

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation and Conservation Committee

BILL: SB 1988

INTRODUCER: Senator Crist

SUBJECT: Vessels

DATE: March 9, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Saleh	Kiger	EP	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill prohibits the operation of sound-making devices in vessels in which the sound produced is audible at a certain distance or louder than necessary for convenient hearing by persons inside the vessel in certain areas. The bill provides certain exemptions related to vessel and waterway safety. The bill provides an effective date of October 1, 2007

The bill creates s. 327.651, F.S., and amends s. 327.73, F.S.

II. Present Situation:

Pursuant to s. 327.65(2)a, F.S., any county wishing to impose additional noise pollution and exhaust regulations on vessels may, pursuant to s. 327.60, F.S., adopt, among others, the following regulation: No person shall operate or give permission for the operation of any vessel on the waters of any county, including the Florida Intra-coastal Waterway, in such a manner as to exceed the maximum sound levels of 90dB A (decibels) at a distance of 50 feet from the vessel for all vessels.

Section 327.65(1), F.S. reads: The exhaust of every internal combustion engine used on any vessel operated on the waters of Florida shall be effectively muffled by equipment to reduce the noise of the exhaust in a reasonable manner.

With regard to noise pollution aboard vessels, Florida Statutes note regulations only in terms of engine noise, and not any other sound producing devices such as radios, horns and sirens.

III. Effect of Proposed Changes:

The bill creates s. 327.651, F.S. which prohibits any person operating or occupying a vessel on the waters of Florida from operating or amplifying the sound produced by a radio, compact disc or tape player, electronic device, or other mechanical sound-making device or instrument from within the vessel that is louder than necessary for the convenient hearing by persons inside the vessel in areas adjoining churches, schools, or hospitals, or within 100 feet of the shoreline. The sound may not be "plainly audible" at a distance of 100 feet or more from the vessel.

The bill provides an exemption for vessels operated commercially, used in shows, events, exhibitions, or tournaments. The newly created s. 327.651, F.S. does not apply to regattas parades, or other marine events conducted under s. 327.48, F.S. or permitted under 33 C.F.R. part 100.

The bill also provides an exemption for any law enforcement or emergency vessel equipped with any sound-making device necessary in the performance of law enforcement duties or emergency procedures.

An additional exemption is provided for sound signals indicating maneuvering or warnings in compliance with the navigation rules.

Any person cited for a violation of the bill's provision shall be charged with a non-criminal infraction, along with civil penalty of \$50. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall be charged with failing to respond to such citation and, upon conviction, be guilty of a second degree misdemeanor, punishable by a definite term of imprisonment not exceeding 60 days and a fine of \$500, as provided in s. 775.082, F.S. or 775.083, F.S.

This act shall take effect on October 1, 2007

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Private Sector Impact:**

The civil penalty for violation of this bill's provision is \$50. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall be charged with failing to respond to such citation and, upon conviction, be guilty of a second degree misdemeanor, punishable by a definite term of imprisonment not exceeding 60 days and a fine of \$500, as provided in s. 775.082, F.S. or 775.083, F.S.

B. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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