

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 915	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Vessel Safety Inspection Decals	115	Y's 2	N's
SPONSOR(S):	Henry	GOVERNOR'S ACTION:	Approved	
COMPANION BILLS:	CS/SB 1132			

SUMMARY ANALYSIS

HB 915 passed the House on March 7, 2018, as CS/SB 1132.

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 USCG-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 provides that the safety inspection decal may not be valid for less than one year or more than five years. The bill also provides that the safety inspection decals issued by FWC on or before December 31, 2018, will no longer be valid after that date.

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.

The bill was approved by the Governor on March 19, 2018, ch. 2018-27, L.O.F., and will become effective on January 1, 2019.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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 the Bill

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 less than one year or more than five years. The bill also provides that safety inspection decals issued by FWC on or before December 31, 2018, will no longer be valid after that date.

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.

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.