

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN
AND FOR LAKE COUNTY, FLORIDA**

**RICHARD EUGENE DICKINSON,
Appellant,**

vs.

**APPELLATE CASE NO.: 2025-AP-05
LOWER CASE NO. 35-2025-TR-018417**

**STATE OF FLORIDA,
Appellee.**

Decision filed June 10, 2026

Appeal from Civil Traffic Citation
County Judge Chad Monty
Lake County

Richard Eugene Dickinson, *pro se*
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OPINION

PER CURIAM

The issue is whether the lower court erred in finding Appellant in violation of Florida Statute Section 316.2123. Finding Appellant’s “side by side” does not meet the definition of a prohibited vehicle covered by the statute cited, we reverse. The correct statute barring Appellant’s vehicle from Florida public road is Section 261.11, Florida Statutes, as the record demonstrates, the “side-by-side” falls within the category of vehicle defined by Section 317.0003(9), Florida Statutes.

Section 316.2123 defines and applies to an “ATV,” as such is defined in Section 317.0003(1), Florida Statutes. An “ATV” is “55 inches or less in width has a dry weight of 1,500 pounds or less” with three or more nonhighway tires that is manufactured for recreational purposes. *Id.* The record evidence shows that Appellant’s “side by side” exceeds the measurement requirements contained in the statute pursuant to which Appellant was cited.

Appellant’s “side by side,” instead, meets the definition of “ROV” found in section 317.003(9), Florida Statutes. The statutory definition of “ROV” is a “motorized recreational *off-highway vehicle* 80 inches or less in width which has a dry weight of 3,500 pounds or less.” §317.0003(9), Fla. Stat. (emphasis added). Section 261.11, Florida Statutes, makes the driving of off-highway vehicles on public roads, street, and highways a noncriminal traffic infraction, unless such use is permitted by local, state, or federal agencies.

To potentially save Appellant from another infraction appearance, we note that Appellant’s contention that Florida must recognize his Montana registration of the “side by side” seems to lack merit. Florida requires registration of vehicles by “every owner or person in charge of a motor vehicle that is operated or driven on the roads of this state.” §320.02(1), Fla. Stat. Appellant is “in charge” of his “side by side” as a driver. (Which the record establishes he was at the time of the citation.) Appellant has motor vehicle insurance and a Florida driver’s license, which evidence his status as a Florida resident. As a Florida resident, Appellant is required to register any motor vehicle he wishes to drive on Florida roads. §320.02(1), Fla. Stat.

We REVERSE the County Court’s imposition of the \$166.00 civil penalty, and REMAND for dismissal of the citation.

TAKAC, M., EINEMAN, T., HERNDON, L., J.J., concur.