

By the Committee on Judiciary and Representatives Crow,
Farkas and Fiorentino

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

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30 Be It Enacted by the Legislature of the State of Florida:
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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 the hours from one-half hour after sunset to
30 one-half hour before sunrise. However, an agent or employee of
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1 a fire or emergency rescue service is exempt from this
2 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
20 accompanied by a person at least 18 years of age, both at the
21 time of rental and who is on board and in command during all
22 phases of operation, and provided that both persons have
23 complied with s. 327.395 when applicable.

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

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

1 to authorize or knowingly permit the watercraft to be operated
2 by:

3 1. Any person under 18 years of age in violation of
4 this section; except that a person 16 or 17 years of age may
5 operate a leased, hired, or rented personal watercraft if
6 accompanied by a person at least 18 years of age, both at the
7 time of rental and who is on board and in command during all
8 phases of operation, and provided that both persons have
9 complied with s. 327.395 when applicable; or

10 2. Any person who has not received instruction in the
11 safe handling of personal watercraft, in compliance with rules
12 established by the commission, and signed a written statement
13 attesting to the same. The commission shall establish rules
14 prescribing the instructions to be given, which shall take
15 into account the nature and operational characteristics of
16 personal watercraft and general principles and regulations
17 pertaining to boating safety.

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 3. Effective July 1, 2001, 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 4. Section 327.49, Florida Statutes, is
7 created to read:

8 327.49 Testing vessels and vessel motors.--Subject to
9 reasonable rules adopted by the commission, manufacturers of
10 vessels and vessel motors operating vessel and vessel motor
11 test facilities shall be authorized to test such vessels,
12 vessel motors, or combinations thereof on the waters of the
13 state to ensure that they meet generally accepted boating
14 safety standards.

15 Section 5. 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 to be
4 rented.
5 2. Safe vessel operation and vessel right-of-way.
6 3. The responsibility of the vessel operator for the
7 safe and proper operation of the vessel.
8 4. Local characteristics of the waterway where the
9 vessel will be operated.

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. The
17 commission shall prescribe, by rule, the contents and size of
18 the boating safety information to be displayed.

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

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

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

1 watercraft if accompanied by a person at least 18 years of
2 age, both at the time of rental and who is on board and in
3 command during all phases of operation, and provided that both
4 have complied with s. 327.395 when applicable.~~lease, hire, or~~
5 ~~rent such watercraft or other vessel to any other person,~~
6 ~~unless the livery displays boating safety information about~~
7 ~~the safe and proper operation of vessels.~~

8 (b) 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 rules standards established by the~~
13 ~~commission, and signed a written statement attesting to the~~
14 ~~same department.~~

15 (5) 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 ~~(6)(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.

15
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.

30 Section 7. Paragraphs (b) and (c) of subsection (2) of
31 section 328.72, Florida Statutes, are amended to read:

1 328.72 Classification; registration; fees and charges;
2 surcharge; disposition of fees; fines; marine turtle
3 stickers.--
4 (2) ANTIQUE VESSEL REGISTRATION FEE.--
5 (b) The registration number for an antique vessel
6 shall be permanently attached to each side of the forward half
7 of the vessel ~~displayed~~ as provided in ss. 328.48 and 328.54.
8 (c) The Department of Highway Safety and Motor
9 Vehicles may issue a decal identifying the vessel as an
10 antique vessel. The decal shall be displayed as provided in
11 ss. 328.48 ~~327.11~~ and 328.54 ~~327.14~~.
12 Section 8. Subsection (1) of section 328.76, Florida
13 Statutes, is amended to read:
14 328.76 Marine Resources Conservation Trust Fund;
15 vessel registration funds; appropriation and distribution.--
16 (1) Except as otherwise specified and less any
17 administrative costs, all funds collected from the
18 registration of vessels through the Department of Highway
19 Safety and Motor Vehicles and the tax collectors of the state
20 shall be deposited in the Marine Resources Conservation Trust
21 Fund for recreational channel marking; public launching
22 facilities; law enforcement and quality control programs;
23 aquatic weed control; manatee protection, recovery, rescue,
24 rehabilitation, and release; and marine mammal protection and
25 recovery. The funds collected pursuant to s. 328.72(1) shall
26 be transferred as follows:
27 (a) In each fiscal year, an amount equal to \$1 for
28 each vessel registered in this state shall be transferred to
29 the Save the Manatee Trust Fund for manatee and marine mammal
30 research, protection, and recovery in accordance with the
31 provisions of s. 370.12(4)(a).

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 increased on-the-water
23 enforcement of boating laws, rules, and ordinances. However,
24 counties shall continue to receive the share of the fees
25 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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