

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 creating s. 380.275, F.S.; providing for a
3 cooperative effort among state agencies and
4 local governments to plan for and assist in the
5 placement of rip current warning signs;
6 providing that the Department of Community
7 Affairs shall direct and coordinate the
8 program; requiring the development of a uniform
9 rip current warning sign; authorizing the
10 department to coordinate the location,
11 distribution, and erection of rip current
12 warning signs; providing for rules; limiting
13 the liability of participating governmental
14 entities; providing effective dates.
15

16 Be It Enacted by the Legislature of the State of Florida:
17

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

20 327.02 Definitions of terms used in this chapter and
21 in chapter 328.--As used in this chapter and in chapter 328,
22 unless the context clearly requires a different meaning, the
23 term:

24 (27) "Personal watercraft" means a small ~~class A-1 or~~
25 ~~A-2~~ vessel less than 16 feet in length which uses an outboard
26 motor, or an inboard motor powering a water jet pump, as its
27 primary source of motive power and which is designed to be
28 operated by a person sitting, standing, or kneeling on, ~~or~~
29 ~~being towed behind~~ the vessel, rather than in the conventional
30 manner of sitting or standing inside the vessel.
31

1 Section 2. Subsection (1) and paragraphs (b) and (c)
2 of subsection (2) of section 327.25, Florida Statutes, are
3 amended to read:

4 327.25 Classification; registration; fees and charges;
5 surcharge; disposition of fees; fines; marine turtle
6 stickers.--

7 (1) VESSEL REGISTRATION FEE.--Vessels that are
8 required to be registered shall be classified for registration
9 purposes according to the following schedule, and the
10 registration certificate fee shall be in the following
11 amounts:

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

15 Class A-2--12 feet or more and less than 16 feet in
16 length, and all personal watercraft, regardless of length
1710.50
18 (To county).....2.85

19 Class 1--16 feet or more and less than 26 feet in
20 length.....18.50
21 (To county).....8.85

22 Class 2--26 feet or more and less than 40 feet in
23 length.....50.50
24 (To county).....32.85

25 Class 3--40 feet or more and less than 65 feet in
26 length.....82.50
27 (To county).....56.85

28 Class 4--65 feet or more and less than 110 feet in
29 length.....98.50
30 (To county).....68.85

31 Class 5--110 feet or more in length.....122.50

1 (To county).....86.85

2 Dealer registration certificate16.50

3 (2) ANTIQUE VESSEL REGISTRATION FEE.--

4 (b) The registration number for an antique vessel
 5 shall be permanently attached to each side of the forward half
 6 of the vessel ~~affixed on the forward half of the hull or on~~
 7 ~~the port side of the windshield~~ according to ss. 327.11 and
 8 327.14.

9 (c) The Department of Highway Safety and Motor
 10 Vehicles may issue a decal identifying the vessel as an
 11 antique vessel. The decal shall be displayed as provided in
 12 ss. 327.11 and 327.14 ~~placed within 3 inches of the~~
 13 ~~registration number.~~

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

16 327.28 Marine Resources Conservation Trust Fund;
 17 vessel registration funds; appropriation and distribution.--

18 (1) Except as otherwise specified and less any
 19 administrative costs, all funds collected from the
 20 registration of vessels through the Department of Highway
 21 Safety and Motor Vehicles and the tax collectors of the state
 22 shall be deposited in the Marine Resources Conservation Trust
 23 Fund for recreational channel marking; public launching
 24 facilities; law enforcement and quality control programs;
 25 aquatic weed control; manatee protection, recovery, rescue,
 26 rehabilitation, and release; and marine mammal protection and
 27 recovery. The funds collected pursuant to s. 327.25(1) shall
 28 be transferred as follows:

29 (a) In each fiscal year, an amount equal to \$1 for
 30 each vessel registered in this state shall be transferred to
 31 the Save the Manatee Trust Fund for manatee and marine mammal

1 research, protection, and recovery in accordance with the
2 provisions of s. 370.12(5)(a).

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

10 (c) Two dollars from each noncommercial vessel
11 registration fee, except that for class A-1 vessels, shall be
12 transferred to the Aquatic Plant Control Trust Fund for
13 aquatic weed research and control.

14 (d) Forty percent of the registration fees from
15 commercial vessels shall be used for law enforcement and
16 quality control programs.

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

20 (f) Notwithstanding any other provision of this
21 subsection and except as provided in paragraphs (a) and (b)
22 and s. 327.25(1), fees from the registration of personal
23 watercraft shall not be transferred from the Marine Resources
24 Conservation Trust Fund and may only be appropriated for
25 on-the-water enforcement of boating laws, rules, and
26 ordinances and for boating safety education and training.

27 Section 4. Section 327.39, Florida Statutes, is
28 amended to read:

29 327.39 Personal watercraft; additional regulations
30 ~~regulated.~~--

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

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

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

16 (4) A personal watercraft must at all times be
17 operated in a reasonable and prudent manner. Maneuvers which
18 unreasonably or unnecessarily endanger life, limb, or
19 property, including, but not limited to, weaving through
20 congested vessel traffic, jumping the wake of another vessel
21 unreasonably or unnecessarily close to such other vessel or
22 when visibility around such other vessel is obstructed, and
23 swerving at the last possible moment to avoid collision shall
24 constitute reckless operation of a vessel, as provided in s.
25 327.33(1). Any person operating a personal watercraft must
26 comply with the provisions of s. 327.33.

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

29 (b) No person under the age of 18 shall operate any
30 leased, hired, or rented personal watercraft on the waters of
31 this state; except that a person 16 or 17 years of age may

1 operate a leased, hired, or rented personal watercraft if a
2 person at least 18 years of age is aboard, is attendant to the
3 operation of the personal watercraft, and is responsible for
4 any violation that occurs during the operation, and provided
5 that both persons have complied with s. 327.395 when
6 applicable.

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

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

17 1. Any person under 18 years of age in violation of
18 this section; except that a person 16 or 17 years of age may
19 operate a leased, hired, or rented personal watercraft if a
20 person at least 18 years of age is aboard, is attendant to the
21 operation of the personal watercraft, and is responsible for
22 any violation that occurs during the operation, and provided
23 that both persons have complied with s. 327.395 when
24 applicable; or

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

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

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

6 Section 5. Effective July 1, 2000, 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 15 ~~14~~ 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 15 ~~14~~ years of age in
16 violation of this section.

17 Section 6. Effective July 1, 2001, paragraph (a) of
18 subsection (5) and paragraph (a) of subsection (6) of section
19 327.39, Florida Statutes, are amended to read:

20 327.39 Personal watercraft; additional regulations.--

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

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

28 Section 7. Subsection (6) of section 327.395, Florida
29 Statutes, is amended to read:

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

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

6 327.49 Boating safety standards for testing vessels
7 and vessel motors.--Manufacturers of vessels and vessel motors
8 operating vessel and vessel motor test facilities shall be
9 authorized to test such vessels, vessel motors, or
10 combinations thereof on the waters of the state to ensure that
11 they meet generally accepted boating safety standards;
12 provided that the testing of such vessels, vessel motors, or
13 combinations thereof must not adversely impact the safety of
14 the boating public.

15 Section 9. Section 327.54, Florida Statutes, is
16 amended to read:

17 327.54 Liveries; safety regulations; penalty.--

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

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

24 (b) When the horsepower of the motor exceeds the
25 capacity of the vessel.

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

28 (d) When the vessel is not seaworthy.

29 (e) When the vessel is equipped with a motor of 10
30 horsepower or greater, unless the livery provides ~~there is a~~
31 ~~prerental or preride instruction~~ that includes, but need not

1 be limited to:~~in the safe operation of the vessel by the~~
2 ~~livery.~~

3 1. Operational characteristics of the vessel.

4 2. Safe vessel operation, vessel right-of-way, and
5 responsibility of the vessel operator for the safe and proper
6 operation of the vessel.

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

8
9 Any person delivering the information specified in this
10 paragraph must have successfully completed a boater safety
11 course approved by the National Association of State Boating
12 Law Administrators and this state.

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

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

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

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

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1 operation, and provided that both have complied with s.
2 327.395 when applicable.

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

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

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

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

29 ~~(7)(5)~~ Any person convicted of violating this section
30 is guilty of a misdemeanor of the second degree, punishable as
31 provided in s. 775.082 or s. 775.083.

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

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

11 327.73 Noncriminal infractions.--

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

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

16 (s) Section 327.395, relating to boater safety
17 education.

18
19 Any person cited for a violation of any such provision shall
20 be deemed to be charged with a noncriminal infraction, shall
21 be cited for such an infraction, and shall be cited to appear
22 before the county court. The civil penalty for any such
23 infraction is \$50, except as otherwise provided in this
24 section. Any person who fails to appear or otherwise properly
25 respond to a uniform boating citation shall, in addition to
26 the charge relating to the violation of the boating laws of
27 this state, be charged with the offense of failing to respond
28 to such citation and, upon conviction, be guilty of a
29 misdemeanor of the second degree, punishable as provided in s.
30 775.082 or s. 775.083. A written warning to this effect shall
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1 be provided at the time such uniform boating citation is
2 issued.

3 Section 11. Effective October 1, 1999, section
4 380.275, Florida Statutes, is created to read:

5 380.275 Beaches and coastal areas; posting of rip
6 current warning signs.--

7 (1) It is the intent of the Legislature that a
8 cooperative effort among state agencies and local governments
9 be developed to plan for and assist in the placement of rip
10 current warning signs along the public beaches and coastal
11 areas of the state. A rip current is a strong surface current
12 of water flowing out past the surf zone which can pull even
13 the strongest swimmer into deeper water. Rip currents pose a
14 significant danger of drowning to tourists and the public, and
15 it is therefore important to warn the public to be cautious in
16 coastal areas where rip currents can occur.

17 (2) The Department of Community Affairs, through the
18 Florida Coastal Management Program, shall direct and
19 coordinate the rip current warning sign program, which shall
20 be a program to require the placement of rip current warning
21 signs in areas that pose a significant risk to the public as a
22 result of rip currents. Signs shall be located where the
23 public has established an access way to a beach or coastal
24 area.

25 (3) The department shall develop a uniform rip current
26 warning sign for use at any public beach or along any coastal
27 area where there may be a significant threat to the public as
28 a result of rip currents, to be placed, insofar as is
29 practicable, wherever the public has established access ways
30 to the beach.

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1 (4) The department shall, within the limits of
2 appropriations available to it for such purposes, establish
3 and operate a program to fund the placement of rip current
4 warning signs in areas where the public has established an
5 access way to a beach or coastal area that may be subject to a
6 significant threat of dangerous rip currents and therefore may
7 pose a hazard to the public. The department shall coordinate
8 efforts to determine the locations that local governments
9 consider appropriate for placement of rip current warning
10 signs. For these locations, the department shall make rip
11 current warning signs available to the governing body of any
12 county or municipality in such quantity as is determined by
13 the department. The department shall also coordinate with the
14 local governing body the distribution and erection of rip
15 current warning signs, whenever there is a request for such
16 assistance.

17 (5) The department shall adopt such rules and forms as
18 are necessary to carry out the purposes of this section and to
19 ensure that all projects to which assistance is rendered under
20 this section are for the purpose of providing and erecting rip
21 current warning signs.

22 (6) The state, state agencies, local governments, and
23 local government agencies shall not be held liable for any
24 injury caused by the placement or maintenance of rip current
25 warning signs or the failure to install or maintain rip
26 current signs as provided by this section.

27 Section 12. Except as otherwise provided in this act,
28 this act shall take effect July 1, 1999.

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