

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 Committee on Appropriations

BILL: CS/SB 632

INTRODUCER: Transportation Committee and Senators Montford and Powell

SUBJECT: Vessel Registration

DATE: February 21, 2018

REVISED: 02/08/18

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	<u>Wells</u>	<u>Hansen</u>	<u>AP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 632 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to accept applications for vessel registration by electronic or telephonic means, issue electronic vessel registrations in addition to paper registrations, and collect email addresses and use email for providing vessel registration renewal notices in lieu of mailing the notices. The bill also allows a vessel operator to present the electronic certificate of vessel registration on an electronic device upon inspection of the vessel. The bill provides that presentation of the electronic certificate does not constitute consent for inspection of any other information on the device, and the person who presents the device assumes liability for any damage to the device.

The DHSMV may incur additional costs for initial implementation; however, the DHSMV may experience reduced mail costs in the future.

The bill takes effect October 1, 2018.

II. Present Situation:

The term "vessel" includes every description of watercraft, barge, or airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.¹ A vessel operated, used, or stored on the waters of this state must be registered with the DHSMV as

¹ Section 327.02(46), F.S.

a commercial² or recreational³ vessel within 30 days after the purchase of the vessel, unless the vessel is:

- Operated, used, and stored exclusively on private lakes and ponds;
- Owned by the U.S. Government;
- Used exclusively as a ship's lifeboat; or
- Non-motor-powered and less than 16 feet in length or is a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.⁴

Vessel Registrations

A vessel registration must be available for inspection on the vessel for which it is issued whenever the vessel is in operation. State law requires the registration to be “pocket-sized.”⁵ It is a noncriminal infraction, punishable as a \$50 civil citation, for a person operating a vessel required to be registered to be unable to present the vessel's certificate of registration upon inspection of the vessel by law enforcement.⁶

As of October 2017, there were 853,107 active vessel registrations in Florida.⁷ The Fish and Wildlife Conservation Commission (FWC) conducted 174,947 vessel and resource inspections in 2016, but the number of inspections conducted by other law enforcement agency personnel is unknown.⁸

Federal Requirements

Federal law also requires a person who is operating a vessel that is required to be registered with the state to have a “certificate of number” (the certificate of vessel registration) for that vessel onboard the vessel.⁹ Such certificate must be approximately 2.5 by 3.5 inches.¹⁰ A person operating such vessel shall present the certificate to any federal, state, or local law enforcement officer for inspection in such a manner that it can be handed to the person upon request.¹¹

Electronic Registrations

Currently, the DHSMV is authorized to accept motor vehicle registration applications by electronic or telephonic means, as well as collect email addresses and use email in lieu of the USPS for the purpose of providing renewal notices.¹² Similarly, s. 328.80, F.S., authorizes the FWC to accept vessel registration applications by electronic or telephonic means. However,

² Section 327.02(8), F.S., defines the term “commercial vessel.”

³ Section 327.02(40), F.S., defines the term “recreational vessel.”

⁴ Sections 328.48(2) and 328.46, F.S.

⁵ Section 328.48(4), F.S.

⁶ Section 327.73(1)(b), F.S.

⁷ DHSMV, *2018 Agency Legislative Bill Analysis – SB 632 – Vessel Registration* (Dec. 5, 2017) (on file with the Senate Committee on Transportation).

⁸ FWC, *2018 Agency Legislative Bill Analysis – HB 247 – Vessel Registration* (Nov. 14, 2017) (on file with the Senate Committee on Transportation).

⁹ 33 C.F.R. s. 173.21.

¹⁰ 33 C.F.R. s. 174.25.

¹¹ 33 C.F.R. ss. 173.23 and 173.25.

¹² Section 320.95, F.S.

DHSMV is the state department responsible for accepting such applications and issuing certificates of vessel registration.

III. Effect of Proposed Changes:

Section 1 amends s. 328.80, F.S., to authorize the DHSMV to accept vessel registration applications by electronic or telephonic means, issue electronic certificates of vessel registrations in addition to paper registrations, and collect email addresses and use email in lieu of mailing vessel registration renewal notices.

Section 2 amends s. 328.48, F.S., to allow a vessel operator to present the vessel's electronic certificate of registration on an electronic device in lieu of a paper certificate when the vessel is being inspected. The bill provides that such presentation does not constitute consent for inspection of any information on the device other than the displayed certificate, and the person who presents the device assumes liability for any resulting damage to the device.

According to the FWC, Florida is the first state to propose a statutory change to allow an electronic certificate of vessel registration; therefore, it is unclear how the bill would affect vessel inspections conducted by United States Coast Guard (USCG) personnel and audits by the USCG of state compliance with federal requirements.¹³

Section 3 provides that the bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 bill does not appear to have a fiscal impact on the private sector.

¹³ FWC bill analysis, *supra* note 8.

C. Government Sector Impact:

The DHSMV may incur additional costs for initial implementation; however, the DHSMV may experience reduced mail costs in the future.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Email addresses collected by the DHSMV pursuant to the bill will not be exempt from inspection or copying under Florida's public records laws. Currently, s. 119.0712(2)(c), F.S., provides public records exemptions for email addresses collected by the DHSMV pursuant to ss. 319.40, 320.95(2), and 322.08(9), F.S.¹⁴

SB 1920 has been filed and if it becomes a law it will provide an exemption for electronic mail addresses of vessel registrants collected by the DHSMV.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 328.80 and 328.48.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on December 5, 2017:**

The CS amends:

- Section 1 of the bill, providing that DHSMV may issue an electronic certificate of vessel registration *in addition to* printing a paper registration, instead of the electronic certificate being issued *in lieu of* a paper registration;
- Section 2, providing that the person who presents the device displaying the electronic certificate of vessel registration assumes the liability for any resulting damage to the device; and
- The effective date, which is changed from July 1, 2018, to October 1, 2018.

B. Amendments:

None.

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

¹⁴ Such email addresses are collected by the DHSMV for issuing motor vehicle certificates of title, motor vehicle registration renewals, and for U.S. Veterans who provide their email address with the DHSMV for veteran outreach on federal, state, and local benefits and services available to veterans.