

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 529 Use of Vessel Registration Fees
SPONSOR(S): Mariano
TIED BILLS: **IDEN./SIM. BILLS:** SB 436

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	11 Y, 0 N	Roth	Vickers
2) Local, Federal & Veterans Affairs Subcommittee	13 Y, 0 N	Renner	Miller
3) State Affairs Committee			

SUMMARY ANALYSIS

Florida law authorizes counties to assess an optional vessel registration fee of 50 percent of the applicable state vessel registration fee. The first \$1 of every optional registration fee is deposited into the Save the Manatee Trust Fund for purposes specified by law. All other moneys received from such fee must be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities.

The bill specifies that the optional county and municipal vessel registration fee may be used for dredging, constructing, expanding or maintaining public boat ramps and other public water access facilities, including associated engineering and permitting fees.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Vessel Registration

By statute, vessels are registered and numbered uniformly throughout the state.¹ The goal is to make registration and numbering procedures for vessels similar to those of automobiles and airplanes and to provide for a vessel registration fee and certificate so as to determine the ownership of vessels which are operated, used, or stored on the waters of this state and to aid in the advancement of maritime safety.²

State Vessel Registration Fees

State vessel registration fees are based on the length of the vessel and range from a low of \$5.50 to a high of \$189.75.³ A portion of state vessel registration fees goes to the counties, with priority given to counties with more than 35,000 registered vessels.⁴ The portion of money going to the counties must be used for specific boating-related purposes.⁵ Section 328.72(1)(a), F.S., provides the following state vessel registration fees:

- Class A-1—Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length: \$5.50 for each 12-month period registered.
- Class A-2—12 feet or more and less than 16 feet in length: \$16.25 for each 12-month period registered. To county: \$2.85 for each 12-month period registered.
- Class 1—16 feet or more and less than 26 feet in length: \$28.75 for each 12-month period registered. To county: \$8.85 for each 12-month period registered.
- Class 2—26 feet or more and less than 40 feet in length: \$78.25 for each 12-month period registered. To county: \$32.85 for each 12-month period registered.
- Class 3—40 feet or more and less than 65 feet in length: \$127.75 for each 12-month period registered. To county: \$56.85 for each 12-month period registered.
- Class 4—65 feet or more and less than 110 feet in length: \$152.75 for each 12-month period registered. To county: \$68.85 for each 12-month period registered.
- Class 5—110 feet or more in length: \$189.75 for each 12-month period registered. To county: \$86.85 for each 12-month period registered.
- Dealer registration certificate: \$25.50 for each 12-month period registered.

Local Vessel Registration Fees

In addition to the state vessel registration fees above, each county may opt to impose an annual registration fee on vessels registered, operated, used, or stored on the waters of Florida within the county's jurisdiction. The fee must be 50 percent of the applicable state registration fee.^{6,7} The first \$1 of every optional registration fee is deposited in the Save the Manatee Trust Fund⁸ to be used only for specific purposes found in statute.^{9,10} All other moneys received from such fee must be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related

¹ Ch. 328, part II, F.S.

² Section 328.65, F.S.

³ Section 328.72(1)(a), F.S.

⁴ Section 328.72(15), F.S.

⁵ *Id.* The dredging of channels is prohibited as a use for the money by the counties.

⁶ Section 328.66(1), F.S.

⁷ Section 328.72(18), F.S., provides for reduced registration fees for vessels equipped with an emergency position-indicating radio beacon. The optional county and municipality vessel registration fees are based upon the registration fees for vessels without an emergency position-indicating radio beacon.

⁸ The Save the Manatee Trust Fund is created within the Fish and Wildlife Conservation Commission.

⁹ Section 379.2431(4), F.S., provides for annual funding of programs for marine mammals.

¹⁰ Section 328.66(1), F.S.

activities of such county or municipality.¹¹ Any county which imposes an annual registration fee may establish, by interlocal agreement with one or more of the municipalities located in the county, a distribution formula for dividing the proceeds of the fee or for use of the funds for boating-related projects located within the county or the municipality or municipalities.¹²

Currently, 15 counties have elected to impose the local vessel registration fee. The following chart¹³ summarizes the associated revenue by county for Fiscal Years (FY) 2014-2018.

County	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	Grand Total
Broward	\$646,377	\$661,252	\$647,331	\$666,747	\$2,621,709
Charlotte	\$290,149	\$277,469	\$282,224	275,992	\$1,125,837
Collier	\$316,518	\$299,851	\$307,364	\$296,035	\$1,219,768
Hillsborough	\$474,200	\$458,475	\$463,849	\$456,017	\$1,852,543
Lee	\$670,734	\$644,349	\$637,290	\$596,483	\$2,548,858
Manatee	\$228,000	\$224,801	\$238,995	\$241,824	\$933,622
Martin	\$274,405	\$265,108	\$266,783	262,120	\$1,068,417
Miami-Dade	\$1,079,990	\$1,074,695	\$1,072,980	1,070,178	\$4,297,844
Monroe	\$425,664	\$429,461	\$426,726	\$386,365	\$1,668,217
Palm Beach	\$552,207	\$519,426	\$505,409	\$488,801	\$2,065,844
Pinellas	\$618,028	\$592,602	\$619,023	\$599,254	\$2,428,909
Polk	\$308,231	\$305,645	\$308,556	\$303,986	\$1,226,419
Santa Rosa		\$326			\$326
Sarasota	\$298,934	\$290,950	\$294,975	\$291,726	\$1,176,586
Volusia	\$291,980	\$288,299	\$295,899	\$285,635	\$1,161,814
Grand Total	\$6,475,425	\$6,332,715	\$6,367,410	\$6,221,169	\$25,396,720

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Dredging means excavation in wetlands or other surface waters or excavation in uplands that creates wetlands or other surface waters. Filling means deposition of any material (such as sand, dock pilings or seawalls) in wetlands or other surface waters.¹⁴

Any activity on or over wetlands and other surface waters (dredging and filling) is regulated by the Department of Environmental Protection (DEP) and the five water management districts through the Environmental Resources Permitting (ERP) program. Dredging and filling is also regulated by the federal government under a separate program administered by the U.S. Army Corps of Engineers. The process is initiated by submitting a joint (interagency) application to DEP or to one of the above water management districts. The appropriate agency is determined by a division of responsibilities specified in Operating Agreements between the agencies. Upon receipt of the application by DEP or water management district, a copy is also forwarded to the Corps to initiate the federal permitting process.¹⁵

Effect of the Bill

The bill amends s. 328.66(1), F.S., specifying that a county or municipality may use its optional vessel registration fee for boating activities including channel and other navigational dredging, the construction, expansion, or maintenance of public boat ramps and other public water access facilities, and associated engineering and permitting costs.

¹¹ *Id.*

¹² Section 328.66(2), F.S.

¹³ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 529, (January 4, 2019), on file with the Transportation & Infrastructure Subcommittee.

¹⁴ Department of Environmental Protection, *ERP Dredging and Filing*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-dredging-and-filing> (last visited February 5, 2019).

¹⁵ *Id.*

The bill does not alter existing regulatory or permitting requirements.

B. SECTION DIRECTORY:

Section 1: Amends s. 328.66, F.S., relating to county and municipality optional vessel registration fee.

Section 2: Provides an effective date of July 1, 2019.

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.

D. FISCAL COMMENTS:

The bill does not have a fiscal impact on local governments; however, the bill does specify additional eligible uses for the existing optional vessel registration fee imposed by counties.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES