

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 915 Vessel Safety Inspection Decals

SPONSOR(S): Henry

TIED BILLS: **IDEN./SIM. BILLS:** SB 1132

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee	12 Y, 0 N	Moore	Shugar
2) Government Accountability Committee	20 Y, 0 N	Moore	Williamson

SUMMARY ANALYSIS

The owner and operator of every vessel on Florida waters must carry, store, maintain, and use safety equipment in accordance with the United States Coast Guard (USCG) safety equipment requirements, unless exempted by the Florida Fish and Wildlife Conservation Commission (FWC). Additionally, all vessels must be equipped with serviceable lights and shapes required under navigation rules.

All vessels are required to have onboard a wearable USCG-approved personal flotation device (PFD) for each person, which is the appropriate size for the intended wearer, in serviceable condition, and within easy access. The number of PFDs required increase with the increasing length of the vessel. Other safety equipment requirements that vary depending on the length of the vessel include the number of USGC-approved fire extinguishers and visual distress signals. All vessels are also required to carry an efficient sound-producing device.

An operator of a vessel, who has demonstrated compliance with safety equipment and use requirements during a safety inspection initiated by a law enforcement officer, must be issued a safety inspection decal signifying the vessel has met such requirements at the time and location of the inspection. Thereafter, a law enforcement officer may not stop a vessel that properly displays a valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with safety equipment and use requirements, unless there is reasonable suspicion that a violation of such has occurred or is occurring. Current law does not provide for expiration of the safety inspection decal or grant FWC rulemaking authority to designate the timeframe for expiration of and design for the safety inspection decal.

The bill allows FWC to designate by rule the timeframe for expiration of, and the specific design for, the safety inspection decal. The bill also provides that the safety inspection decal may not be valid for more than five years.

The bill may have a minimal negative fiscal impact on FWC because of an increased workload associated with the rulemaking requirements of the bill and the creation of decals; however, FWC has indicated it is able to absorb the impact within existing resources. The bill does not appear to have a fiscal impact on local governments or the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The owner and operator of every vessel on Florida waters must carry, store, maintain, and use safety equipment in accordance with the United States Coast Guard (USCG) safety equipment requirements, unless exempted by the Florida Fish and Wildlife Conservation Commission (FWC).¹ Additionally, all vessels must be equipped with serviceable lights and shapes required under navigation rules.²

Safety Equipment

All vessels are required to have onboard a wearable USCG-approved personal flotation device (PFD) for each person, which is the appropriate size for the intended wearer, in serviceable condition, and within easy access.³ The number of PFDs required increases with the increasing length of the vessel. For example, a vessel that is 16 feet in length or longer must have at least one USCG-approved Type IV PFD in addition to the total number of PFDs required. In addition, a child under the age of six must wear a USCG-approved Type I, II or III PFD when onboard a vessel under 26 feet in length when underway.⁴ Other safety equipment requirements that vary depending on the length of the vessel include the number of USGC-approved fire extinguishers⁵ and visual distress signals.⁶ All vessels are also required to carry an efficient sound-producing device (e.g., bell, horn, whistle).⁷

Safety Inspection Decal

An operator of a vessel, who has demonstrated compliance with safety equipment and use requirements during a safety inspection initiated by a law enforcement officer, must be issued a safety inspection decal signifying the vessel has met such requirements at the time and location of the inspection.⁸ Thereafter, a law enforcement officer may not stop a vessel that properly displays a valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with safety equipment and use requirements, unless there is reasonable suspicion that a violation of such has occurred or is occurring.⁹ Current law does not provide for expiration of the safety inspection decal or grant FWC rulemaking authority to designate the timeframe for expiration of and design for the safety inspection decal.

Effect of Proposed Changes

The bill allows FWC to designate by rule the timeframe for expiration of, and the specific design for, the safety inspection decal. The bill provides that the safety inspection decal may not be valid for more than five years.

¹ Section 327.50(1)(a), F.S.

² Section 327.50(2), F.S.; 33 C.F.R. § 83.20.

³ 33 C.F.R. § 175.15.

⁴ 33 C.F.R. § 175.15; USCG. *Life Jackets*, [http://www.uscgboating.org/regulations/state-boating-laws-details.php?id=25&title=\[4.9\]Life%20Jackets](http://www.uscgboating.org/regulations/state-boating-laws-details.php?id=25&title=[4.9]Life%20Jackets) (last visited Jan. 8, 2018); s. 327.50(1)(b), F.S., defines the term “underway” to mean at

all times except when a vessel is anchored, moored, made fast to the shore, or aground.

⁵ 46 C.F.R. § 169.567.

⁶ 33 C.F.R. § 175.110.

⁷ 33 C.F.R. § 83.33.

⁸ Section 327.70 (2)(a), F.S.

⁹ Section 327.70 (2)(b), F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 327.70, F.S., relating to enforcement of chapters 327 and 328, F.S.

Section 2. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a minimal negative fiscal impact on FWC because of an increased workload associated with the rulemaking requirements and the creation of decals; however, FWC has indicated it is able to absorb the impact within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill allows FWC to designate by rule the timeframe for expiration of, and the specific design for, the safety inspection decal, which may not be valid for more than five years.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.