

By Senator Kurth

15-41-00

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.; providing a penalty;
18 creating s. 327.49, F.S.; authorizing certain
19 testing of vessels and vessel motors on the
20 waters of the state; amending s. 327.54, F.S.;
21 revising requirements for lease, hiring, or
22 rental of vessels by liveries, relating to
23 prerental or preride instruction, minimum age
24 for rental, safety information and instruction,
25 and limitation of liability; requiring liveries
26 to carry certain insurance coverage; providing
27 a penalty; reenacting s. 327.73(1)(p) and (s),
28 F.S., relating to a penalty for violation of
29 vessel laws, to incorporate the amendments to
30 ss. 327.39 and 327.395, F.S., in references;
31 creating s. 380.275, F.S.; providing for a

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

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

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16 Section 1. Subsection (27) of section 327.02, Florida
17 Statutes, is amended to read:

18 327.02 Definitions of terms used in this chapter and
19 in chapter 328.--As used in this chapter and in chapter 328,
20 unless the context clearly requires a different meaning, the
21 term:

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

29 Section 2. Subsections (1) and (2) of section 328.72,
30 Florida Statutes, are amended to read:

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1 328.72 Classification; registration; fees and charges;
2 surcharge; disposition of fees; fines; marine turtle
3 stickers.--
4 (1) VESSEL REGISTRATION FEE.--Vessels that are
5 required to be registered shall be classified for registration
6 purposes according to the following schedule, and the
7 registration certificate fee shall be in the following
8 amounts:
9 Class A-1--Less than 12 feet in length, and all canoes
10 to which propulsion motors have been attached, regardless of
11 length.....\$3.50
12 Class A-2--12 feet or more and less than 16 feet in
13 length, and all personal watercraft, regardless of length
1410.50
15 (To county).....2.85
16 Class 1--16 feet or more and less than 26 feet in
17 length.....18.50
18 (To county).....8.85
19 Class 2--26 feet or more and less than 40 feet in
20 length.....50.50
21 (To county).....32.85
22 Class 3--40 feet or more and less than 65 feet in
23 length.....82.50
24 (To county).....56.85
25 Class 4--65 feet or more and less than 110 feet in
26 length.....98.50
27 (To county).....68.85
28 Class 5--110 feet or more in length.....122.50
29 (To county).....86.85
30 Dealer registration certificate16.50
31 (2) ANTIQUE VESSEL REGISTRATION FEE.--

1 (a) A vessel that is at least 30 years old, used only
2 for noncommercial purposes, and powered by the vessel's
3 original-type power plant may be registered as an antique
4 vessel. When applying for registration as an antique vessel,
5 the owner of such a vessel shall submit certification, as
6 prescribed by the Department of Highway Safety and Motor
7 Vehicles or from a marine surveyor that the vessel meets the
8 requirements of this paragraph.

9 (b) The registration number for an antique vessel
10 shall be displayed as provided in ss. 328.48 and 328.54.

11 (c) The Department of Highway Safety and Motor
12 Vehicles may issue a decal identifying the vessel as an
13 antique vessel. The decal shall be displayed as provided in
14 ss. 328.48 ~~327.11~~ and 328.54 ~~327.14~~.

15 Section 3. Subsection (1) of section 328.76, Florida
16 Statutes, is amended to read:

17 328.76 Marine Resources Conservation Trust Fund;
18 vessel registration funds; appropriation and distribution.--

19 (1) Except as otherwise specified and less any
20 administrative costs, all funds collected from the
21 registration of vessels through the Department of Highway
22 Safety and Motor Vehicles and the tax collectors of the state
23 shall be deposited in the Marine Resources Conservation Trust
24 Fund for recreational channel marking; public launching
25 facilities; law enforcement and quality control programs;
26 aquatic weed control; manatee protection, recovery, rescue,
27 rehabilitation, and release; and marine mammal protection and
28 recovery. The funds collected pursuant to s. 328.72(1) shall
29 be transferred as follows:

30 (a) In each fiscal year, an amount equal to \$1 for
31 each vessel registered in this state shall be transferred to

1 the Save the Manatee Trust Fund for manatee and marine mammal
2 research, protection, and recovery in accordance with the
3 provisions of s. 370.12(4)(a).

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

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

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

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

21 (f) Notwithstanding any other provision of this
22 subsection and except as provided in paragraphs (a) and (b)
23 and in s. 328.72(1), fees from the registration of personal
24 watercraft may not be transferred from the Marine Resources
25 Conservation Trust Fund and may be appropriated only for
26 on-the-water enforcement of boating laws, rules, and
27 ordinances and for boating-safety education and training.

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

30 327.39 Personal watercraft; additional regulations
31 regulated.--

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 ~~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) A person under the age of 18 may not 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 such watercraft if a person at least 18 years of age
2 is aboard, is attendant to the operation of the watercraft,
3 and is responsible for any violation that occurs during the
4 operation, and if both persons have complied with s. 327.395
5 when applicable.

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

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

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

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

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

29 (7) This section does not apply to a performer engaged
30 in a professional exhibition or a person preparing to
31 participate or participating in a regatta, race, marine

1 | parade, tournament, or exhibition held in compliance with s.
2 | 327.48.

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

6 | 327.39 Personal watercraft; additional regulations.--

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

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

14 | Section 6. Effective July 1, 2002, paragraph (a) of
15 | subsection (5) and subsection (6) of section 327.39, Florida
16 | Statutes, are amended to read:

17 | 327.39 Personal watercraft regulated.--

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

20 | (6) It is unlawful for the owner of any personal
21 | watercraft or any person having charge over or control of a
22 | personal watercraft to authorize or knowingly permit the same
23 | to be operated by a person under 16 ~~14~~ years of age in
24 | violation of this section. Any person who violates this
25 | subsection shall be guilty of a misdemeanor of the second
26 | degree, punishable as provided in s. 775.082 or s. 775.083.

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

29 | 327.395 Boating safety identification cards.--

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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 may test
9 them on the waters of the state to ensure that they meet
10 generally accepted boating safety standards, if such testing
11 does not adversely impact the safety of the boating public.

12 Section 9. 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 that includes:in the safe~~
29 ~~operation of the vessel by the livery.~~

30 1. Operational characteristics of the vessel.

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1 2. Safe vessel operation, vessel right-of-way, and
2 responsibility of the vessel operator for the safe and proper
3 operation of the vessel.

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

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

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

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

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

19 (4)(a) A livery may not lease, hire, or rent a
20 personal watercraft to any person who is under 18 ~~16~~ years of
21 age, nor may it permit any leased, hired, or rented personal
22 watercraft to be operated by a person who is under 18 years of
23 age, except that a livery may permit a person 16 or 17 years
24 of age to operate such watercraft if a person at least 18
25 years of age is aboard, is attendant to the operation of the
26 watercraft, and is responsible for any violation that occurs
27 during the operation, and if both persons have complied with
28 s. 327.395 when applicable.

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

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

9 (5) Limitation of liability of liveries is governed by
10 46 U.S.C. Appendix ss. 181-189.

11 (6) 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 a
14 policy from a licensed insurance carrier in this state,
15 insuring against any accident, loss, injury, property damage,
16 or other casualty caused by or resulting from the operation of
17 the personal watercraft. The insurance policy must provide
18 coverage of at least \$500,000 per person and \$1 million per
19 event. The livery must have proof of such insurance available
20 for inspection at the location where personal watercraft are
21 being leased, hired, or rented or offered for lease, hire, or
22 rent, and shall provide to each renter the insurance carrier's
23 name and address and the insurance policy number.

24 (7)(5) Any person convicted of violating this section
25 is guilty of a misdemeanor of the second degree, punishable as
26 provided in s. 775.082 or s. 775.083.

27 ~~(6) When the livery has complied with subsections (1),~~
28 ~~(2), (3), and (4), its liability ceases and the person leasing~~
29 ~~the vessel from the livery is liable for any violations of~~
30 ~~this chapter and is personally liable for any accident or~~
31 ~~injury occurring while in charge of such vessel.~~

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

6 327.73 Noncriminal infractions.--

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

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

11 (s) Section 327.395, relating to boater safety
12 education.

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

28 Section 11. Effective October 1, 2000, section
29 380.275, Florida Statutes, is created to read:

30 380.275 Beaches and coastal areas; posting of rip
31 current warning signs.--

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

11 (2) The Department of Community Affairs, through the
12 Florida Coastal Management Program, shall direct and
13 coordinate the rip current warning sign program, requiring the
14 placement of rip current warning signs in areas where rip
15 currents pose a significant risk to the public. Signs must be
16 located where the public has established an access way to a
17 beach or coastal area.

18 (3) The department shall develop a uniform rip current
19 warning sign for use at any public beach or along any coastal
20 area where there may be a significant threat to the public as
21 a result of rip currents, to be placed, insofar as is
22 practicable, wherever the public has established access ways
23 to the beach.

24 (4) The department shall, within the limits of
25 available appropriations, establish and operate a program to
26 fund the placement of rip current warning signs in areas where
27 the public has established an access way to a beach or coastal
28 area that may be subject to a significant threat of dangerous
29 rip currents and therefore may pose a hazard to the public.
30 The department shall coordinate efforts to determine the
31 locations that local governments consider appropriate for

1 placement of such signs. For these locations, the department
2 shall make signs available to the governing body of any county
3 or municipality in such quantity as is determined by the
4 department. The department shall also coordinate with the
5 local governing body the distribution and erection of rip
6 current warning signs, whenever there is a request for such
7 assistance.

8 (5) The department shall adopt rules and forms
9 necessary for administering this section and to ensure that
10 all projects to which assistance is rendered under this
11 section are for the purpose of providing and erecting rip
12 current warning signs.

13 (6) The state, state agencies, local governments, and
14 local government agencies may not be held liable for any
15 injury caused by the placement or maintenance of rip current
16 warning signs or the failure to install or maintain such
17 signs.

18 Section 12. Except as otherwise provided in this act,
19 this act shall take effect July 1, 2000.
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SENATE SUMMARY

Redefines "personal watercraft" and classifies all personal watercraft as class A-2 vessels. Provides requirements for display of antique vessel registration numbers and decals. Restricts use of personal watercraft registration fees to boating-safety education and on-the-water enforcement of boating regulations. Revises requirements for personal watercraft operation relating to authorized flotation devices, times of operation, and reckless or careless operation. Raises minimum age for operation from 14 to 16 over a 2-year period. Requires certain adult supervision of operators age 16 or 17. Prohibits leasing, hiring, or renting personal watercraft to anyone who is under age 18 or who has not received approved safety instruction. Authorizes manufacturers to test vessels and vessel motors on the waters of the state to ensure safety. Revises requirements for lease, hiring, or rental of vessels by liveries, relating to prerenal or preride instruction and provision of safety information and instruction. Raises the minimum age for lease, hiring, or 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. Provides for the erection of rip current warning signs by local governments and the Department of Community Affairs and limits the liability of participating governmental entities. (See bill for details.)