

By the Committee on Crime & Punishment and Representatives
Tobin, Brown and Heyman

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. 327.33, F.S.; providing
9 maneuvers constituting reckless operation of a
10 vessel, for which a penalty is provided;
11 amending s. 327.39, F.S.; revising requirements
12 for operation of a personal watercraft relating
13 to authorized flotation devices and maneuvers
14 constituting reckless operation; prohibiting
15 lease, hiring, or rental to certain persons;
16 requiring all vessel operators to have certain
17 photographic identification; providing a
18 penalty; raising the minimum age for operation
19 of a personal watercraft, effective on a
20 specified date; amending s. 327.395, F.S.;
21 conforming provisions relating to boating
22 safety identification cards; amending s.
23 327.54, F.S.; revising requirements for lease,
24 hiring, or rental of vessels by liveries
25 relating to prerenal or preride instruction,
26 minimum age for rental, and safety information
27 and instruction; conforming liveries'
28 limitation of liability to specified federal
29 law; requiring certain insurance coverage;
30 providing a penalty; reenacting s. 327.73(1)(p)
31 and (s), F.S., relating to a penalty for

1 violation of vessel laws, to incorporate the
2 amendments to ss. 327.39 and 327.395, F.S., in
3 references; providing effective dates.
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5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Subsection (27) of section 327.02, Florida
8 Statutes, is amended to read:

9 327.02 Definitions of terms used in this chapter and
10 in chapter 328.--As used in this chapter and in chapter 328,
11 unless the context clearly requires a different meaning, the
12 term:

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

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

22 327.25 Classification; registration; fees and charges;
23 surcharge; disposition of fees; fines; marine turtle
24 stickers.--

25 (1) VESSEL REGISTRATION FEE.--Vessels that are
26 required to be registered shall be classified for registration
27 purposes according to the following schedule, and the
28 registration certificate fee shall be in the following
29 amounts:
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1 Class A-1--Less than 12 feet in length, and all canoes
2 to which propulsion motors have been attached, regardless of
3 length.....\$3.50
4 Class A-2--12 feet or more and less than 16 feet in
5 length, and all personal watercraft, regardless of length
610.50
7 (To county).....2.85
8 Class 1--16 feet or more and less than 26 feet in
9 length.....18.50
10 (To county).....8.85
11 Class 2--26 feet or more and less than 40 feet in
12 length.....50.50
13 (To county).....32.85
14 Class 3--40 feet or more and less than 65 feet in
15 length.....82.50
16 (To county).....56.85
17 Class 4--65 feet or more and less than 110 feet in
18 length.....98.50
19 (To county).....68.85
20 Class 5--110 feet or more in length.....122.50
21 (To county).....86.85
22 Dealer registration certificate16.50
23 Section 3. Paragraph (f) is added to subsection (1) of
24 section 327.28, Florida Statutes, to read:
25 327.28 Marine Resources Conservation Trust Fund;
26 vessel registration funds; appropriation and distribution.--
27 (1) Except as otherwise specified and less any
28 administrative costs, all funds collected from the
29 registration of vessels, except personal watercraft, through
30 the Department of Highway Safety and Motor Vehicles and the
31 tax collectors of the state shall be deposited in the Marine

1 Resources Conservation Trust Fund for recreational channel
2 marking; public launching facilities; law enforcement and
3 quality control programs; aquatic weed control; manatee
4 protection, recovery, rescue, rehabilitation, and release; and
5 marine mammal protection and recovery. The funds collected
6 pursuant to s. 327.25(1) shall be transferred as follows:

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

17 Section 4. Subsection (1) of section 327.33, Florida
18 Statutes, is amended to read:

19 327.33 Reckless or careless operation of vessel.--

20 (1) It is unlawful to operate a vessel in a reckless
21 manner. A person is guilty of reckless operation of a vessel
22 who operates any vessel, or manipulates any water skis,
23 aquaplane, or similar device, in willful or wanton disregard
24 for the safety of persons or property at a speed or in a
25 manner as to endanger, or likely to endanger, life or limb, or
26 damage the property of, or injure any person. Examples of
27 maneuvers constituting reckless operation of a vessel include,
28 but are not limited to:

29 (a) Weaving through congested vessel traffic.
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1 (b) Jumping the wake of another vessel unreasonably or
2 unnecessarily close to such other vessel or when visibility
3 around such other vessel is obstructed.

4 (c) Becoming airborne or completely leaving the water
5 while crossing the wake of another vessel within 100 feet of
6 the vessel creating the wake.

7 (d) Operating at greater than slow/no wake speed
8 within 100 feet of an anchored or moored vessel, shoreline,
9 dock, swim float, marked swim area including swimmers, or
10 pier, unless the vessel is operating in a narrow channel, in
11 which case the vessel may operate at the speed and flow of
12 other vessel traffic.

13 (e) Operating contrary to navigation rules.

14 (f) Following too close to another vessel. For the
15 purpose of this paragraph, "following too close" shall be
16 construed as proceeding in the same direction and operating at
17 a speed in excess of 10 mph within 100 feet to the rear of
18 another vessel that is underway, unless the vessels are
19 operating in a narrow channel, in which case vessels may
20 operate at the speed and flow of other vessel traffic.

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22 Any person who violates a provision of this subsection is
23 guilty of a misdemeanor of the first degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 Section 5. Section 327.39, Florida Statutes, is
26 amended to read:

27 327.39 Personal watercraft regulated.--

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

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

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

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

24 (a) Weaving through congested vessel traffic.

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

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

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1 (d) Operating at greater than slow/no wake speed
2 within 100 feet of an anchored or moored vessel, shoreline,
3 dock, swim float, marked swim area including swimmers, or
4 pier, unless the vessel is operating in a narrow channel, in
5 which case personal watercraft may operate at the speed and
6 flow of other vessel traffic.

7 (e) Operating contrary to navigation rules.

8 (f) Following too close to another vessel, including
9 another personal watercraft. For the purpose of this
10 paragraph, "following too close" shall be construed as
11 proceeding in the same direction and operating at a speed in
12 excess of 10 mph within 100 feet to the rear of another vessel
13 which is underway, unless the vessels are operating in a
14 narrow channel, in which case personal watercraft may operate
15 at the speed and flow of other vessel traffic.

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

18 (b) No person under the age of 18 shall operate any
19 leased, hired, or rented personal watercraft on the waters of
20 this state; except that a person 16 or 17 years of age may
21 operate a leased, hired, or rented personal watercraft if
22 there is in the immediate vicinity of the operation a person
23 who is 18 years of age or older, who is attendant to the
24 operation of the personal watercraft, and who is responsible
25 for any violation that occurs during the operation.

26 (c) Every person operating a vessel on the waters of
27 this state shall carry and have available for inspection
28 photographic identification indicating the operator's date of
29 birth. As used in this section and in s. 327.395,
30 "photographic identification" means, and is limited to: an
31 unexpired and otherwise valid driver license; a state

1 identification card issued by any state of the United States
2 or its territories or the District of Columbia, showing a
3 photograph and signature of the person to whom it is issued; a
4 United States Government Resident Alien Identification Card; a
5 valid passport; a United States Military identification card;
6 or a student identification card issued by an accredited
7 educational institution as defined in s. 196.012.

8 (6)(a) It is unlawful for the owner of any personal
9 watercraft or any person having charge over or control of a
10 personal watercraft to authorize or knowingly permit the same
11 to be operated by a person under 14 years of age in violation
12 of this section.

13 (b) It is unlawful for the owner of any leased, hired,
14 or rented personal watercraft or any person having charge over
15 or control of a leased, hired, or rented personal watercraft
16 to authorize or knowingly permit the watercraft to be operated
17 by:

18 1. Any person under 18 years of age in violation of
19 this section; except that the owner or person in charge or
20 control may allow a person 16 or 17 years of age to operate a
21 leased, hired, or rented personal watercraft if there is in
22 the immediate vicinity of the operation a person who is 18
23 years of age or older, who is attendant to the operation of
24 the personal watercraft, and who is responsible for any
25 violation that occurs during the operation; or

26 2. Any person who has not received instruction in the
27 safe handling of personal watercraft, in compliance with
28 standards established by the department, and signed a written
29 statement attesting to the same.

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

4 (7) This section does not apply to a performer engaged
5 in a professional exhibition or a person preparing to
6 participate or participating in a regatta, race, marine
7 parade, tournament, or exhibition held in compliance with s.
8 327.48.

9 Section 6. Effective July 1, 2000, paragraph (a) of
10 subsection (5) and paragraph (a) of subsection (6) of section
11 327.39, Florida Statutes, as amended by this act, are amended
12 to read:

13 327.39 Personal watercraft regulated.--

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

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

21 Section 7. Subsections (1) and (6) of section 327.395,
22 Florida Statutes, are amended to read:

23 327.395 Boating safety identification cards.--

24 (1) Until October 1, 2001, a person born after
25 September 30, 1980, and on or after October 1, 2001, a person
26 21 years of age or younger may not operate a vessel powered by
27 a motor of 10 horsepower or greater unless such person has in
28 his or her possession aboard the vessel photographic
29 identification, as defined in s. 327.39(5)(c), and a boater
30 safety identification card issued by the department which
31 shows that he or she has:

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

5 (b) Passed a course equivalency examination approved
6 by the department; or

7 (c) Passed a temporary certificate examination
8 developed or approved by the department.

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

12 Section 8. Section 327.54, Florida Statutes, is
13 amended to read:

14 327.54 Liveries; safety regulations; penalty.--

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

17 (a) When the number of persons intending to use the
18 vessel exceeds the number considered to constitute a maximum
19 safety load for the vessel as specified on the authorized
20 persons capacity plate of the vessel.

21 (b) When the horsepower of the motor exceeds the
22 capacity of the vessel.

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

25 (d) When the vessel is not seaworthy.

26 (e) When the vessel is equipped with a motor of 10
27 horsepower or greater, unless the livery provides ~~there is a~~
28 ~~prerental or preride instruction~~ which shall include, but not
29 be limited to: in the safe operation of the vessel by the
30 ~~livery.~~

31 1. Operational characteristics of the vessel.

1 2. Laws and regulations, navigation rules, and
2 personal responsibility.

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

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

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

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

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

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

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

4 (6) Limitation of liability of liveries shall be
5 governed by the provisions of 46 U.S.C. Appendix s. 181 et
6 seq. ~~When the livery has complied with subsections (1), (2),~~
7 ~~(3), and (4), its liability ceases and the person leasing the~~
8 ~~vessel from the livery is liable for any violations of this~~
9 ~~chapter and is personally liable for any accident or injury~~
10 ~~occurring while in charge of such vessel.~~

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

25 Section 9. For the purpose of incorporating the
26 amendments to sections 327.39 and 327.395, Florida Statutes,
27 in references thereto, paragraphs (p) and (s) of subsection
28 (1) of section 327.73, Florida Statutes, are reenacted to
29 read:

30 327.73 Noncriminal infractions.--

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

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

5 (s) Section 327.395, relating to boater safety
6 education.

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

22 Section 10. Except as otherwise provided herein, this
23 act shall take effect July 1 of the year in which enacted.

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