

By the Committee on Fiscal Resource and Senator Kurth

314-2141-99

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:

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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:

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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 (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 and s. 327.25(1), fees from the registration of personal
12 watercraft shall not be transferred from the Marine Resources
13 Conservation Trust Fund and may only be appropriated for
14 on-the-water enforcement of boating laws, rules, and
15 ordinances and for boating safety 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.

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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. Subsection (6) of section 327.395, Florida
18 Statutes, is amended to read:

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

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

24 327.49 Boating safety standards for testing vessels
25 and vessel motors.--Manufacturers of vessels and vessel motors
26 operating vessel and vessel motor test facilities shall be
27 authorized to test such vessels, vessel motors, or
28 combinations thereof on the waters of the state to ensure that
29 they meet generally accepted boating safety standards;
30 provided that the testing of such vessels, vessel motors, or
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1 combinations thereof must not adversely impact the safety of
2 the boating public.

3 Section 9. Section 327.54, Florida Statutes, is
4 amended to read:

5 327.54 Liveries; safety regulations; penalty.--

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

8 (a) When the number of persons intending to use the
9 vessel exceeds the number considered to constitute a maximum
10 safety load for the vessel as specified on the authorized
11 persons capacity plate of the vessel.

12 (b) When the horsepower of the motor exceeds the
13 capacity of the vessel.

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

16 (d) When the vessel is not seaworthy.

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

22 1. Operational characteristics of the vessel.

23 2. Safe vessel operation, vessel right-of-way, and
24 responsibility of the vessel operator for the safe and proper
25 operation of the vessel.

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

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28 Any person delivering the information specified in this
29 paragraph must have successfully completed a boater safety
30 course approved by the National Association of State Boating
31 Law Administrators and this state.

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

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

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

10 (4)(a) A livery may not lease, hire, or rent a
11 personal watercraft to any person who is under 18 ~~16~~ years of
12 age, nor may it permit any leased, hired, or rented personal
13 watercraft to be operated by a person who is under 18 years of
14 age; except that a livery may permit a person 16 or 17 years
15 of age to operate a leased, hired, or rented personal
16 watercraft if a person at least 18 years of age is aboard, is
17 attendant to the operation of the personal watercraft, and is
18 responsible for any violation that occurs during the
19 operation, and provided that both have complied with s.
20 327.395 when applicable.

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

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

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

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

17 ~~(7)(5)~~ Any person convicted of violating this section
18 is guilty of a misdemeanor of the second degree, punishable as
19 provided in s. 775.082 or s. 775.083.

20 ~~(6) When the livery has complied with subsections (1),~~
21 ~~(2), (3), and (4), its liability ceases and the person leasing~~
22 ~~the vessel from the livery is liable for any violations of~~
23 ~~this chapter and is personally liable for any accident or~~
24 ~~injury occurring while in charge of such vessel.~~

25 Section 10. 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 11. Except as otherwise provided in this act,
23 this act shall take effect July 1, 1999.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1944

The committee substitute deleted the requirement that persons operating a vessel carry and have available for inspection, photographic identification indicating the operator's date of birth.

Replaces a requirement that a livery renting a vessel of 10 horsepower or greater provide instruction on laws and regulations, navigation rules, and personal responsibility with the requirement that the instructions be on safe vessel operation, vessel right-of-way, and responsibility of the vessel operator for the safe and proper operation of the vessel.