

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 968

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: Boating Safety

DATE: March 15, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	EP	Fav/CS
2.	Gizzi	Yeatman	CA	Pre-meeting
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This Committee Substitute (CS) allows boaters who can present proof of boater safety course completion and photo identification to operate a motor vessel without waiting to receive the Florida Fish and Wildlife Conservation Commission Boating Identification card in the mail. The Boater Education Certificate must include the student's first and last name, date of birth, and the date he or she passed the course examination.

This CS amends sections 327.395 and 327.54 of the Florida Statutes.

II. Present Situation:

Section 327.395, F.S., requires a person born after January 1, 1988, to have a boater safety identification card to operate a vessel powered by a motor of 10 horsepower or greater. In order to obtain a boater safety identification card the person must have completed a commission approved boater education course that meets the minimum 8-hour instruction requirement established by the National Association of State Boating Law Administrators. A person may also obtain a boater safety identification card by passing a course equivalency examination approved

by the Florida Fish and Wildlife Conservation Commission (FWC) or pass a temporary certificate examination developed or approved by FWC.

The boater safety course may be taken in person at one of FWC's state offices at no charge. An applicant may also take the course online at a cost of up to \$30. FWC lists the approved online courses on their website.¹ The United States Coast Guard also offers an FWC approved course for \$35.

FWC may appoint liveries, marinas, or other agents to administer the boater safety course as long as the entities adhere to FWC's established guidelines. These private entities offer the course for approximately \$30. However, these entities may not issue a boater safety card on the premises. These private entities must send a \$2 exam fee to FWC in addition to providing proof that the applicant successfully passed the course. FWC also allows the private entities to charge and keep an additional \$1 service fee.²

Once FWC has received documented proof that the applicant successfully completed the course then FWC will mail a boater safety identification card to the applicant. It currently takes FWC up to 10 days to mail a card to an applicant who has successfully completed the boating safety course and has provided all of the necessary identification documentation. Incomplete applications may take longer as FWC must contact the applicant and retrieve any missing information.

III. Effect of Proposed Changes:

Section 1 amends s. 327.395(6), F.S., to allow the operation of a vessel without an FWC issued Boater Identification card, for up to 90 days, for a boater who can prove boater safety course completion and provide photo identification. In order to prove boater safety course completion, the boater must be able to provide a Boater Education Certificate that includes the student's first and last name, date of birth, and the date he or she passed the course examination.

Section 2 amends s. 327.54(2), F.S., to provide an exemption to allow liveries to accept boater education certificates that contain specific data, under specified conditions outlined in s. 327.395, F.S., as proof of successfully completing the Boater Education Course.

Section 3 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹ The Florida Fish and Wildlife Conservation Commission, *Boating Safety Education*, available online at <http://myfwc.com/boating/safety-education/boating-courses/> (last visited on March 15, 2011).

² See s. 327.395(4), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The CS would allow liveries to accept the Boater Education Certificate as proof that the course was successfully completed. The Boater Education Certificate must include the boater's first and last name, date of birth, and the date that he or she passed the course.

Private entities may see an increase in business if they are allowed to accept the Boater Education Certificate as individuals may rent boats on the premises after successfully completing the boater education course.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Committee on Environmental Preservation and Conservation on March 10, 2011:

The CS provides boaters who can present proof of boater safety course completion and photo identification to begin boating without waiting to receive the FWC Boating ID card.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
