

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Col. Curtis Brown, Director Division of Law Enforcement
Date: July 10, 2017
Subject: Consent Agenda Item - Temporary Certificate Rule Change

Purpose:

Staff will request approval to publish a notice of change to the previously advertised language which amended Rule 68D-36.108 F.A.C. to allow for an online version of the Florida Boater Education Temporary Certificate Examination. This notice of change is to address concerns expressed by the Joint Administrative Procedures Committee (JAPC).

Summary:

There has been support for an online version of the Florida Boater Education Temporary Certificate examination for several years. Supporters include the boating education industry, contract vendors as well as FWC staff. With today's computer technology, staff propose to modernize the process and have private vendors offer an online version of the temporary certificate examination. This option will make taking the temporary certificate examination more convenient and accessible for both liveries and customers alike. Current contract vendors are issuing approximately 200,000 paper temporary certificate tests each year, and vendors using the online test option would allow for the eventual phasing out of the written test, resulting in cost reduction to the agency and more efficient service to the public. Stakeholders most affected by this change are livery business owners and online boater education providers, both of which have expressed their support for this rule change.

The JAPC reviewed the proposed amendments and requested some changes. Staff proposes two substantive changes, which would be published in a Notice of Change, if authorized:

1. Remove the insurance requirement created in the rule (requiring all persons administering the Temporary Certificate Examination by paper test to have insurance) for which there is no statutory authorization. Liveries administering the temporary certificate examination who also lease, hire, or rent any personal watercraft or who offer to do so will still be required to have insurance that complies with the requirements of subsection 327.54, F.S.
2. Remove language that implies that only "companies" may administer the Temporary Certificate Examination. Subsection 327.395(4), F.S., provides that the Commission may appoint "liveries, marinas, or other persons" to administer the Examination as its agents. Use of the word companies would suggest the exclusion of persons other than liveries and marinas, so this term is being removed in keeping with the statutory language.

Staff Recommendation:

Approve staff request to publish the Notice of Change then file the final rule for adoption unless an additional hearing is requested on the changes.

Staff Contact and/or Presenter:

Major Robert Rowe, Boating and Waterways Section Leader, Division of Law Enforcement