

By the Committee on Natural Resources and Senator Kurth

312-1879A-98

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, 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) and paragraphs (b) and (c)
17 of subsection (2) of section 327.25, Florida Statutes, are
18 amended to read:

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

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

27 Class A-1--Less than 12 feet in length, and all canoes
28 to which propulsion motors have been attached, regardless of
29 length.....\$3.50
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1 Class A-2--12 feet or more and less than 16 feet in
2 length, and all personal watercraft, regardless of length
310.50
4 (To county).....2.85
5 Class 1--16 feet or more and less than 26 feet in
6 length.....18.50
7 (To county).....8.85
8 Class 2--26 feet or more and less than 40 feet in
9 length.....50.50
10 (To county).....32.85
11 Class 3--40 feet or more and less than 65 feet in
12 length.....82.50
13 (To county).....56.85
14 Class 4--65 feet or more and less than 110 feet in
15 length.....98.50
16 (To county).....68.85
17 Class 5--110 feet or more in length.....122.50
18 (To county).....86.85
19 Dealer registration certificate16.50
20 (2) ANTIQUE VESSEL REGISTRATION FEE.--
21 (b) The registration number for an antique vessel
22 shall be displayed as provided in ~~affixed on the forward half~~
23 ~~of the hull or on the port side of the windshield according to~~
24 ~~ss. 327.11 and 327.14.~~
25 (c) The Department of Highway Safety and Motor
26 Vehicles may issue a decal identifying the vessel as an
27 antique vessel. The decal shall be displayed as provided in s.
28 327.11 ~~placed within 3 inches of the registration number.~~
29 Section 3. Paragraph (f) is added to subsection (1) of
30 section 327.28, Florida Statutes, to read:
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1 327.28 Marine Resources Conservation Trust Fund;
2 vessel registration funds; appropriation and distribution.--

3 (1) Except as otherwise specified and less any
4 administrative costs, all funds collected from the
5 registration of vessels through the Department of Highway
6 Safety and Motor Vehicles and the tax collectors of the state
7 shall be deposited in the Marine Resources Conservation Trust
8 Fund for recreational channel marking; public launching
9 facilities; law enforcement and quality control programs;
10 aquatic weed control; manatee protection, recovery, rescue,
11 rehabilitation, and release; and marine mammal protection and
12 recovery. The funds collected pursuant to s. 327.25(1) shall
13 be transferred as follows:

14 (f) Notwithstanding any other provision of this
15 subsection, and except as provided in paragraphs (a) and (b),
16 all funds collected from the registration of personal
17 watercraft through the Department of Highway Safety and Motor
18 Vehicles and the tax collectors of the state shall be
19 deposited in equal amounts into the Marine Resources
20 Conservation Trust Fund and the State Game Trust Fund. All
21 fees from the registration of personal watercraft may be
22 appropriated only for enforcement of boating laws, rules, and
23 ordinances and for boating safety education and training.

24 Section 4. Section 327.39, Florida Statutes, is
25 amended to read:

26 327.39 Personal watercraft regulated.--

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

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

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

11 (4) A personal watercraft must at all times be
12 operated in a reasonable and prudent manner. Maneuvers which
13 unreasonably or unnecessarily endanger, or are likely to
14 endanger, life, limb, or property, including, but not limited
15 to, weaving through congested vessel traffic, jumping the wake
16 of another vessel unreasonably or unnecessarily close to such
17 other vessel or when visibility around such other vessel is
18 obstructed, and swerving at the last possible moment to avoid
19 collision shall constitute reckless operation of a vessel, as
20 provided in s. 327.33(1). These maneuvers include, but are not
21 limited to, the following:

22 (a) Weaving through congested vessel traffic.

23 (b) Jumping the wake of another vessel unreasonably or
24 unnecessarily close to such other vessel or when visibility
25 around such other vessel is obstructed.

26 (c) Becoming airborne or completely leaving the water
27 while crossing the wake of another vessel within 100 feet of
28 the vessel creating the wake.

29 (d) Operating at greater than slow/no wake speed
30 within 100 feet of an anchored or moored vessel, shoreline,
31 dock, swim float, marked swim area including swimmers, or

1 pier, unless a vessel is operating in a narrow channel, in
2 which case the vessel may operate at the speed and flow of
3 other vessel traffic.

4 (e) Operating contrary to navigation rules.

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

7 (b) No person under the age of 18 shall operate any
8 leased, hired, or rented personal watercraft on the waters of
9 this state; however, a person 16 or 17 years of age may
10 operate a leased, hired, or rented personal watercraft if
11 there is in the immediate vicinity of the operation a person
12 who is 18 years of age or older, who is attendant to the
13 operation of the personal watercraft, and who is responsible
14 for any violation that occurs during the operation.

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

19 "photographic identification" means, and is limited to: an
20 unexpired and otherwise valid driver license; a state
21 identification card issued by any state of the United States
22 or its territories or the District of Columbia, showing a
23 photograph and signature of the person to whom it is issued; a
24 United States Government Resident Alien Identification Card; a
25 valid passport; a United States Military identification card;
26 or a student identification card issued by an accredited
27 educational institution as defined in s. 196.012.

28 (6)(a) It is unlawful for the owner of any personal
29 watercraft or any person having charge over or control of a
30 personal watercraft to authorize or knowingly permit the same
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1 to be operated by a person under 16 ~~14~~ years of age in
2 violation of this section.

3 (b) It is unlawful for the owner of any leased, hired,
4 or rented personal watercraft or any person having charge over
5 or control of a leased, hired, or rented personal watercraft
6 to authorize or knowingly permit the watercraft to be operated
7 by:

8 1. Any person under 18 years of age in violation of
9 this section; except that the owner or person in charge or
10 control may allow a person 16 or 17 years of age to operate a
11 leased, hired, or rented personal watercraft if there is in
12 the immediate vicinity of the operation a person who is 18
13 years of age or older, who is attendant to the operation of
14 the personal watercraft, and who is responsible for any
15 violation that occurs during the operation; or

16 2. Any person who has not received instruction in the
17 safe handling of personal watercraft, in compliance with
18 standards established by the department, and signed a written
19 statement attesting to the same.

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

23 (7) This section does not apply to a performer engaged
24 in a professional exhibition or a person preparing to
25 participate or participating in a regatta, race, marine
26 parade, tournament, or exhibition held in compliance with s.
27 327.48.

28 Section 5. Grandfather clause.--A person who is 14 or
29 15 years of age on the effective date of this act and has
30 completed the state-required boating safety course in order to
31 operate a personal watercraft may operate a personal

1 watercraft on the waters of the state, notwithstanding the
2 provisions of section 327.39, Florida Statutes, as amended by
3 this act.

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

6 327.395 Boating safety identification cards.--

7 (1) Until October 1, 2001, a person born after
8 September 30, 1980, and on or after October 1, 2001, a person
9 21 years of age or younger may not operate a vessel powered by
10 a motor of 10 horsepower or greater unless such person has in
11 his or her possession aboard the vessel photographic
12 identification, as defined in s. 327.39(5)(c), and a boater
13 safety identification card issued by the department which
14 shows that he or she has:

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

19 (b) Passed a course equivalency examination approved
20 by the department; or

21 (c) Passed a temporary certificate examination
22 developed or approved by the department.

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

26 Section 7. Section 327.54, Florida Statutes, is
27 amended to read:

28 327.54 Liveries; safety regulations; penalty.--

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

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1 (a) When the number of persons intending to use the
2 vessel exceeds the number considered to constitute a maximum
3 safety load for the vessel as specified on the authorized
4 persons capacity plate of the vessel.

5 (b) When the horsepower of the motor exceeds the
6 capacity of the vessel.

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

9 (d) When the vessel is not seaworthy.

10 (e) When the vessel is equipped with a motor of 10
11 horsepower or greater, unless the livery provides ~~there is a~~
12 ~~prerental or preride instruction that includes, but need not~~
13 ~~be limited to:in the safe operation of the vessel by the~~
14 ~~livery.~~

15 1. Operational characteristics of the vessel.

16 2. Laws and regulations, navigation rules, and
17 personal responsibility.

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

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

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

26 (4)(a) A livery may not lease, hire, or rent a
27 personal watercraft to any person who is under 18 ~~16~~ years of
28 age, nor may it permit any leased, hired, or rented personal
29 watercraft to be operated by a person who is under 18 years of
30 age; however, a livery may permit a person 16 or 17 years of
31 age to operate a leased, hired, or rented personal watercraft

1 if there is in the immediate vicinity of the operation a
2 person who is 18 years of age or older, who is attendant to
3 the operation of the personal watercraft, and who is
4 responsible for any violation that occurs during the
5 operation.

6 (b) A livery may not lease, hire, or rent any such
7 watercraft or other vessel to any other person, unless the
8 livery displays boating safety information about the safe and
9 proper operation of vessels.

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

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

19 (6) When the livery has complied with subsections (1),
20 (2), (3), and (4), its liability ceases and the person leasing
21 the vessel from the livery is liable for any violations of
22 this chapter and is personally liable for any accident or
23 injury occurring while in charge of such vessel; however, this
24 subsection shall not apply to the lease, hiring, or rental of
25 a personal watercraft.

26 (7) A livery may not lease, hire, or rent any personal
27 watercraft or offer to lease, hire, or rent any personal
28 watercraft unless the livery first obtains and carries in full
29 force and effect a policy from a licensed insurance carrier in
30 this state, insuring against any accident, loss, injury,
31 property damage, or other casualty caused by or resulting from

1 the operation of the personal watercraft. The insurance policy
2 shall provide coverage of at least \$500,000 per person and \$1
3 million per event. The livery must have proof of such
4 insurance available for inspection at the location where
5 personal watercraft are being leased, hired, or rented, or
6 offered for lease, hire, or rent, and shall provide to each
7 renter the insurance carrier's name and address and the
8 insurance policy number.

9 Section 8. For the purpose of incorporating the
10 amendments to sections 327.39 and 327.395, Florida Statutes,
11 in references thereto, paragraphs (p) and (s) of subsection
12 (1) of section 327.73, Florida Statutes, are reenacted to
13 read:

14 327.73 Noncriminal infractions.--

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

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

19 (s) Section 327.395, relating to boater safety
20 education.

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22 Any person cited for a violation of any such provision shall
23 be deemed to be charged with a noncriminal infraction, shall
24 be cited for such an infraction, and shall be cited to appear
25 before the county court. The civil penalty for any such
26 infraction is \$50, except as otherwise provided in this
27 section. Any person who fails to appear or otherwise properly
28 respond to a uniform boating citation shall, in addition to
29 the charge relating to the violation of the boating laws of
30 this state, be charged with the offense of failing to respond
31 to such citation and, upon conviction, be guilty of a

1 misdemeanor of the second degree, punishable as provided in s.
2 775.082 or s. 775.083. A written warning to this effect shall
3 be provided at the time such uniform boating citation is
4 issued.

5 Section 9. This act shall take effect July 1, 1998.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 1880

10 The committee substitute requires that vessel registration
11 numbers on antique vessels be displayed as provided in ss.
12 327.11, F.S., and 327.14, F.S. Decals identifying vessels as
13 antique must be displayed as provided in s. 327.11, F.S.

14 The fees from personal watercraft registrations will be
15 divided equally between the DEP and the Game and Fresh Water
16 Fish Commission and will be deposited into the MRCTF and the
17 State Game Trust Fund, respectively. Existing uses of these
18 fees to benefit manatees are continued.

19 Two examples of dangerous personal watercraft maneuvers have
20 been deleted due to ambiguity as to their application.

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