

By Senator Kurth

14-943-98

See HB

1 A bill to be entitled
2 An act relating to boating safety; amending s.
3 327.02, F.S.; redefining "personal watercraft";
4 amending s. 327.25, F.S.; classifying all
5 personal watercraft as class A-2 vessels;
6 amending s. 327.28, F.S.; providing for
7 distribution and use of registration fees
8 therefor; amending s. 327.39, F.S.; revising
9 requirements for operation of a personal
10 watercraft relating to authorized flotation
11 devices, times of operation, maneuvers
12 constituting reckless operation, and minimum
13 age for operation; prohibiting lease, hiring,
14 or rental to certain persons; requiring all
15 vessel operators to have certain photographic
16 identification; providing a penalty; providing
17 a grandfather clause; amending s. 327.395,
18 F.S.; conforming provisions relating to boating
19 safety identification cards; amending s.
20 327.54, F.S.; revising requirements for lease,
21 hiring, or rental of vessels by liveries
22 relating to prerenal or preride instruction,
23 minimum age for rental, and safety information
24 and instruction; removing liveries' immunity
25 from liability for certain accidents or
26 injuries; requiring certain insurance coverage;
27 providing a penalty; reenacting s. 327.73(1)(p)
28 and (s), F.S., relating to a penalty for
29 violation of vessel laws, to incorporate the
30 amendments to ss. 327.39 and 327.395, F.S., in
31 references; providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Subsection (27) of section 327.02, Florida
4 Statutes, is amended to read:

5 327.02 Definitions of terms used in this chapter and
6 in chapter 328.--As used in this chapter and in chapter 328,
7 unless the context clearly requires a different meaning, the
8 term:

9 (27) "Personal watercraft" means a ~~small class A-1 or~~
10 ~~A-2~~ vessel less than 16 feet in length which uses an outboard
11 motor, or an inboard motor powering a water jet pump, as its
12 primary source of motive power and which is designed to be
13 operated by a person sitting, standing, or kneeling on, ~~or~~
14 ~~being towed behind~~ the vessel, rather than in the conventional
15 manner of sitting or standing inside the vessel.

16 Section 2. Subsection (1) of section 327.25, Florida
17 Statutes, is amended to read:

18 327.25 Classification; registration; fees and charges;
19 surcharge; disposition of fees; fines; marine turtle
20 stickers.--

21 (1) VESSEL REGISTRATION FEE.--Vessels that are
22 required to be registered shall be classified for registration
23 purposes according to the following schedule, and the
24 registration certificate fee shall be in the following
25 amounts:

26 Class A-1--Less than 12 feet in length, and all canoes
27 to which propulsion motors have been attached, regardless of
28 length.....\$3.50

29 Class A-2--12 feet or more and less than 16 feet in
30 length, and all personal watercraft, regardless of length
3110.50

1 (To county).....2.85
2 Class 1--16 feet or more and less than 26 feet in
3 length.....18.50
4 (To county).....8.85
5 Class 2--26 feet or more and less than 40 feet in
6 length.....50.50
7 (To county).....32.85
8 Class 3--40 feet or more and less than 65 feet in
9 length.....82.50
10 (To county).....56.85
11 Class 4--65 feet or more and less than 110 feet in
12 length.....98.50
13 (To county).....68.85
14 Class 5--110 feet or more in length.....122.50
15 (To county).....86.85
16 Dealer registration certificate16.50
17 Section 3. Paragraph (f) is added to subsection (1) of
18 section 327.28, Florida Statutes, to read:
19 327.28 Marine Resources Conservation Trust Fund;
20 vessel registration funds; appropriation and distribution.--
21 (1) Except as otherwise specified and less any
22 administrative costs, all funds collected from the
23 registration of vessels through the Department of Highway
24 Safety and Motor Vehicles and the tax collectors of the state
25 shall be deposited in the Marine Resources Conservation Trust
26 Fund for recreational channel marking; public launching
27 facilities; law enforcement and quality control programs;
28 aquatic weed control; manatee protection, recovery, rescue,
29 rehabilitation, and release; and marine mammal protection and
30 recovery. The funds collected pursuant to s. 327.25(1) shall
31 be transferred as follows:

1 (f) Notwithstanding any other provision of this
2 subsection, fees from the registration of personal watercraft
3 shall not be transferred from the Marine Resources
4 Conservation Trust Fund and may only be appropriated to the
5 department for enforcement of boating laws, rules, and
6 ordinances and for boating safety education and training.

7 Section 4. Section 327.39, Florida Statutes, is
8 amended to read:

9 327.39 Personal watercraft regulated.--

10 (1) A person may not operate a personal watercraft
11 unless each person riding on or being towed behind such vessel
12 is wearing a type I, type II, type III, or type V personal
13 flotation device, other than an inflatable device, approved by
14 the United States Coast Guard.

15 (2) A person operating a personal watercraft equipped
16 by the manufacturer with a lanyard type engine cutoff switch
17 must attach such lanyard to his or her person, clothing, or
18 personal flotation device as is appropriate for the specific
19 vessel.

20 (3) A person may not operate a personal watercraft at
21 any time between sunset and ~~the hours from one-half hour after~~
22 ~~sunset to one-half hour before~~ sunrise. However, an agent or
23 employee of a fire or emergency rescue service is exempt from
24 this subsection while performing his or her official duties.

25 (4) A personal watercraft must at all times be
26 operated in a reasonable and prudent manner. Maneuvers which
27 unreasonably or unnecessarily endanger life, limb, or
28 property, ~~including, but not limited to, weaving through~~
29 ~~congested vessel traffic, jumping the wake of another vessel~~
30 ~~unreasonably or unnecessarily close to such other vessel or~~
31 ~~when visibility around such other vessel is obstructed, and~~

1 ~~swerving at the last possible moment to avoid collision~~ shall
2 constitute reckless operation of a vessel, as provided in s.
3 327.33(1). These maneuvers include, but are not limited to,
4 the following:

5 (a) Weaving through congested vessel traffic.
6 (b) Jumping the wake of another vessel unreasonably or
7 unnecessarily close to such other vessel or when visibility
8 around such other vessel is obstructed.

9 (c) Becoming airborne or completely leaving the water
10 while crossing the wake of another vessel within 100 feet of
11 the vessel creating the wake.

12 (d) Operating at greater than slow/no wake speed
13 within 100 feet of an anchored or moored vessel, shoreline,
14 dock, swim float, marked swim area including swimmers, or
15 pier.

16 (e) Operating contrary to navigation rules.
17 (f) Following too close to another vessel, including
18 another personal watercraft. For the purpose of this
19 paragraph, "following too close" shall be construed as
20 proceeding in the same direction and operating at a speed in
21 excess of 10 mph within 100 feet to the rear or 50 feet to the
22 side of another vessel that is underway, unless the vessels
23 are operating in a narrow channel, in which case personal
24 watercraft may operate at the speed and flow of other vessel
25 traffic.

26 (g) Swerving at the last possible moment to avoid
27 collision.

28 (5)(a) No person under the age of 16 ~~14~~ shall operate
29 any ~~a~~ personal watercraft on the waters of this state.

30 (b) No person under the age of 18 shall operate any
31 leased, hired, or rented personal watercraft on the waters of

1 this state; however, a person 16 or 17 years of age may
2 operate a leased, hired, or rented personal watercraft if
3 there is in the immediate vicinity of the operation a person
4 who is 18 years of age or older, who is attendant to the
5 operation of the personal watercraft, and who is responsible
6 for any violation that occurs during the operation.

7 (c) Every person operating a vessel on the waters of
8 this state shall carry and have available for inspection
9 photographic identification indicating the operator's date of
10 birth. As used in this section and in s. 327.395,

11 "photographic identification" means, and is limited to: an
12 unexpired and otherwise valid driver license; a state
13 identification card issued by any state of the United States
14 or its territories or the District of Columbia, showing a
15 photograph and signature of the person to whom it is issued; a
16 United States Government Resident Alien Identification Card; a
17 valid passport; a United States Military identification card;
18 or a student identification card issued by an accredited
19 educational institution as defined in s. 196.012.

20 (6)(a) It is unlawful for the owner of any personal
21 watercraft or any person having charge over or control of a
22 personal watercraft to authorize or knowingly permit the same
23 to be operated by a person under 16 ~~14~~ years of age in
24 violation of this section.

25 (b) It is unlawful for the owner of any leased, hired,
26 or rented personal watercraft or any person having charge over
27 or control of a leased, hired, or rented personal watercraft
28 to authorize or knowingly permit the watercraft to be operated
29 by:

30 1. Any person under 18 years of age in violation of
31 this section; except that the owner or person in charge or

1 control may allow a person 16 or 17 years of age to operate a
2 leased, hired, or rented personal watercraft if there is in
3 the immediate vicinity of the operation a person who is 18
4 years of age or older, who is attendant to the operation of
5 the personal watercraft, and who is responsible for any
6 violation that occurs during the operation; or

7 2. Any person who has not received instruction in the
8 safe handling of personal watercraft, in compliance with
9 standards established by the department, and signed a written
10 statement attesting to the same.

11 (c) Any person who violates this subsection commits
12 ~~shall be guilty of~~ a misdemeanor of the second degree,
13 punishable as provided in s. 775.082 or s. 775.083.

14 (7) This section does not apply to a performer engaged
15 in a professional exhibition or a person preparing to
16 participate or participating in a regatta, race, marine
17 parade, tournament, or exhibition held in compliance with s.
18 327.48.

19 Section 5. Grandfather clause.--A person who is 14 or
20 15 years of age on the effective date of this act and has
21 completed the state-required boating safety course in order to
22 operate a personal watercraft may operate a personal
23 watercraft on the waters of the state, notwithstanding the
24 provisions of section 327.39, Florida Statutes, as amended by
25 this act.

26 Section 6. Subsections (1) and (6) of section 327.395,
27 Florida Statutes, are amended to read:

28 327.395 Boating safety identification cards.--

29 (1) Until October 1, 2001, a person born after
30 September 30, 1980, and on or after October 1, 2001, a person
31 21 years of age or younger may not operate a vessel powered by

1 a motor of 10 horsepower or greater unless such person has in
2 his or her possession aboard the vessel photographic
3 identification, as defined in s. 327.39(5)(c), and a boater
4 safety identification card issued by the department which
5 shows that he or she has:

6 (a) Completed a department-approved boater education
7 course that meets the minimum 8-hour instruction requirement
8 established by the National Association of State Boating Law
9 Administrators;

10 (b) Passed a course equivalency examination approved
11 by the department; or

12 (c) Passed a temporary certificate examination
13 developed or approved by the department.

14 (6) A person who violates this section commits ~~is~~
15 ~~guilty of~~ a noncriminal infraction, punishable as provided in
16 s. 327.73.

17 Section 7. Section 327.54, Florida Statutes, is
18 amended to read:

19 327.54 Liveries; safety regulations; penalty.--

20 (1) A livery may not knowingly lease, hire, or rent a
21 vessel to any person:

22 (a) When the number of persons intending to use the
23 vessel exceeds the number considered to constitute a maximum
24 safety load for the vessel as specified on the authorized
25 persons capacity plate of the vessel.

26 (b) When the horsepower of the motor exceeds the
27 capacity of the vessel.

28 (c) When the vessel does not contain the required
29 safety equipment required under s. 327.50.

30 (d) When the vessel is not seaworthy.
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1 (e) When the vessel is equipped with a motor of 10
2 horsepower or greater, unless the livery provides ~~there is a~~
3 ~~prerental or preride instruction that includes, but need not~~
4 ~~be limited to:in the safe operation of the vessel by the~~
5 ~~livery.~~

6 1. Operational characteristics of the vessel.

7 2. Laws and regulations, navigation rules, and
8 personal responsibility.

9 3. Local characteristics of the waterway to be used.

10 (2) A livery may not knowingly lease, hire, or rent
11 any vessel powered by a motor of 10 horsepower or greater to
12 any person who is required to comply with s. 327.395, unless
13 such person presents a valid boater safety identification card
14 to the livery.

15 (3) If a vessel is unnecessarily overdue, the livery
16 shall notify the proper authorities.

17 (4)(a) A livery may not lease, hire, or rent a
18 personal watercraft to any person who is under 18 ~~16~~ years of
19 age, nor may it permit any leased, hired, or rented personal
20 watercraft to be operated by a person who is under 18 years of
21 age; however, a livery may permit a person 16 or 17 years of
22 age to operate a leased, hired, or rented personal watercraft
23 if there is in the immediate vicinity of the operation a
24 person who is 18 years of age or older, who is attendant to
25 the operation of the personal watercraft, and who is
26 responsible for any violation that occurs during the
27 operation.

28 (b) A livery may not lease, hire, or rent any such
29 ~~watercraft or other~~ vessel to any ~~other~~ person, unless the
30 livery displays boating safety information about the safe and
31 proper operation of vessels.

1 (c) A livery may not knowingly lease, hire, or rent a
2 personal watercraft to any person who has not ~~and requires a~~
3 signature by the lessee that he or she has received
4 instruction in the safe handling of the personal watercraft,
5 in compliance with standards established by the department,
6 and signed a written statement attesting to the same.

7 (5) Any person convicted of violating this section is
8 guilty of a misdemeanor of the second degree, punishable as
9 provided in s. 775.082 or s. 775.083.

10 (6) When the livery has complied with subsections (1),
11 (2), (3), and (4), its liability ceases and the person leasing
12 the vessel from the livery is liable for any violations of
13 this chapter and is personally liable for any accident or
14 injury occurring while in charge of such vessel; however, this
15 subsection shall not apply to the lease, hiring, or rental of
16 a personal watercraft.

17 (7) A livery may not lease, hire, or rent any personal
18 watercraft or offer to lease, hire, or rent any personal
19 watercraft unless the livery first obtains and carries in full
20 force and effect a policy from a licensed insurance carrier in
21 this state, insuring against any accident, loss, injury,
22 property damage, or other casualty caused by or resulting from
23 the operation of the personal watercraft. The insurance policy
24 shall provide coverage of at least \$500,000 per person and \$1
25 million per event. The livery must have proof of such
26 insurance available for inspection at the location where
27 personal watercraft are being leased, hired, or rented, or
28 offered for lease, hire, or rent, and shall provide to each
29 renter the insurance carrier's name and address and the
30 insurance policy number.

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1 Section 8. For the purpose of incorporating the
2 amendments to sections 327.39 and 327.395, Florida Statutes,
3 in references thereto, paragraphs (p) and (s) of subsection
4 (1) of section 327.73, Florida Statutes, are reenacted to
5 read:

6 327.73 Noncriminal infractions.--

7 (1) Violations of the following provisions of the
8 vessel laws of this state are noncriminal infractions:

9 (p) Section 327.39(1), (2), (3), and (5), relating to
10 personal watercraft.

11 (s) Section 327.395, relating to boater safety
12 education.

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14 Any person cited for a violation of any such provision shall
15 be deemed to be charged with a noncriminal infraction, shall
16 be cited for such an infraction, and shall be cited to appear
17 before the county court. The civil penalty for any such
18 infraction is \$50, except as otherwise provided in this
19 section. Any person who fails to appear or otherwise properly
20 respond to a uniform boating citation shall, in addition to
21 the charge relating to the violation of the boating laws of
22 this state, be charged with the offense of failing to respond
23 to such citation and, upon conviction, be guilty of a
24 misdemeanor of the second degree, punishable as provided in s.
25 775.082 or s. 775.083. A written warning to this effect shall
26 be provided at the time such uniform boating citation is
27 issued.

28 Section 9. This act shall take effect July 1 of the
29 year in which enacted.

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LEGISLATIVE SUMMARY

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4 Redefines "personal watercraft" and classifies all
5 personal watercraft as class A-2 vessels. Restricts use
6 of registration fees therefor to boating safety education
7 and enforcement of boating regulations. Revises
8 requirements for operation of a personal watercraft
9 relating to authorized flotation devices, times of
10 operation, and maneuvers constituting reckless operation.
11 Raises the minimum age for such operation from 14 to 16,
12 and provides a grandfather clause. Requires certain adult
13 supervision of operators age 16 or 17. Prohibits leasing,
14 hiring, or renting personal watercraft to anyone who is
15 under age 18 or who has not received approved safety
16 instruction. Requires all vessel operators to carry
17 certain photographic identification. Provides a
18 second-degree misdemeanor penalty.

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Revises requirements for the lease, hiring, or rental of
vessels by liveries relating to prerenal or preride
instruction and provision of safety information and
instruction. Raises the minimum age for lease, hiring, or
rental from 16 to 18. Removes a livery's immunity from
liability for certain accidents or injuries occurring
during operation of a personal watercraft, and requires
certain insurance coverage. Provides a second-degree
misdemeanor penalty.