

HB 863

2016

1 A bill to be entitled
2 An act relating to boating safety; creating s.
3 327.385, F.S.; providing requirements for the
4 operation of recreational vessels by persons younger
5 than a specified age; amending s. 327.39, F.S.;
6 revising the minimum age to operate personal
7 watercraft; conforming a provision to changes made by
8 the act; amending s. 327.395, F.S.; removing the
9 exemption from the photographic identification and
10 boating safety identification card requirement for a
11 person accompanied in the vessel by another person who
12 meets certain criteria; amending s. 327.54, F.S.;
13 conforming a cross-reference; reenacting s.
14 327.73(1)(p), F.S., relating to noncriminal
15 infractions, to incorporate the amendment made to s.
16 327.39, F.S., in a reference thereto; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 327.385, Florida Statutes, is created
22 to read:

23 327.385 Operation of recreational vessels by persons
24 younger than 16 years of age.—A person who is younger than 16
25 years of age may not operate a recreational vessel on the waters
26 of this state unless he or she is accompanied by a person 21

27 years of age or older who has a valid boating safety
 28 identification card or who is exempt from the boating safety
 29 identification card requirements of s. 327.395.

30 Section 2. Subsections (5) and (6) of section 327.39,
 31 Florida Statutes, are amended to read:

32 327.39 Personal watercraft regulated.—

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

35 (6) (a) It is unlawful for the owner of any personal
 36 watercraft or any person having charge over or control of a
 37 personal watercraft to authorize or knowingly permit the same to
 38 be operated by a person under the age of 16 ~~14 years of age~~ in
 39 violation of this section.

40 (b)1. It is unlawful for the owner of any leased, hired,
 41 or rented personal watercraft, or any person having charge over
 42 or control of a leased, hired, or rented personal watercraft, to
 43 authorize or knowingly permit the watercraft to be operated by
 44 any person who has not received instruction in the safe handling
 45 of personal watercraft, in compliance with rules established by
 46 the commission.

47 2. Any person receiving instruction in the safe handling
 48 of personal watercraft pursuant to a program established by rule
 49 of the commission must provide the owner of, or person having
 50 charge of or control over, a leased, hired, or rented personal
 51 watercraft with a written statement attesting to the same.

52 3. The commission shall have the authority to establish

53 rules pursuant to chapter 120 prescribing the instruction to be
 54 given, which shall take into account the nature and operational
 55 characteristics of personal watercraft and general principles
 56 and regulations pertaining to boating safety.

57 (c) Any person who violates this subsection commits a
 58 misdemeanor of the second degree, punishable as provided in s.
 59 775.082 or s. 775.083.

60 Section 3. Subsection (6) of section 327.395, Florida
 61 Statutes, is amended to read:

62 327.395 Boating safety identification cards.—

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

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

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

67 ~~(c) Is accompanied in the vessel by a person who is exempt~~
 68 ~~from this section or who holds an identification card in~~
 69 ~~compliance with this section, is 18 years of age or older, and~~
 70 ~~is attendant to the operation of the vessel and responsible for~~
 71 ~~the safe operation of the vessel and for any violation that~~
 72 ~~occurs during the operation of the vessel.~~

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

77 (d) ~~(e)~~ Is operating a vessel within 90 days after the
 78 purchase of that vessel and has available for inspection aboard

79 | that vessel a bill of sale meeting the requirements of s.
80 | 328.46(1).

81 | (e)~~(f)~~ Is operating a vessel within 90 days after
82 | completing the requirements of paragraph (1)(a) or paragraph
83 | (1)(b) and has a photographic identification card and a boater
84 | education certificate available for inspection as proof of
85 | having completed a boater education course. The boater education
86 | certificate must provide, at a minimum, the student's first and
87 | last name, the student's date of birth, and the date that he or
88 | she passed the course examination.

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

90 | Section 4. Subsection (2) of section 327.54, Florida
91 | Statutes, is amended to read:

92 | 327.54 Liveries; safety regulations; penalty.—

93 | (2) A livery may not knowingly lease, hire, or rent any
94 | vessel powered by a motor of 10 horsepower or greater to any
95 | person who is required to comply with s. 327.395, unless such
96 | person presents to the livery photographic identification and a
97 | valid boater safety identification card as required under s.
98 | 327.395(1), or meets the exemption provided under s.

99 | 327.395(6)(e) ~~327.395(6)(f)~~.

100 | Section 5. For the purpose of incorporating the amendment
101 | made by this act to section 327.39, Florida Statutes, in a
102 | reference thereto, paragraph (p) of subsection (1) of section
103 | 327.73, Florida Statutes, is reenacted to read:

104 | 327.73 Noncriminal infractions.—

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

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

109

110 Any person cited for a violation of any provision of this
111 subsection shall be deemed to be charged with a noncriminal
112 infraction, shall be cited for such an infraction, and shall be
113 cited to appear before the county court. The civil penalty for
114 any such infraction is \$50, except as otherwise provided in this
115 section. Any person who fails to appear or otherwise properly
116 respond to a uniform boating citation shall, in addition to the
117 charge relating to the violation of the boating laws of this
118 state, be charged with the offense of failing to respond to such
119 citation and, upon conviction, be guilty of a misdemeanor of the
120 second degree, punishable as provided in s. 775.082 or s.
121 775.083. A written warning to this effect shall be provided at
122 the time such uniform boating citation is issued.

123 Section 6. This act shall take effect July 1, 2016.