

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 Transportation

BILL: CS/SB 632

INTRODUCER: Transportation Committee and Senator Montford

SUBJECT: Vessel Registration

DATE: December 5, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.			ATD	
3.			AP	

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 the United States Postal Service (USPS). 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 bill may have a negative fiscal impact to the DHSMV 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” is defined to be synonymous with boat and 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 Vessels operated, used, or stored on the waters of this state must be registered with the DHSMV as a commercial or recreational² vessel within 30 days after the purchase of the vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.³

Vessel Registrations

Vessel registrations shall be pocket-sized and available for inspection on the vessel for which it is issued whenever the vessel is in operation.⁴ A person who operates a vessel that requires registration and who is unable to display the vessel's certificate of registration upon inspection of the vessel shall be cited for a noncriminal infraction, punishable as a \$50 civil citation.⁵

As of October 2017, there were 853,107 active vessel registrations in Florida.⁶ 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.⁷

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 on board the vessel.⁸ Such certificate must be approximately 2.5 by 3.5 inches.⁹ 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.¹⁰

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.¹¹ Similarly, s. 328.80, F.S., authorizes the FWC to accept vessel registration applications by electronic or telephonic means, however,

¹ Section 327.02(46), F.S.

² Section 327.02(40), F.S. defines a "recreational vessel" as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

³ Section 328.48(2), F.S.

⁴ Section 328.48(4), F.S.

⁵ Section 327.73(1), F.S.

⁶ DHSMV, *2018 Agency Legislative Bill Analysis – HB 247 (SB 632) – Vessel Registration* (Nov. 30, 2017) (on file with the Senate Committee on Transportation).

⁷ FWC, *2018 Agency Legislative Bill Analysis – HB 247 – Vessel Registration* (Nov. 14, 2017) (on file with the Senate Committee on Transportation).

⁸ 33 C.F.R. s. 173.21.

⁹ 33 C.F.R. s. 174.25.

¹⁰ 33 C.F.R. ss. 173.23 and 173.25.

¹¹ 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 of the bill authorizes 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 the USPS for the purpose of providing vessel registration renewal notices.

Section 2 provides that, upon a vessel inspection, a vessel operator may display the vessel's electronic certificate of registration on an electronic device in lieu of a paper certificate. 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 bill language allowing an electronic certificate of vessel registration; therefore, it is unclear how the bill would affect vessel inspections conducted by United States Coast Guard personnel and audits of state compliance with federal requirements.¹²

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.

¹² FWC analysis, *supra* note 7.

C. Government Sector Impact:

The bill may have a negative fiscal impact to the DHSMV 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.¹³

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.

¹³ 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.