

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1012

SPONSOR: Natural Resources Committee and Senators Cowin and Fasano

SUBJECT: Vessels

DATE: March 18, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>NR</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>JU</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill prohibits the use of cutouts on vessels except for vessels competing in a regatta race or other authorized marine event. The Fish and Wildlife Conservation Commission is required to prescribe, by rule, a uniform ordinance for the regulation of noise resulting from vessel operation. Any county or municipality wishing to impose additional noise pollution and exhaust regulations on vessels may adopt the uniform ordinance. The commission is required to provide an annual report to the Legislature for 5 years beginning July 1, 2003.

This bill substantially amends, the following sections of the Florida Statutes: 327.65

II. Present Situation:

One definition of noise is a sound or a sound that is loud, unpleasant, unexpected, or undesired. Experts have indicated that continued exposure to noise above 85 dBA over time, will cause hearing loss. In general, the louder the noise, the less time required before hearing loss will occur. The National Institute for Occupational Safety and Health has indicated that the maximum exposure time at 85 dBA is 8 hours. At 110 dBA, the maximum exposure time is one minute and 29 seconds.¹ Each increase of 5 dB doubles the loudness you hear. A noise level above 125 dB can be painful and noise levels between 85-125 dB can cause "painless" hearing damage.

The Legislature has address the issue of noise in the statutes as it pertains to motor vehicles and vessels. Section 403.415, F.S., is known as the "Florida Motor Vehicle Noise Prevention and Control Act of 1974." In this section, the Legislature prescribed maximum sound levels for motor vehicles measured at a distance of 50 feet from the center of the lane of travel under certain prescribed test procedures.

¹ *Hearing Healthcare Update*, League for the Hard of Hearing, May 2000

Section 327.65, F.S., provides that the exhaust of every internal combustion engine used on any vessel operated on the waters of this state shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs. Subsection (2) of this section also provides that any county wishing to impose additional noise pollution and exhaust regulations on vessels may adopt by county ordinance the following restriction:

No person shall operate or give permission for the operation of any vessel on the waters of any county or on a specified portion of the waters of any county, including the Florida Intracoastal Waterway, which has adopted the provisions of this section in such a manner as to exceed the following sound levels at a distance of 50 feet from the vessel: for all vessels, a maximum sound level of 90 dBA.

Currently, the types of muffling devices in use for airboats are mufflers or straight pipes. Both appear to be equal in their effectiveness.

The muffling of noise is particularly problematic for airboats. There is a prevailing public belief that muffling devices can reduce airboat noise to acceptable level. Airboats can produce Sound Pressure Levels exceeding 120 dbA, which is roughly equivalent to the noise generated by a rock concert and approaches the human threshold of pain.² Propellers and exhaust are not the only source of noise on an airboat — other sources include engine noise and vibrations. The aircraft industry which experiences similar noise reduction challenges is currently experimenting with the use of noise cancellation devices to reduce noise levels and this technology may be useful for the airboat industry.³

III. Effect of Proposed Changes:

This bill amends s. 327.65, F.S., to provide that the use of cutouts is prohibited, except for vessels competing in a regatta race or other marine event conducted in compliance with s. 327.48, F.S., and 33 C.F.R., part 100.

The Fish and Wildlife Conservation Commission shall prescribe, by rule, a uniform ordinance for the regulation of noise resulting from vessel operation. Any county or municipality wishing to impose additional noise pollution and exhaust regulations on vessels may adopt the uniform ordinance.

A person may not operate or give permission for the operation of any vessel on the waters of any county or on a specified portion of the waters of any county, including the Florida Intracoastal Waterway, which has adopted the uniform vessel noise ordinance authorized in s. 327.65, F.S. The definitions of “dB A” and “sound level” are deleted.

² *Is a “Quiet” Airboat Possible?*, Robert Maglievaz, Environmental Specialist II, Volusia County Health Department, [Aquatics](#), Summer 2001.

³ *Id.*

The Fish and Wildlife Conservation Commission shall monitor the effectiveness of this act and provide an annual report on the same to the Legislature for 5 years beginning July, 2003.

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:

In the future, there will be a uniform ordinance that could be adopted at the local level. This will provide that the same standards would exist throughout the state regarding the noise generated by airboats.

C. Government Sector Impact:

In anticipation of adopting a rule, the Fish and Wildlife Conservation Commission will have to hold workshops and begin collecting data on propeller and engine noise to determine what the feasible and technologically viable alternatives are to reducing the noise generated by airboats. The commission would likely incur certain expenses relating to the rule hearings and public workshops but it is anticipated that the commission would use existing staff and financial resources. The Commission is required to issue an annual report to the Legislature every 5 years beginning July 1, 2003.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
