

By Senator Torres

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1 A bill to be entitled
2 An act relating to personal watercraft; amending s.
3 327.39, F.S.; providing requirements for persons
4 operating, riding on, and being towed behind personal
5 watercraft; increasing the age requirement for
6 operation of a personal watercraft; prohibiting the
7 owner of, or a person having charge of or control
8 over, any leased, hired, or rented personal watercraft
9 from authorizing or knowingly allowing the watercraft
10 to be operated by certain persons; requiring companies
11 that provide personal watercraft for lease, hire, or
12 rent to maintain specified liability insurance
13 coverage; requiring such companies to provide
14 specified boating safety instructions and written
15 information; prohibiting the operation of certain
16 personal watercraft unless specified boater safety
17 course requirements are met; providing an exception;
18 requiring persons operating personal watercraft to
19 have specified documentation on board; providing
20 applicability; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 327.39, Florida Statutes, is amended to
25 read:

26 327.39 Personal watercraft regulated.—

27 (1) (a) A person may not operate a personal watercraft
28 unless each person riding on or being towed behind such vessel
29 is:

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30 1. Wearing a personal flotation device, other than an
31 inflatable device, currently approved by the United States Coast
32 Guard and used in accordance with the United States Coast Guard
33 approval label.

34 2. Wearing a wet suit bottom or clothing other than normal
35 swimwear that provides equivalent protection against forceful
36 water entry into the lower body openings. Normal swimwear is not
37 considered adequate protection against forceful water entry.

38 3. If under the age of 18, wearing a helmet that is
39 properly fitted and is fastened securely upon the head by a
40 strap and that meets state or federal safety standards for such
41 helmet. A helmet purchased before July 2, 2022, that meets the
42 standards of the American National Standards Institute or the
43 Snell Memorial Foundation, or any other nationally or
44 internationally recognized standards for personal watercraft
45 helmets, in compliance with rules established by the commission
46 may continue to be worn until January 1, 2026. On and after
47 January 1, 2026, a person under the age of 18 must wear a helmet
48 that is approved by the United States Department of
49 Transportation, the Economic Commission for Europe, or the Snell
50 Memorial Foundation, in compliance with rules established by the
51 commission.

52 (b) A person may not operate a personal watercraft towing
53 another person on water skis or other towables unless:

54 1. The total number of persons operating, observing, and
55 being towed does not exceed the specified number of passengers
56 as identified by the manufacturer as the maximum safe load for
57 the personal watercraft.

58 2. The personal watercraft has on board, in addition to the

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59 operator, a rear-facing observer who monitors the progress of
60 the person being towed.

61 (2) A person operating a personal watercraft equipped by
62 the manufacturer with a lanyard type engine cutoff switch must
63 attach such lanyard to his or her person, clothing, or personal
64 flotation device as is appropriate for the specific vessel.

65 (3) A person may not operate a personal watercraft at any
66 time between the hours from one-half hour after sunset to one-
67 half hour before sunrise. However, an agent or employee of a
68 fire or emergency rescue service is exempt from this subsection
69 while performing his or her official duties.

70 (4) A personal watercraft must at all times be operated in
71 a reasonable and prudent manner. Maneuvers which unreasonably or
72 unnecessarily endanger life, limb, or property, including, but
73 not limited to, weaving through congested vessel traffic,
74 jumping the wake of another vessel unreasonably or unnecessarily
75 close to such other vessel or when visibility around such other
76 vessel is obstructed, and swerving at the last possible moment
77 to avoid collision shall constitute reckless operation of a
78 vessel, as provided in s. 327.33(1). A ~~Any~~ person operating a
79 personal watercraft must comply with ~~the provisions of s.~~
80 327.33.

81 (5) A ~~No~~ person under the age of 16 ~~may not 14 shall~~
82 operate any personal watercraft on the waters of this state.

83 (6) (a) ~~It is unlawful for~~ The owner of any personal
84 watercraft or a ~~any~~ person having charge over or control of a
85 personal watercraft may not ~~to~~ authorize or knowingly permit the
86 personal watercraft ~~same~~ to be operated by a person under 16 ~~14~~
87 years of age ~~in violation of this section.~~

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88 (b)1. ~~It is unlawful for~~ The owner of any leased, hired, or
89 rented personal watercraft, or a ~~any~~ person having charge over
90 or control of a leased, hired, or rented personal watercraft,
91 may not ~~to~~ authorize or knowingly permit the watercraft to be
92 operated by a ~~any~~ person who has not received instruction in the
93 safe handling of personal watercraft, in compliance with rules
94 established by the commission.

95 2. A ~~Any~~ person receiving instruction in the safe handling
96 of personal watercraft pursuant to a program established by rule
97 of the commission must provide the owner of, or person having
98 charge of or control over, a leased, hired, or rented personal
99 watercraft with a written statement attesting to the same.

100 3. The commission has ~~shall have~~ the authority to establish
101 rules pursuant to chapter 120 prescribing the instruction to be
102 given, which shall take into account the nature and operational
103 characteristics of personal watercraft and general principles
104 and regulations pertaining to boating safety.

105 (c) The owner of, or a person having charge of or control
106 over, any leased, hired, or rented personal watercraft may not
107 authorize or knowingly permit the watercraft to be operated by a
108 person who is under 18 years of age unless:

109 1. The person possesses a helmet that is approved by the
110 United States Department of Transportation, the Economic
111 Commission for Europe, or the Snell Memorial Foundation, in
112 compliance with rules established by the commission; or

113 2. The owner of, or person having charge of or control
114 over, the leased, hired, or rented personal watercraft provides
115 a helmet for the person to wear that is approved by the United
116 States Department of Transportation, the Economic Commission for

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117 Europe, or the Snell Memorial Foundation, in compliance with
118 rules established by the commission.

119 (d)(e) A Any person who violates this subsection commits a
120 misdemeanor of the second degree, punishable as provided in s.
121 775.082 or s. 775.083.

122 (7) (a) A company that provides personal watercraft for
123 lease, hire, or rent shall maintain liability insurance coverage
124 of at least \$1 million. Proof of such insurance must be
125 available for inspection at the location where personal
126 watercraft are leased, hired, or rented.

127 (b) Before leasing or renting a personal watercraft,
128 operators of the company shall provide:

129 1. The name and address of the operator's insurance carrier
130 and the insurance policy number to each person leasing or
131 renting a personal watercraft;

132 2. Boating safety instruction in compliance with rules
133 established by the commission to a person leasing or renting a
134 personal watercraft who does not possess valid identification
135 and a course completion certificate or proof of successful
136 completion of the requirements under subsection (8); and

137 3. The following written information to each person leasing
138 or renting a personal watercraft:

139 a. The operational characteristics of the personal
140 watercraft.

141 b. The boating regulations specific to the area where the
142 personal watercraft will be operated, including, but not limited
143 to, no-entry zones, no-wake zones, channel routes, water
144 hazards, and tidal flow.

145 c. An explanation of the common courtesies of operating a

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146 personal watercraft on the water and the effect of personal
147 watercraft operation on wildlife, the environment, and other
148 water users.

149 (8) (a) 1. A person may not operate any personal watercraft
150 powered by a motor of 10 horsepower or greater unless the person
151 has a course completion certificate or proof of successful
152 completion of:

153 a. A boater safety course approved by the commission and
154 the National Association of State Boating Law Administrators; or

155 b. A proficiency examination on the curriculum of a boater
156 safety course approved by the commission and the National
157 Association of State Boating Law Administrators.

158 2. A nonresident operating a personal watercraft on the
159 waters of this state is subject to the education course and
160 equivalency examination requirements of this subsection unless
161 he or she has proof of successful completion of an education
162 course or equivalency examination within their state of
163 residence that meets or exceeds such requirements.

164 3. A person operating a personal watercraft on the waters
165 of this state must have on board the personal watercraft proof
166 of successful completion of an education course or equivalency
167 examination required under this subsection.

168 (b) This subsection does not apply to a person who leases,
169 hires, or rents a personal watercraft pursuant to subsection
170 (6).

171 (9) ~~(7)~~ This section does not apply to:

172 (a) A performer engaged in a professional exhibition or a
173 person preparing to participate or participating in a regatta,
174 race, marine parade, tournament, or exhibition held in

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175 compliance with s. 327.48.

176 (b) A person who holds a valid master, mate, or operator
177 license issued by the United States Coast Guard.

178 (c) A law enforcement officer or other emergency responder
179 engaged in the performance of their official duties.

180 Section 2. This act shall take effect July 1, 2020.