

By Senator Kurth

15-344A-99

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 providing requirements for display of antique
7 vessel registration numbers and decals;
8 amending s. 327.28, F.S.; providing for
9 distribution and use of registration fees
10 therefor; amending s. 327.39, F.S.; revising
11 requirements for operation of a personal
12 watercraft relating to authorized flotation
13 devices, times of operation, reckless or
14 careless operation, and minimum age for
15 operation; prohibiting lease, hiring, or rental
16 to certain persons; providing a penalty;
17 amending s. 327.395, F.S.; requiring all vessel
18 operators to have certain photographic
19 identification; providing a penalty; creating
20 s. 327.49, F.S.; authorizing certain testing of
21 vessels and vessel motors on the waters of the
22 state; amending s. 327.54, F.S.; revising
23 requirements for lease, hiring, or rental of
24 vessels by liveries, relating to prerenal or
25 preride instruction, minimum age for rental,
26 safety information and instruction, and
27 limitation of liability; requiring liveries to
28 carry certain insurance coverage; providing a
29 penalty; reenacting s. 327.73(1)(p) and (s),
30 F.S., relating to a penalty for violation of
31 vessel laws, to incorporate the amendments to

1 ss. 327.39 and 327.395, F.S., in references;
2 providing effective dates.

3

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

5

6 Section 1. Subsection (27) of section 327.02, Florida
7 Statutes, 1998 Supplement, is amended to read:

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

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

19 Section 2. Subsection (1) and paragraphs (b) and (c)
20 of subsection (2) of section 327.25, Florida Statutes, are
21 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:

30

31

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 (2) ANTIQUE VESSEL REGISTRATION FEE.--
24 (b) The registration number for an antique vessel
25 shall be permanently attached to each side of the forward half
26 of the vessel ~~affixed on the forward half of the hull or on~~
27 ~~the port side of the windshield~~ according to ss. 327.11 and
28 327.14.
29 (c) The Department of Highway Safety and Motor
30 Vehicles may issue a decal identifying the vessel as an
31 antique vessel. The decal shall be displayed as provided in

1 ss. 327.11 and 327.14 ~~placed within 3 inches of the~~
2 ~~registration number.~~

3 Section 3. Subsection (1) of section 327.28, Florida
4 Statutes, is amended to read:

5 327.28 Marine Resources Conservation Trust Fund;
6 vessel registration funds; appropriation and distribution.--

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

18 (a) In each fiscal year, an amount equal to \$1 for
19 each vessel registered in this state shall be transferred to
20 the Save the Manatee Trust Fund for manatee and marine mammal
21 research, protection, and recovery in accordance with the
22 provisions of s. 370.12(5)(a).

23 (b) In addition, in each fiscal year, an amount equal
24 to 50 cents for each vessel registered in this state shall be
25 transferred to the Save the Manatee Trust Fund in accordance
26 with the provisions of s. 370.12(5)(b) for use by those
27 facilities approved to rescue, rehabilitate, and release
28 manatees as authorized pursuant to the Fish and Wildlife
29 Service of the United States Department of the Interior.

30 (c) Two dollars from each noncommercial vessel
31 registration fee, except that for class A-1 vessels, shall be

1 transferred to the Aquatic Plant Control Trust Fund for
2 aquatic weed research and control.

3 (d) Forty percent of the registration fees from
4 commercial vessels shall be used for law enforcement and
5 quality control programs.

6 (e) Forty percent of the registration fees from
7 commercial vessels shall be transferred to the Aquatic Plant
8 Control Trust Fund for aquatic plant research and control.

9 (f) Notwithstanding any other provision of this
10 subsection and except as provided in paragraphs (a) and (b),
11 fees from the registration of personal watercraft shall not be
12 transferred from the Marine Resources Conservation Trust Fund
13 and may only be appropriated for on-the-water enforcement of
14 boating laws, rules, and ordinances and for boating safety
15 education and training.

16 Section 4. Section 327.39, Florida Statutes, is
17 amended to read:

18 327.39 Personal watercraft; additional regulations
19 ~~regulated.~~--

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

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

30 (3) A person may not operate a personal watercraft at
31 any time between sunset and ~~the hours from one-half hour after~~

1 ~~sunset to one-half hour before~~ sunrise. However, an agent or
2 employee of a fire or emergency rescue service is exempt from
3 this subsection while performing his or her official duties.

4 (4) A personal watercraft must at all times be
5 operated in a reasonable and prudent manner. Maneuvers which
6 unreasonably or unnecessarily endanger life, limb, or
7 property, including, but not limited to, weaving through
8 congested vessel traffic, jumping the wake of another vessel
9 unreasonably or unnecessarily close to such other vessel or
10 when visibility around such other vessel is obstructed, and
11 swerving at the last possible moment to avoid collision shall
12 constitute reckless operation of a vessel, as provided in s.
13 327.33(1). Any person operating a personal watercraft must
14 comply with the provisions of s. 327.33.

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

17 (b) No person under the age of 18 shall operate any
18 leased, hired, or rented personal watercraft on the waters of
19 this state; except that a person 16 or 17 years of age may
20 operate a leased, hired, or rented personal watercraft if a
21 person at least 18 years of age is aboard, is attendant to the
22 operation of the personal watercraft, and is responsible for
23 any violation that occurs during the operation, and provided
24 that both persons have complied with s. 327.395 when
25 applicable.

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

31

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

6 1. Any person under 18 years of age in violation of
7 this section; except that a person 16 or 17 years of age may
8 operate a leased, hired, or rented personal watercraft if a
9 person at least 18 years of age is aboard, is attendant to the
10 operation of the personal watercraft, and is responsible for
11 any violation that occurs during the operation, and provided
12 that both persons have complied with s. 327.395 when
13 applicable; or

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

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

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

26 Section 5. Effective July 1, 2000, paragraph (a) of
27 subsection (5) and paragraph (a) of subsection (6) of section
28 327.39, Florida Statutes, are amended to read:

29 327.39 Personal watercraft; additional regulations.--

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

1 (6)(a) It is unlawful for the owner of any personal
2 watercraft or any person having charge over or control of a
3 personal watercraft to authorize or knowingly permit the same
4 to be operated by a person under 15 ~~14~~ years of age in
5 violation of this section.

6 Section 6. Effective July 1, 2001, paragraph (a) of
7 subsection (5) and paragraph (a) of subsection (6) of section
8 327.39, Florida Statutes, are amended to read:

9 327.39 Personal watercraft; additional regulations.--

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

12 (6)(a) It is unlawful for the owner of any personal
13 watercraft or any person having charge over or control of a
14 personal watercraft to authorize or knowingly permit the same
15 to be operated by a person under 16 ~~15~~ years of age in
16 violation of this section.

17 Section 7. Present subsection (6) of section 327.395,
18 Florida Statutes, is amended, present subsections (6), (7),
19 (8), and (9) are renumbered as subsections (7), (8), (9), and
20 (10), respectively, and a new subsection (6) is added to that
21 section to read:

22 327.395 Boating safety identification cards.--

23 (6) Every person operating a vessel on the waters of
24 this state shall carry and have available for inspection
25 photographic identification indicating the operator's date of
26 birth. As used in this section, "photographic identification"
27 means, and is limited to: an unexpired and otherwise valid
28 driver license; a state identification card issued by any
29 state of the United States or its territories or the District
30 of Columbia, showing a photograph and signature of the person
31 to whom it is issued; a United States Government Resident

1 Alien Identification Card; a valid passport; a United States
2 Military identification card; or a student identification card
3 issued by an accredited educational institution as defined in
4 s. 196.012.

5 ~~(7)(6)~~ A person who violates this section commits is
6 ~~guilty of~~ a noncriminal infraction, punishable as provided in
7 s. 327.73.

8 Section 8. Section 327.49, Florida Statutes, is
9 created to read:

10 327.49 Testing vessels and vessel
11 motors.--Manufacturers of vessels and vessel motors operating
12 vessel and vessel motor test facilities shall be authorized to
13 test such vessels, vessel motors, or combinations thereof on
14 the waters of the state to ensure that they meet generally
15 accepted boating safety standards; provided that the testing
16 of such vessels, vessel motors, or combinations thereof must
17 not adversely impact the safety of the boating public.

18 Section 9. Section 327.54, Florida Statutes, is
19 amended to read:

20 327.54 Liveries; safety regulations; penalty.--

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

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

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

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

31 (d) When the vessel is not seaworthy.

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
11 Any person delivering the information specified in this
12 paragraph must have successfully completed a boater safety
13 course approved by the National Association of State Boating
14 Law Administrators and this state.

15 (f) Unless the livery displays boating safety
16 information in a place visible to the renting public.

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

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

24 (4)(a) A livery may not lease, hire, or rent a
25 personal watercraft to any person who is under 18 ~~16~~ years of
26 age, nor may it permit any leased, hired, or rented personal
27 watercraft to be operated by a person who is under 18 years of
28 age; except that a livery may permit a person 16 or 17 years
29 of age to operate a leased, hired, or rented personal
30 watercraft if a person at least 18 years of age is aboard, is
31 attendant to the operation of the personal watercraft, and is

1 responsible for any violation that occurs during the
2 operation, and provided that both have complied with s.
3 327.395 when applicable.

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

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

14 (5) Limitation of liability of liveries shall be
15 governed by the provisions of 46 U.S.C. Appendix ss. 181-189.

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

30
31

1 (7)~~(5)~~ Any person convicted of violating this section
2 is guilty of a misdemeanor of the second degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 ~~(6) When the livery has complied with subsections (1),~~
5 ~~(2), (3), and (4), its liability ceases and the person leasing~~
6 ~~the vessel from the livery is liable for any violations of~~
7 ~~this chapter and is personally liable for any accident or~~
8 ~~injury occurring while in charge of such vessel.~~

9 Section 10. 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.

21
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 11. Except as otherwise provided in this act,
6 this act shall take effect July 1, 1999.

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9 LEGISLATIVE SUMMARY

10 Redefines "personal watercraft" and classifies all
11 personal watercraft as class A-2 vessels. Provides
12 requirements for display of antique vessel registration
13 numbers and decals. Restricts use of personal watercraft
14 registration fees to boating safety education and
15 on-the-water enforcement of boating regulations. Revises
16 requirements for personal watercraft operation, relating
17 to authorized flotation devices, times of operation, and
18 reckless or careless operation. Raises minimum age for
19 operation from 14 to 16, over a 2-year period. Requires
20 certain adult supervision of operators age 16 or 17.
21 Prohibits leasing, hiring, or renting personal watercraft
22 to anyone who is under age 18 or who has not received
23 approved safety instruction. Requires all vessel
24 operators to carry certain photographic identification.
25 Authorizes manufacturers to test vessels and vessel
26 motors on the waters of the state to ensure safety.
27 Revises requirements for lease, hiring, or rental of
28 vessels by liveries, relating to prerental or preride
29 instruction, provision of safety information and
30 instruction. Raises the minimum age for lease, hiring, or
31 rental from 16 to 18. Provides that the limitation of
liability for liveries shall be governed by federal law,
and requires certain insurance coverage. Provides
penalties. (See bill for details.)