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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/20/2009	.	
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The Committee on General Government Appropriations (Dean)
recommended the following:

1 **Senate Substitute for Amendment (960032) (with title**
2 **amendment)**

3
4 Delete lines 449 - 518
5 and insert:

6 Section 9. Effective January 1, 2010, section 327.395,
7 Florida Statutes, is amended to read:

8 327.395 Boating safety identification cards.—

9 (1) A person born on or after January 1, 1988, ~~21 years of~~
10 ~~age or younger~~ may not operate a vessel powered by a motor of 10
11 horsepower or greater unless such person has in his or her



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12 possession aboard the vessel photographic identification and a
13 boater safety identification card issued by the commission which
14 shows that he or she has:

15 (a) Completed a commission-approved boater education course
16 that meets the minimum 8-hour instruction requirement
17 established by the National Association of State Boating Law
18 Administrators;

19 (b) Passed a course equivalency examination approved by the
20 commission; or

21 (c) Passed a temporary certificate examination developed or
22 approved by the commission.

23 (2) Any person may obtain a boater safety identification
24 card by complying with the requirements of this section.

25 (3) Any commission-approved boater education or boater
26 safety course, course-equivalency examination developed or
27 approved by the commission, or temporary certificate examination
28 developed or approved by the commission must include a component
29 regarding diving vessels, awareness of divers in the water,
30 divers-down flags, and the requirements of s. 327.331.

31 (4) The commission may appoint liveries, marinas, or other
32 persons as its agents to administer the course, course
33 equivalency examination, or temporary certificate examination
34 and issue identification cards under guidelines established by
35 the commission. An agent must charge the \$2 examination fee,
36 which must be forwarded to the commission with proof of passage
37 of the examination and may charge and keep a \$1 service fee.

38 (5) An identification card issued to a person who has
39 completed a boating education course or a course equivalency
40 examination is valid for life. A card issued to a person who has



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41 passed a temporary certification examination is valid for 12
42 months from the date of issuance.

43 (6) A person is exempt from subsection (1) if he or she:

44 (a) Is licensed by the United States Coast Guard to serve
45 as master of a vessel.

46 (b) Operates a vessel only on a private lake or pond.

47 (c) Is accompanied in the vessel by a person who is exempt
48 from this section or who holds an identification card in
49 compliance with this section, is 18 years of age or older, and
50 is attendant to the operation of the vessel and responsible for
51 the safe operation of the vessel and for any violation that
52 occurs during the operation.

53 (d) Is a nonresident who has in his or her possession proof
54 that he or she has completed a boater education course or
55 equivalency examination in another state which meets or exceeds
56 the requirements of subsection (1).

57 (e) Is operating a vessel within 90 days after the purchase
58 of that vessel and has available for inspection aboard that
59 vessel a bill of sale meeting the requirements of s. 328.46(1).

60 (f)~~(e)~~ Is exempted by rule of the commission.

61 (7) A person who operates a vessel in violation of
62 subsection (1) commits ~~violates this section is guilty of a~~
63 noncriminal infraction, punishable as provided in s. 327.73.

64 (8) The commission shall design forms and adopt rules to
65 administer this section. Such rules shall include provision for
66 educational and other public and private entities to offer the
67 course and administer examinations.

68 (9) The commission shall institute and coordinate a
69 statewide program of boating safety instruction and



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70 certification to ensure that boating courses and examinations
71 are available in each county of the state.

72 (10) The commission is authorized to establish and to
73 collect a \$2 examination fee to cover administrative costs.

74 (11) The commission is authorized to adopt rules pursuant
75 to chapter 120 to implement the provisions of this section.

76 (12) This section may be cited as the "Osmany 'Ozzie'
77 Castellanos Boating Safety Education Act."

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete line 25

82 and insert:

83 amending s. 327.395, F.S.; providing a short title;

84 revising certain age