF-HIGHWAY VEHICLE SAFETY AND RECREATION

261.01 Short title.
261.02 Legislative findings and intent.
261.03 Definitions.
261.04 Off-Highway Vehicle Recreation Advisory Committee; members; appointment.
261.05 Duties and responsibilities of the Off-Highway Vehicle Recreation Advisory Committee.
261.06 Functions, duties, and responsibilities of the department.
261.07 Publication and distribution of guidebook; contents.
261.08 Repair, maintenance, and rehabilitation of areas, trails, and lands.
261.09 Contracts and agreements.
261.10 Criteria for recreation areas and trails; limitation on liability.
261.11 Penalties.
261.12 Designated off-highway vehicle funds within the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services.
261.20 Operations of off-highway vehicles on public lands; restrictions; safety courses; required equipment; prohibited acts; penalties.

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

261.02 Legislative findings and intent.
(1) The Legislature finds that off-highway vehicles are becoming increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.
(2) The Legislature declares that effectively managed areas and adequate facilities for the use of off-highway vehicles are compatible with this state's overall recreation plan and the underlying goal of multiple use.
(3) It is the intent of the Legislature that:
(a) Existing off-highway vehicle recreational areas, facilities, and opportunities be improved and appropriately expanded and be managed in a manner consistent with this chapter, in particular to maintain natural resources and sustained long-term use of off-highway vehicle trails and areas.
(b) New off-highway vehicle recreational areas, facilities, and opportunities be provided and managed pursuant to this chapter in a manner that will sustain both long-term use and the environment.
(4) Nothing contained within this chapter shall be construed to require the construction or maintenance of off-highway vehicle recreation areas, facilities, or trails on public lands where such construction or maintenance would be inconsistent with the property's management objectives or land management plan.

261.03 Definitions.
As used in this chapter, the term:
(1) "Advisory committee" means the Off-Highway Vehicle Recreation Advisory Committee created by s. 261.04.
(2) "ATV" means any motorized off-highway or all-terrain vehicle 55 inches or less in width, having a dry weight of 1,500 pounds or less, designed to travel on three or more low-pressure tires, and manufactured for recreational use by one or more persons.
(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that 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.
(5) "Off-highway vehicle" means any ATV, two-rider ATV, ROV, or OHM that is used off the roads or highways of this state and that is not registered and licensed for highway use under chapter 320.
(6) "Program" means the Off-Highway Vehicle Recreation Program.
(7) "Public lands" means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity.
(8) "ROV" means any motorized recreational off-highway vehicle 80 inches or less in width, having a dry weight of 2,500 pounds or less, designed to travel on four or more nonhighway tires, and manufactured for recreational use by one or more persons. The term "ROV" does not include a golf cart as defined in sections. 316.003 and 320.01, Florida Statutes (F.S.) or a low-speed vehicle as defined in F.S. 320.01.
(9) "System" means the off-highway vehicle recreation areas and trails on public lands within the state.
(10) "Trust fund" means the Incidental Trust Fund of the Florida Forest Service.
(11) "Two-rider ATV" means any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

261.04 Off-Highway Vehicle Recreation Advisory Committee; members; appointment.
(1) Effective July 1, 2003, the Off-Highway Vehicle Recreation Advisory Committee is created within the Florida Forest Service and consists of nine members, all of whom are appointed by the Commissioner of Agriculture. The appointees shall include one representative of the Department of Agriculture and Consumer Services, one representative of the Department of Highway Safety and Motor Vehicles, one representative of the Department of Environmental Protection's Office of Greenways and Trails, one representative of the Fish and Wildlife Conservation Commission, one citizen with scientific expertise in disciplines relating to ecology, wildlife biology, or other environmental sciences, one representative of a licensed off-highway vehicle dealer, and three representatives of off-highway vehicle recreation groups. In making these appointments, the commissioner shall consider the places of residence of the members to ensure statewide representation.
(2) The term of office of each member of the advisory committee is 2 years. The members first appointed shall classify themselves by lot so that the terms of four members expire June 30, 2005, and the terms of five members expire June 30, 2006.
(3) In case of a vacancy on the advisory committee, the commissioner shall appoint a successor member for the unexpired portion of the term.
(4) The members shall elect a chair among themselves who shall serve for 1 year or until a successor is elected.
(5) The members of the advisory committee shall serve without compensation while in the performance of their official duties.

261.05 Duties and responsibilities of the Off-Highway Vehicle Recreation Advisory Committee.
(1) The advisory committee shall establish policies to guide the department regarding the Off-Highway Vehicle Recreation Program and the system of off-highway vehicle recreation areas and trails.
(2) The advisory committee shall make recommendations to the department regarding off-highway vehicle safety and training and education programs in the operation of such vehicles.
(3) The advisory committee must be informed regarding all governmental activities affecting the program.
(4) The advisory committee must be informed regarding off-highway vehicle impacts and effects on the environment, wildlife habitats, and native flora and fauna and shall make recommendations to avoid or minimize adverse environmental impacts and promote sustained long-term use.
(5) The advisory committee must be fully informed regarding the inventory of off-highway vehicle access and opportunities.

(6) The advisory committee shall meet at various times and locations throughout the state to receive public comments on the implementation of the program and shall take these public comments into consideration when making its recommendations.
(7) The advisory committee shall review and make recommendations annually regarding the department's proposed budget of expenditures from the designated off-highway vehicle funds in the trust fund, which may include providing funds to match grant funds available from other sources.
(8) The advisory committee shall make recommendations regarding all capital outlay expenditures from the trust fund proposed for inclusion in the budget and shall identify additional funding sources for management, enforcement, education, rehabilitation, and other duties of the land management agencies related to the system.
(9) The advisory committee shall review grant applications submitted by any governmental agency or entity or nongovernmental entity requesting moneys from the trust fund to create, operate, manage, or improve off-highway vehicle recreation areas or trails within the state, protect and restore affected natural areas in the system, or provide off-highway vehicle driver education. The advisory committee shall recommend to the department approval or denial of such grant applications based upon criteria established by the advisory committee.

261.06 Functions, duties, and responsibilities of the department.
The following are functions, duties, and responsibilities of the department through the Florida Forest Service:
(1) Coordination of the planning, development, conservation, and rehabilitation of state lands in and for the system.
(2) Coordination of the management, maintenance, administration, and operation of state lands in the system and the provision of law enforcement and appropriate public safety activities.
(3) Management of the trust fund and approval of the advisory committee's budget recommendations.
(4) Implementation of the program, including the ultimate approval of grant applications submitted by governmental agencies or entities or nongovernmental entities.
(5) Coordination to help ensure compliance with environmental laws and regulations of the program and lands in the system.
(6) Implementation of the policies established by the advisory committee.
(7) Provision of staff assistance to the advisory committee.
(8) Preparation of plans for lands in, or proposed to be included in, the system.
(9) Conducting surveys and the preparation of studies as are necessary or desirable for implementing the program.
(10) Recruitment and utilization of volunteers to further the program.

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

261.08 Repair, maintenance, and rehabilitation of areas, trails, and lands.
(1) The protection of public safety, the appropriate use of lands in the system, and the conservation of the environment, wildlife habitats, native wildlife, and native flora and fauna in the system are of the highest priority in the management of the system. Accordingly, the public land managing agency shall avoid or minimize adverse

impacts to the environment, promptly repair and continuously maintain areas and trails, anticipate and prevent accelerated erosion, and rehabilitate lands to the extent damaged by off-highway vehicle use in accordance with the management plans of the public land managing agency.
(2) The public land managing agency shall monitor the condition of soils and wildlife habitat in each area of the system to determine whether there is compliance with applicable environmental laws and regulations and shall take appropriate action as necessary.
(3) The public land managing agency may regulate or prohibit, when necessary, the use of off-highway vehicles on the public lands of the state in order to prevent damage or destruction to said lands.

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

261.10 Criteria for recreation areas and trails; limitation on liability.
(1) Publicly owned or operated off-highway vehicle recreation areas and trails shall be designated and maintained for recreational travel by off-highway vehicles. These areas and trails need not be generally suitable or maintained for normal travel by conventional two-wheel-drive vehicles and should not be designated as recreational footpaths. State off-highway vehicle recreation areas and trails must be selected and managed in accordance with this chapter.
(2) State agencies, water management districts, counties, and municipalities, and officers and employees thereof, which provide off-highway recreation areas and trails on publicly owned land are not liable for damage to personal property or personal injury or death to any person resulting from participation in the inherently dangerous risks of off-highway vehicle recreation. This subsection does not limit liability that would otherwise exist for an act of negligence by a state agency, water management district, county, or municipality, or officer or employee thereof, which is the proximate cause of the damage, injury, or death. Nothing in this subsection creates a duty of care or basis of liability for death, personal injury, or damage to personal property, nor shall anything in this subsection be deemed to be a waiver of sovereign immunity under any circumstances.

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

261.12 Designated off-highway vehicle funds within the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services.
(1) The designated off-highway vehicle funds of the trust fund shall consist of deposits from the following sources:
(a) Fees paid to the Department of Highway Safety and Motor Vehicles for the titling of off-highway vehicles.
(b) Revenues and income from any other sources required by law or as appropriated by the Legislature to be deposited into the trust fund as designated off-highway vehicle funds.
(c) Donations from private sources that are designated as off-highway vehicle funds.
(d) Interest earned on designated off-highway vehicle funds on deposit in the trust fund.

(2) Designated off-highway vehicle funds in the trust fund shall be available for recommended allocation by the Off-Highway Vehicle Recreation Advisory Committee and the Department of Agriculture and Consumer Services and upon annual appropriation by the Legislature, exclusively for the following:
(a) Implementation of the Off-Highway Vehicle Recreation Program by the Department of Agriculture and Consumer Services, which includes personnel and other related expenses; administrative and operating expenses; expenses related to safety, training, rider education programs, management, maintenance, and rehabilitation of lands in the Off-Highway Vehicle Recreation Program's system of lands and trails; and, if funds are available, acquisition of lands to be included in the system and the management, maintenance, and rehabilitation of such lands.
(b) Approved grants to governmental agencies or entities or nongovernmental entities that wish to provide or improve off-highway vehicle recreation areas or trails for public use on public lands, provide environmental protection and restoration to affected natural areas in the system, provide enforcement of applicable regulations related to the system and off-highway vehicle activities, or provide education in the operation of off-highway vehicles.
(c) Matching funds to be used to match grant funds available from other sources.
(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of designated off-highway vehicle funds in the trust fund at the end of any fiscal year shall remain therein and shall be available for the purposes set out in this section and as otherwise provided by law.

261.20 Operations of off-highway vehicles on public lands; restrictions; safety courses; required equipment; prohibited acts; penalties.
(1) This section applies only to the operation of off-highway vehicles on public lands.
(2) Any person operating an off-highway vehicle as permitted in this section who has not attained 16 years of age must be supervised by an adult while operating the off-highway vehicle.
(3) Effective July 1, 2008, while operating an off-highway vehicle, a person who has not attained 16 years of age must have in his or her possession a certificate evidencing the satisfactory completion of an approved off-highway vehicle safety course in this state or another jurisdiction. A nonresident who has not attained 16 years of age and who is in this state temporarily for a period not to exceed 30 days is exempt from this subsection. Nothing contained in this chapter shall prohibit an agency from requiring additional safety-education courses for all operators.
(4)(a) The department shall approve all off-highway vehicle public safety-education programs required by this chapter as a condition for operating on public lands.
(b) An off-highway vehicle must be equipped with a spark arrester that is approved by the United States Department of Agriculture Forest Service, a braking system, and a muffler, all in operating condition.
(c) On and after July 1, 2008, off-highway vehicles, when operating pursuant to this chapter, shall be equipped with a silencer or other device which limits sound emissions. Exhaust noise must not exceed 96 decibels in the A-weighting scale for vehicles manufactured after January 1, 1986, or 99 decibels in the A-weighting scale for vehicles manufactured before January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Off-highway vehicle manufacturers or their agents prior to the sale to the general public in this state of any new off-highway vehicle model manufactured after January 1, 2008, shall provide to the department revolutions-per-minute data needed to conduct the J-1287 test, where applicable.
(d) An off-highway vehicle that is operated between sunset and sunrise, or when visibility is reduced because of rain, smoke, or smog, must display a lighted headlamp and taillamp unless the use of such lights is prohibited by other laws, such as a prohibition on the use of lights when hunting at night.
(e) An off-highway vehicle that is used in certain organized and sanctioned competitive events being held on a closed course may be exempted by departmental rule from any equipment requirement in this subsection.

(5) It is a violation of this section:
(a) To carry more passengers on an off-highway vehicle than the machine is specifically designed by the manufacturer to carry.
(b) To operate an off-highway vehicle while under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor condition.
(c) For a person who has not attained 16 years of age, to operate an off-highway vehicle without wearing eye protection, over-the-ankle boots, and a safety helmet that is approved by the United States Department of Transportation or Snell Memorial Foundation.
(d) To operate an off-highway vehicle in a careless or reckless manner that endangers or causes injury or damage to another person or property.
(6) Any person who violates this section commits a noncriminal infraction and is subject to a fine of not less than $100 and may have his or her privilege to operate an off-highway vehicle on public lands revoked. However, a person who commits such acts with intent to defraud, or who commits a second or subsequent violation, is subject to a fine of not less than $500 and may have his or her privilege to operate an off-highway vehicle on public lands revoked.
(7) Public land managing agencies, through the course of their management activities, are exempt from the provisions of paragraph (5)(a).

For additional information contact:
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