

By Senator Rich

34-02461A-08

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1 A bill to be entitled

2 An act relating to vessel safety; amending s. 327.39,
3 F.S.; revising certain requirements for operating personal
4 watercraft; amending s. 327.54, F.S.; revising the
5 requirements relating to the boating safety course
6 required for leasing or renting a vessel or personal
7 watercraft from a livery; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsections (5) and (6) of section 327.39,
12 Florida Statutes, are amended to read:

13 327.39 Personal watercraft regulated.--

14 (5) No person under the age of 16 ~~14~~ shall operate any
15 personal watercraft on the waters of this state.

16 (6) (a) It is unlawful for the owner of any personal
17 watercraft or any person having charge over or control of a
18 personal watercraft to authorize or knowingly permit the same to
19 be operated by a person under 16 ~~14~~ years of age in violation of
20 this section or by a person who does not hold a boating safety
21 identification card in compliance with s. 327.395.

22 (b)1. It is unlawful for the owner of any leased, hired, or
23 rented personal watercraft, or any person having charge over or
24 control of a leased, hired, or rented personal watercraft, to
25 authorize or knowingly permit the watercraft to be operated by
26 any person who has not received instruction in the safe handling
27 of personal watercraft, in compliance with s. 327.54 and rules
28 established by the commission.

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29 2. Any person receiving instruction in the safe handling of
30 personal watercraft pursuant to s. 327.54 and any a program
31 established by rule of the commission must provide the owner of,
32 or person having charge of or control over, a leased, hired, or
33 rented personal watercraft with a written statement attesting to
34 the same.

35 3. The commission shall have the authority to establish
36 rules pursuant to chapter 120 prescribing the instruction to be
37 given, which shall take into account the nature and operational
38 characteristics of personal watercraft and general principles and
39 regulations pertaining to boating safety.

40 (c) Any person who violates this subsection commits a
41 misdemeanor of the second degree, punishable as provided in s.
42 775.082 or s. 775.083.

43 Section 2. Subsections (1) and (4) of section 327.54,
44 Florida Statutes, are amended to read:

45 327.54 Liveries; safety regulations; penalty.--

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

48 (a) When the number of persons intending to use the vessel
49 exceeds the number considered to constitute a maximum safety load
50 for the vessel as specified on the authorized persons capacity
51 plate of the vessel.

52 (b) When the horsepower of the motor exceeds the capacity
53 of the vessel.

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

56 (d) When the vessel is not seaworthy.

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57 (e) When the vessel is equipped with a motor of 10
58 horsepower or greater, unless the livery provides prerental or
59 preride instruction that includes, but need not be limited to:

- 60 1. Operational characteristics of the vessel to be rented.
- 61 2. Safe vessel operation and vessel right-of-way.
- 62 3. The responsibility of the vessel operator for the safe
63 and proper operation of the vessel.
- 64 4. Local characteristics of the waterway where the vessel
65 will be operated.

66
67 Any person delivering the information specified in this paragraph
68 must enroll in, attend, and successfully complete, at his or her
69 expense, have successfully completed a boating boater safety
70 course that meets minimum standards established by commission
71 rule approved by the National Association of State Boating Law
72 Administrators and this state.

73 (f) Unless the livery displays boating safety information
74 in a place visible to the renting public. The commission shall
75 prescribe by rule pursuant to chapter 120, the contents and size
76 of the boating safety information to be displayed.

77 (4) (a) A livery may not knowingly lease, hire, or rent a
78 personal watercraft to any person who is under 18 years of age.

79 (b) A livery may not knowingly lease, hire, or rent a
80 personal watercraft to any person who has not received
81 instruction in the safe handling of personal watercraft pursuant
82 to rule 68D-36, Florida Administrative Code, or any other rule,
83 in compliance with rules established by the commission pursuant
84 to chapter 120.

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85 (c) Any person receiving instruction in the safe handling
86 of personal watercraft pursuant to rule 68D-36, Florida
87 Administrative Code, or any other ~~a~~ program established by rule
88 of the commission, must provide the livery with a written
89 statement attesting to the same.

90 Section 3. This act shall take effect July 1, 2008.