

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 3, 1998 Revised: 04/07/98 _____

Subject: Vessels/Boats and Boating

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>McAuliffe</u>	<u>Johnson</u>	<u>TR</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>NR</u>	_____
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

CS/HB 899 modifies several sections of the statutes concerning the disposition of unclaimed motor vehicles to add undocumented vessels. The bill would authorize storage facilities and towing services to recover costs through the nonjudicial sale of unclaimed vessels. The CS adds vessels to existing statutes which regulate the removal of motor vehicles parked on private property. Towing services or storage facilities wishing to destroy or dismantle unclaimed vessels would be required to obtain a certificate of destruction from the Department of Highway Safety and Motor Vehicles.

This CS substantially amends sections 125.0103, 166.043, 327.02, 327.52, 327.73, 713.78, and 715.07 of the Florida Statutes.

II. Present Situation:

Sections 125.0103 and 166.043, F.S., authorize local governments to regulate fees that may be charged for the towing of vehicles. There is no such provision regarding vessels.

Section 327.02, F.S., provides that the definition of a “documented vessel” is any vessel which is documented by the federal government. Vessels eligible for federal documentation must weigh at least 5 net tons.

Section 327.52, F.S., provides that a vessel dealer or manufacturer must display the maximum weight capacity, maximum persons capacity, and maximum horsepower capacity of all monohull noncommercial vessels less than 20 feet in length, offered for lease, sale, or rent. This provision applies only to the original sale of the vessel. The section further prohibits the use of such a vessel exceeding the maximum capacity information.

Section 327.73, F.S., provides that it is a noncriminal infraction to operate an overloaded or overpowered vessel.

Section 328.17, F.S., provides procedures for the nonjudicial sale of certain unclaimed vessels. It authorizes the Department of Highway Safety and Motor Vehicles to certify the nonjudicial sale of unclaimed vessels, vessels held for unpaid costs of repairs, work, or storage charges, vessels held for failure to pay removal costs incurred for a marine sanitation violation, and any undocumented vessel in default of marine storage fees.

Section 713.78, F.S., provides that wreckers, upon request from a property owner or law enforcement officer to tow a vehicle, with proper notice to the vehicle owner, may place a lien on a vehicle to cover reasonable towing fees and storage charges.

Section 715.07, F.S., authorizes wreckers to tow vehicles improperly parked on private property at the request of the property owner, with certain restrictions.

III. Effect of Proposed Changes:

Sections 125.0103 and 166.043, F.S., are amended to authorize local governments to regulate fees that may be charged for the towing of vessels.

CS/HB 899 would add undocumented vessels to ss. 713.78 and 715.07, F.S., which currently regulate the towing, nonjudicial sale, and disposition of unclaimed motor vehicles. It would allow storage facilities and towing services to impose a lien on such vessels for towing, recovery, or storage services. It would also set forth procedures for notifying the vessel's owner or lienholder prior to disposition. Towing services or storage facilities wishing to destroy or dismantle unclaimed vessels would be required to obtain a certificate of destruction from the Department of Highway Safety and Motor Vehicles.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Boat owners may have a lien put upon their vessel if towed by a wrecker.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Transportation:
Technical amendment.