

**STORAGE NAME:** h0589.ca

**DATE:** March 7, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
ANALYSIS**

**BILL #:** House Bill 589

**RELATING TO:** Vessel Registration

**SPONSOR(S):** Representative K. Smith

**COMPANION BILL(S):** SB 1312 (i)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS
  - (2) TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

The bill's provisions resulted from the State Government Function/Activity Review Interim Project. As part of the Project, statutory provisions relating to the Department of Highway Safety and Motor Vehicles (DHS&MV) were reviewed to determine their consistency with the agency's mission.

Vessel registration and safety are administered by both the Department of Environmental Protection (DEP) and DHS&MV. DEP is responsible for vessel safety and DHS&MV is responsible for vessel registration.

The bill transfers vessel registration statutes from chapter 327 to chapter 328, F.S. (vessel titles). This would place DHS&MV's vessel registration and titling responsibilities into the same chapter of the Florida Statutes.

Chapter 327, F.S., would continue to be related to vessel safety and be administered by DEP.

Reorganizing the statutes will serve to align the statutes according to the missions and responsibilities of DEP and DHS&MV.

Because the proposed changes are technical in nature, the bill has no substantive or fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

On November 17, 1997, the Speaker of the Florida House of Representatives directed House committees to perform several activities relating to the State Agency Function/Activity Review and Prioritization Project. Statutory provisions relating to the DHS&MV's operations were reviewed to determine their consistency with the agency's mission. As part of the Project, staff was instructed to identify statutes that are obsolete or in need of technical revision.

Chapter 327, F.S., is administered by DEP and DHS&MV. DHS&MV is responsible for vessel registration and DEP is responsible for vessel safety.

Chapter 328, F.S., relates to vessel titles and is administered by DHS&MV.

In January 1998, the Committee on Transportation issued a report in response to the Speaker's directive. PCB TR 99-03 (HB 589) was prepared as part of the Project and is intended to place DHS&MV's vessel registration and titling responsibilities into the same chapter of law.

B. EFFECT OF PROPOSED CHANGES:

The bill transfers vessel registration statutes from chapter 327 to chapter 328, F.S. This would place DHS&MV's vessel registration and titling responsibilities into the same chapter of the Florida Statutes. Chapter 327, F.S., would continue to be related to vessel safety and be administered by DEP.

Reorganizing the statutes will serve to align the statutes according to the missions and responsibilities of the DEP and DHS&MV.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

Chapters 327 and 328, and sections 212.06, 282.1095, 320.04, 370.06, 370.0603, 370.12, 409.2598, Florida Statutes.

**E. SECTION-BY-SECTION ANALYSIS:**

.Section 1: Designates a part I and part II for chapter 328, F.S.

Sections 2 - 5: Conforming cross references.

Sections 6 - 28: Transfers and renumbers vessel registration statutes from chapter 327 to 328, F.S. Where appropriate, conforming cross references are made due to the renumbering.

Sections 29 - 31: Conforming cross references.

Section 32: Transfers and renumbers s. 327.90, F.S., to s. 328.80, F.S.

Sections 33 - 36: Conforming cross references.

Section 37: Provides an effective date upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

**STORAGE NAME:** h0589.ca

**DATE:** March 7, 1999

**PAGE 6**

A. **APPLICABILITY OF THE MANDATES PROVISION:**

The bill will require counties to expend funds to implement the ad valorem tax exemption, but it does not require municipalities to spend funds or take action requiring the expenditure of funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

The bill does not reduce the authority that local governments have to raise revenues in the aggregate.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

The bill does not reduce the percentage of state tax shared with local governments.

V. **COMMENTS:**

This bill was a proposed committee bill from the House Transportation Committee. The analysis was prepared in consultation with that committee.

VI. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

None.

VII. **SIGNATURES:**

**COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

Staff Director:

\_\_\_\_\_  
Lisa C. Cervenka

\_\_\_\_\_  
Joan Highsmith-Smith