

By Representative Crow

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. 327.39, F.S.; revising requirements
5 for operation of a personal watercraft relating
6 to authorized flotation devices, times of
7 operation, reckless or careless operation, and
8 minimum age for operation; prohibiting lease,
9 hiring, or rental to certain persons; providing
10 a penalty; creating s. 327.49, F.S.;
11 authorizing certain testing of vessels and
12 vessel motors on the waters of the state;
13 amending s. 327.54, F.S.; revising requirements
14 for lease, hiring, or rental of vessels by
15 liveries, relating to prerental or preride
16 instruction, minimum age for rental, safety
17 information and instruction, and limitation of
18 liability; requiring liveries to carry certain
19 insurance coverage; providing a penalty;
20 reenacting s. 327.73(1)(p), F.S., relating to a
21 penalty for violation of vessel laws, to
22 incorporate the amendment to s. 327.39, F.S.,
23 in a reference; amending s. 328.72, F.S.;
24 classifying all personal watercraft as class
25 A-2 vessels; providing requirements for display
26 of antique vessel registration numbers and
27 decals; amending s. 328.76, F.S.; providing for
28 distribution and use of registration fees for
29 personal watercraft; providing effective dates.
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31 Be It Enacted by the Legislature of the State of Florida:

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

3 327.02 Definitions of terms used in this chapter and
4 in chapter 328.--As used in this chapter and in chapter 328,
5 unless the context clearly requires a different meaning, the
6 term:

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

14 Section 2. Section 327.39, Florida Statutes, is
15 amended to read:

16 327.39 Personal watercraft; additional regulations
17 ~~regulated.--~~

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

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

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

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

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

16 (b) No person under the age of 18 shall operate any
17 leased, hired, or rented personal watercraft on the waters of
18 this state; 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.

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

30 (b) It is unlawful for the owner of any leased, hired,
31 or rented personal watercraft or any person having charge over

1 or control of a leased, hired, or rented personal watercraft
2 to authorize or knowingly permit the watercraft to be operated
3 by:

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

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

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

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

24 Section 3. Effective July 1, 2001, paragraph (a) of
25 subsection (5) and paragraph (a) of subsection (6) of section
26 327.39, Florida Statutes, are amended to read:

27 327.39 Personal watercraft; additional regulations.--

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

30 (6)(a) It is unlawful for the owner of any personal
31 watercraft or any person having charge over or control of a

1 personal watercraft to authorize or knowingly permit the same
2 to be operated by a person under 15 ~~14~~ years of age in
3 violation of this section.

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

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

14 Section 5. Section 327.54, Florida Statutes, is
15 amended to read:

16 327.54 Liveries; safety regulations; penalty.--

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

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

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

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

27 (d) When the vessel is not seaworthy.

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

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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 6. For the purpose of incorporating the
7 amendment to section 327.39, Florida Statutes, in a reference
8 thereto, paragraph (p) of subsection (1) of section 327.73,
9 Florida Statutes, is reenacted to read:

10 327.73 Noncriminal infractions.--

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

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

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

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1 Section 7. Subsection (1) and paragraphs (b) and (c)
2 of subsection (2) of section 328.72, Florida Statutes, are
3 amended to read:
4 328.72 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 ~~displayed~~ as provided in ss. 328.48 and 328.54.
7 (c) The Department of Highway Safety and Motor
8 Vehicles may issue a decal identifying the vessel as an
9 antique vessel. The decal shall be displayed as provided in
10 ss. 328.48 ~~327.11~~ and 328.54 ~~327.14~~.
11 Section 8. Subsection (1) of section 328.76, Florida
12 Statutes, is amended to read:
13 328.76 Marine Resources Conservation Trust Fund;
14 vessel registration funds; appropriation and distribution.--
15 (1) Except as otherwise specified and less any
16 administrative costs, all funds collected from the
17 registration of vessels through the Department of Highway
18 Safety and Motor Vehicles and the tax collectors of the state
19 shall be deposited in the Marine Resources Conservation Trust
20 Fund for recreational channel marking; public launching
21 facilities; law enforcement and quality control programs;
22 aquatic weed control; manatee protection, recovery, rescue,
23 rehabilitation, and release; and marine mammal protection and
24 recovery. The funds collected pursuant to s. 328.72(1) shall
25 be transferred as follows:
26 (a) In each fiscal year, an amount equal to \$1 for
27 each vessel registered in this state shall be transferred to
28 the Save the Manatee Trust Fund for manatee and marine mammal
29 research, protection, and recovery in accordance with the
30 provisions of s. 370.12(4)(a).
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1 (b) In addition, in each fiscal year, an amount equal
2 to 50 cents for each vessel registered in this state shall be
3 transferred to the Save the Manatee Trust Fund in accordance
4 with the provisions of s. 370.12(4)(b) for use by those
5 facilities approved to rescue, rehabilitate, and release
6 manatees as authorized pursuant to the Fish and Wildlife
7 Service of the United States Department of the Interior.

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

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

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

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

26 Section 9. Except as otherwise provided herein, this
27 act shall take effect July 1, 2000.

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HOUSE SUMMARY

Redefines "personal watercraft." Revises requirements for personal watercraft operation, relating to authorized flotation devices, times of operation, and reckless or careless operation. Phases in an increase in minimum age for operation from age 14 to 15. 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 prerental or preride instruction, 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. 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. See bill for details.