

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 241 Personal Flotation Devices

SPONSOR(S): Trumbull

TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|-----------|-----------|--|
| 1) Highway & Waterway Safety Subcommittee | 11 Y, 0 N | Whittaker | Smith |
| 2) Economic Affairs Committee | 16 Y, 0 N | Whittaker | Creamer |

SUMMARY ANALYSIS

Florida law specifically requires life jackets to be worn when operating personal watercraft¹, for children younger than six², and for certain watersports such as skiing and tubing³. Florida law also defers to U.S. Coast Guard approved life jackets, specified by type, as the authorized safety equipment on Florida waters. This bill removes language specifying the labeled “type codes” (I, II, III, IV, and V) and replaces it with the phrase “and used in accordance with the U. S. Coast Guard approval label”.

The U.S. Coast Guard is in the process of eliminating the classification of life jackets by “type” in Federal code, classifying them instead based on their buoyancy, size, and intended use to make it easier for the public to understand.

The bill has no fiscal impact on state funds.

The bill has an effective date of July 1, 2015.

¹ ss. 327.39(1), F.S.

² ss. 327.50(1)(b), F.S.

³ ss. 327.37(2)(b), F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Federal and state law requires all recreational boats to carry life jackets in sufficient quantity and correct type so that each individual on the boat has at least one wearable life jacket. Any boat 16ft and longer (except canoes and kayaks) must also carry at least one throwable life jacket.⁴

There are five official “types” of personal flotation devices approved by the Coast Guard and referenced in Florida Statute. The types are specified on the label of life jackets and are described below:

Type I – Off Shore Life Jacket

Best for all waters, open ocean, rough seas, or remote water, where rescue may be slow coming.

Type II – Near Shore Vest

For general boating activities. Good for calm, inland waters, or where there is a good chance for fast rescue.

Type III – Flotation Aid

For general boating or the specialized activity that is marked on the device such as water skiing, hunting, fishing, canoeing, kayaking and others. Good for calm, inland waters, or where there is a good chance for fast rescue.

Type IV – Throwable Devices

These are either rings or cushions designed to be thrown to someone in the water.

Type V – Special-Use Devices

Only for special uses or conditions. These devices include hybrid inflatable personal flotation devices, canoe/kayak vest, boardsailing vest, deck suits, work vests for commercial vessels, man-overboard rescue devices, and law enforcement flotation devices.

There are additional specific requirements in Florida law which mandates that life jackets are to be worn by persons participating in certain water sports and for children:

1. Section 327.37(1)(b), F.S., requires each person engaged in water skiing, parasailing, aquaplaning, or any similar activity unless such person is wearing a noninflatable type I, type II, type III, or type V personal flotation device approved by the Coast Guard.
2. Section 327.39(1), F.S. requires each person operating, riding, or being towed by a personal watercraft wear a type I, type II, type III, or type V personal flotation device approved by the Coast Guard.
3. Section 327.50(1)(b), F.S., requires children under six years of age on board a vessel less than 26 feet in length to wear a type I, type II, or type III Coast Guard approved personal flotation device.

Proposed Changes:

⁴ United States Coast Guard, http://www.uscgboating.org/safety/life_jacket_wear_wearing_your_life_jacket.aspx. (Last viewed 1/28/15)

The U.S. Coast Guard (Coast Guard) is in the process of eliminating the “type codes” specified on the label of life jackets in Federal code and classifying them instead based on their buoyancy, size and intended use. The result will be new labels that contain specific fields of information intended to improve the ability of the consumer to understand what activities a specific device is approved for and how it can be expected to perform in the water.⁵

Specifically, this bill amends subsections 327.37(1)(b), 327.39(1), and 327.50(1)(b), F.S., removing the references to the “type” codes for personal flotation devices in Florida law and inserts the phrase, “and in accordance with the U.S. Coast Guard approval label”. This modification will allow personal flotation devices that are currently labeled by “type” and those that will be labeled under the new classification system to be acceptable to meet state laws.

B. SECTION DIRECTORY:

- Section 1 Amends ss. 327.37(1)(b), F.S., removes the specified type codes and inserts the phrase “and used in accordance with the United States Coast Guard approval label.”
- Section 2 Amends ss. 327.39(1), F.S., removes the specified type codes and inserts the phrase “and used in accordance with the United States Coast Guard approval label.”
- Section 3 Amends ss. 327.50(1)(b), F.S., removes the specified type codes and inserts the phrase “approved by the United States Coast Guard and used in accordance with the United States Coast Guard approval label.”
- Section 4 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

⁵ FWC 2015 Session Legislative Proposal on Life Jackets, on file with the Highway & Waterway Safety Subcommittee.
STORAGE NAME: h0241c.EAC
DATE: 3/11/2015

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.