

By Senator Rich

34-00055-10

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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  
4       personal watercraft; amending s. 327.54, F.S.;  
5       revising the requirements relating to the boating  
6       safety course required for leasing or renting a  
7       personal watercraft from a livery; providing an  
8       effective 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 who does not hold a boating safety  
22       identification card in compliance with s. 327.395(1).

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

34-00055-10

2010100\_\_

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

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

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

44           Section 2. Subsection (4) of section 327.54, Florida  
45 Statutes, is amended to read:

46           327.54 Liveries; safety regulations; penalty.—

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

49           (b) A livery may not knowingly lease, hire, or rent a  
50 personal watercraft to any person who has not received  
51 instruction in the safe handling of personal watercraft pursuant  
52 to rule 68D-36.107, Florida Administrative Code, or any other  
53 rule, in compliance with rules established by the commission  
54 pursuant to chapter 120.

55           (c) Any person receiving instruction in the safe handling  
56 of personal watercraft pursuant to rule 68D-36.107, Florida  
57 Administrative Code, or any other a program established by rule  
58 of the commission, must provide the livery with a written

34-00055-10

2010100\_\_

59 statement attesting to the same.

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61 Any person delivering the information specified in this  
62 subsection must enroll in, attend, and successfully complete, at  
63 his or her own expense, a boating safety course approved by the  
64 National Association of State Boating Law Administrators and the  
65 commission.

66 Section 3. This act shall take effect July 1, 2010.