

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; providing penalties; amending s. 327.54, F.S.;  
 5           revising the requirements relating to the boating safety  
 6           course required for leasing or renting a vessel or  
 7           personal watercraft from a livery; providing an effective  
 8           date.

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

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 12           Section 1. Subsections (5) and (6) of section 327.39,  
 13   Florida Statutes, are amended to read:

14           327.39 Personal watercraft regulated.--

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

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

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

29 of personal watercraft, in compliance with s. 327.54 and rules  
 30 established by the commission.

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

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

42 (c) Any person who violates this subsection commits a  
 43 misdemeanor of the second degree, punishable as provided in s.  
 44 775.082 or s. 775.083.

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

47 327.54 Liveries; safety regulations; penalty.--

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

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

54 (b) When the horsepower of the motor exceeds the capacity  
 55 of the vessel.

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

58 (d) When the vessel is not seaworthy.

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

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

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

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

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

81 (b) A livery may not knowingly lease, hire, or rent a  
82 personal watercraft to any person who has not received  
83 instruction in the safe handling of personal watercraft pursuant

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84 to rules of, ~~in compliance with rules established by the~~  
85 commission established pursuant to chapter 120.

86 (c) Any person receiving instruction in the safe handling  
87 of personal watercraft pursuant to rules of the commission  
88 established pursuant to chapter 120 or any other a program  
89 established by rule of the commission must provide the livery  
90 with a written statement attesting to the same.

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