

By Senator Ring

29-00359-16

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1 A bill to be entitled
2 An act relating to boating safety; amending s. 327.39,
3 F.S.; revising the minimum age to operate personal
4 watercraft; conforming a provision to changes made by
5 the act; amending s. 327.395, F.S.; removing the
6 exemption from the photographic identification and
7 boating safety identification card requirement for a
8 person accompanied in the vessel by another person who
9 meets certain criteria; reenacting s. 327.73(1)(p),
10 F.S., relating to noncriminal infractions, to
11 incorporate the amendment made to s. 327.39, F.S., in
12 a reference thereto; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 327.39 Personal watercraft regulated.—

19 (5) No person under the age of 16 years ~~may~~ ~~shall~~
20 operate any personal watercraft on the waters of this state.

21 (6) (a) It is unlawful for the owner of any personal
22 watercraft or any person having charge over or control of a
23 personal watercraft to authorize or knowingly permit the same to
24 be operated by a person under the age of 16 ~~14 years~~ ~~of age~~ in
25 violation of this section.

26 (b)1. It is unlawful for the owner of any leased, hired, or
27 rented personal watercraft, or any person having charge over or
28 control of a leased, hired, or rented personal watercraft, to
29 authorize or knowingly permit the watercraft to be operated by

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30 any person who has not received instruction in the safe handling
31 of personal watercraft, in compliance with rules established by
32 the commission.

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

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

43 (c) Any person who violates this subsection commits a
44 misdemeanor of the second degree, punishable as provided in s.
45 775.082 or s. 775.083.

46 Section 2. Subsection (6) of section 327.395, Florida
47 Statutes, is amended to read:

48 327.395 Boating safety identification cards.—

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

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

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

53 ~~(c) Is accompanied in the vessel by a person who is exempt~~
54 ~~from this section or who holds an identification card in~~
55 ~~compliance with this section, is 18 years of age or older, and~~
56 ~~is attendant to the operation of the vessel and responsible for~~
57 ~~the safe operation of the vessel and for any violation that~~
58 ~~occurs during the operation of the vessel.~~

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59 (c)~~(d)~~ Is a nonresident who has in his or her possession
60 proof that he or she has completed a boater education course or
61 equivalency examination in another state which meets or exceeds
62 the requirements of subsection (1).

63 (d)~~(e)~~ Is operating a vessel within 90 days after the
64 purchase of that vessel and has available for inspection aboard
65 that vessel a bill of sale meeting the requirements of s.
66 328.46(1).

67 (e)~~(f)~~ Is operating a vessel within 90 days after
68 completing the requirements of paragraph (1)(a) or paragraph
69 (1)(b) and has a photographic identification card and a boater
70 education certificate available for inspection as proof of
71 having completed a boater education course. The boater education
72 certificate must provide, at a minimum, the student's first and
73 last name, the student's date of birth, and the date that he or
74 she passed the course examination.

75 (f)~~(g)~~ Is exempted by rule of the commission.

76 Section 3. For the purpose of incorporating the amendment
77 made by this act to section 327.39, Florida Statutes, in a
78 reference thereto, paragraph (p) of subsection (1) of section
79 327.73, Florida Statutes, is reenacted to read:

80 327.73 Noncriminal infractions.—

81 (1) Violations of the following provisions of the vessel
82 laws of this state are noncriminal infractions:

83 (p) Section 327.39(1), (2), (3), and (5), relating to
84 personal watercraft.

85

86 Any person cited for a violation of any provision of this
87 subsection shall be deemed to be charged with a noncriminal

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88 infraction, shall be cited for such an infraction, and shall be
89 cited to appear before the county court. The civil penalty for
90 any such infraction is \$50, except as otherwise provided in this
91 section. Any person who fails to appear or otherwise properly
92 respond to a uniform boating citation shall, in addition to the
93 charge relating to the violation of the boating laws of this
94 state, be charged with the offense of failing to respond to such
95 citation and, upon conviction, be guilty of a misdemeanor of the
96 second degree, punishable as provided in s. 775.082 or s.
97 775.083. A written warning to this effect shall be provided at
98 the time such uniform boating citation is issued.

99 Section 4. This act shall take effect July 1, 2016.