

Final Rule
68D-36
Minimum Standards for Mandatory Boating Safety Courses
Agenda Item 6D
September 28, 2022

68D-36.104 Minimum Standards for Boating Safety Courses.

(1) Each boating safety course taught pursuant to Section 327.395 or 327.731, F.S., must maintain current approval from the National Association of State Boating Law Administrators and the Florida Fish and Wildlife Conservation Commission.

~~(a) The National Boating Education Standards established by the National Association of State Boating Law Administrators are hereby adopted by reference.~~

~~(b) To ensure continued conformance to the National Boating Education Standards, the Executive Director of the Florida Fish and Wildlife Conservation Commission may approve reenactment of this rule as necessary to incorporate by reference amendments to the National Boating Education Standards.~~

(2) In addition to minimum course content adopted by the National Association of State Boating Law Administrators, boating safety courses approved for use in the State of Florida shall contain state-specific information covering the following topics.

(a) Personal Watercraft Requirements.

1. Mandatory wear of personal flotation devices.
2. Age restrictions to operate or rent.
3. Hours of operation restrictions.
4. Wake-jumping concerns and reckless operation.
5. Causes and prevention of personal watercraft accidents.

(b) Boating Safety Identification Cards.

1. Age and engine horsepower requirements.
2. Photographic identification required.

(c) Vessel Safety Regulations.

1. Personal flotation devices for children requirements.
2. Florida's adoption of all federal equipment requirements.

~~(d) Diving vessels, awareness of divers in the water, divers down warning devices, and the requirements of section 327.331, F.S. State Divers Down Flag Requirements.~~

(e) Water Ski, Parasail, and Aquaplane Regulations.

1. Participants must wear a personal flotation device.
2. Towing vessels must have either an observer or wide-angle rearview mirror.
3. Hours restrictions.

~~(f) Boating Restricted Areas, Manatee Protection Zones, and other areas within which boating is prohibited or in which boating speed is regulated. Regulatory markers including Idle Speed, Slow Speed, and mile per hour restrictions and aids to navigation shall also be covered.~~

(g) Boating Accidents.

1. Requirements for reporting accidents.
2. Remaining on scene/rendering assistance.

~~(h) Manatee Awareness of fish and wildlife with potential impacts to boaters and boating safety, including, but not limited to manatees, whales, dolphins, marine turtles, and sturgeon.~~

~~(i) Ecosystem Awareness and potential impacts to boaters and boating safety.~~

~~(j) The dangers associated with:~~

- ~~1. A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.~~
- ~~2. A passenger falling overboard.~~
- ~~3. Operating a vessel with a person in the water near the vessel.~~
- ~~4. Starting a vessel with the engine in gear.~~
- ~~5. Leaving the vessel running when a passenger is boarding or disembarking.~~

~~(k) The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.~~

~~(l) The requirement to operate at a speed no faster than slow speed minimum wake within 300 feet of an emergency vessel when the vessel's emergency lights are activated and within 300 feet of a construction vessel or barge displaying an orange flag.~~

(3) For each course approved for use in Florida, the ~~course provider training facility~~ must use the following:

- (a) A boating safety workbook or text, or the electronic equivalent.
- (b) A final exam of not ~~fewer less than 75~~ 50 questions, including a minimum of ~~12~~ 40 Florida-specific questions, with a minimum passing score of 75 percent.
- (c) A syllabus or course outline.
- (d) A list of course objectives.

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Rulemaking Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New 6-9-05, Amended

68D-36.105 Proof of Successful Completion of Approved Boating Safety Education Courses and Equivalency Exams.

Individuals who have successfully completed an approved boating safety education course in accordance with this Chapter and section 327.395, Florida Statutes, ~~including a correspondence course, or an equivalency exam~~ will be issued a boating safety identification card from the Commission, which may be issued in digital, electronic, or paper format, that may be carried on the waters of this state together with photographic identification, as proof of successful completion of the boating safety education course. Alternatively, individuals who have successfully completed an approved course in accordance with section 327.395, Florida Statutes may carry a state-issued identification card or driver license issued by the Florida Department of Highway Safety and Motor Vehicles bearing a symbol established by the Department indicating possession of a boating safety identification card in accordance with section 322.051 or section 322.14, Florida Statutes.

(1) Individuals successfully completing an approved boating safety education course in accordance with section 327.395, Florida Statutes ~~or passing an approved equivalency exam~~ may submit as proof a certificate from the course provider training facility providing a course approved by the National Association of State Boating Law Administrators and the State of Florida. The certificate must include the name of the course provider training facility; date of issue; and the student's first name, middle initial, last name, date of birth, and current mailing address.

(2) Course providers Training facilities offering approved boating safety education courses, as required by section 327.395, Florida Statutes, may submit student rosters to initiate issuance of boating safety identification cards to students who have successfully completed the course. A roster must include the name of the course provider training facility, the date of course completion, and the name of the primary instructor. In addition, the following information must be provided for each student successfully completing the course:

- (a) First name, middle initial, and last name.
- (b) Date of Birth.
- (c) Current mailing address.

Rulemaking Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New 6-9-05, Amended

68D-36.107 Minimum Training Requirements for Personal Watercraft Rentals.

(1) Any livery offering personal watercraft for lease, hire, or rent must ensure that all individuals intending to operate the personal watercraft have been properly trained in the following topics prior to operation:

- (a) Operator responsibility (ethics), courtesy and good judgment on the water.
 - 1. Avoiding careless, reckless, and negligent operation of vessels.
 - 2. The effects of alcohol, controlled substances, and stressors.
- (b) Navigation Rules.
 - 1. Maintaining proper lookout.
 - 2. Safe distance and speed.
 - 3. Operating defensively.
 - 4. Requirements to give way to other vessels.
- (c) Aids to navigation; buoys and other waterway markers.
- (d) Awareness of changes in weather or water conditions and proper responses to those changes.
- (e) Waterskiing and similar activities, if applicable to the personal watercraft rented.
 - 1. Must wear personal flotation devices.
 - 2. Must have observer or wide angle rearview mirror.
 - 3. May not ski between 30 minutes past sunset and 30 minutes before sunrise.
- (f) Boating accidents.
 - 1. Causes and prevention of personal watercraft accidents.
 - 2. Legal requirements—remaining on scene; rendering assistance; reporting accidents.
- (g) Propulsion, steering, and stopping characteristics of jet pump vessels.
- (h) Location and content of manufacturer's warning labels.

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- ~~(i) Boarding, falling off, capsizing, and reboarding.~~
- ~~(j) Problems seeing other vessels and being seen by them.~~
- ~~(k) The dangers of wake or surf jumping and other reckless operations.~~
- ~~(l) Noise, nuisances, and other environmental concerns.~~
- ~~(m) Specific personal watercraft safety requirements (wearing personal flotation devices, using kill switch lanyard, location of whistle and fire extinguisher, age requirements for personal watercraft operation, and lawful hours of operation).~~
- ~~(n) Boating safety identification cards; age and engine requirements.~~
- ~~(o) Photographic identification.~~
- ~~(p) Florida divers down flag requirements.~~
- ~~(q) Manatee awareness (if locally applicable).~~
- ~~(r) Ecosystem awareness based on local issues.~~
- ~~(2) In addition to the topics listed in subsection (1), any livery offering personal watercraft for lease, hire, or rent for off site use or for daily or longer time periods must ensure that all individuals intending to operate the personal watercraft have been properly trained in the following topics:~~
 - ~~(a) Fueling and ventilation.~~
 - ~~(b) Trailering and transporting.~~
 - ~~(c) Float plans; how and when to complete a float plan.~~
 - ~~(d) Specific local hazards; such as large bodies of water, weather, dams, cold water, commercial vessel traffic, etc.~~
- ~~(3) Persons offering a personal watercraft for lease, hire, or rent shall conduct an on the water demonstration and check ride to verify the prospective operator's ability to safely operate the personal watercraft to be leased, hired, or rented.~~

~~Rulemaking Authority 327.04, 327.39, 327.54 FS. Law Implemented 327.04, 327.39, 327.54 FS. History New 6-9-05, Amended 4-20-09.~~

68D-36.108 Florida Boater Education Temporary Certificate Program.

- (1) Any person administering the Florida Boater Education Temporary Certificate examination under contract with the Florida Fish and Wildlife Conservation Commission must strictly comply with all contract provisions.
- (2) Any person administering the Florida Boater Education Temporary Certificate examination is prohibited from providing assistance of any kind to the examinee during the examination and must not allow, suffer, or permit any other person to assist the examinee during the examination. The term "assistance" does not include the provision of reasonable accommodations if required under the Americans with Disabilities Act or s. 501 of the Rehabilitation Act.
- (3) Administration of the Florida Boater Education Temporary Certificate examination by paper test provided by the Commission: Florida Boater Education Temporary Certificate examination paper tests provided by the Commission are assigned to individual liveries, marinas, or other persons and must not be transferred, sold, borrowed, loaned, or shared.
- (4) Administration of the Florida Boater Education Temporary Certificate examination online:
 - (a) Any person administering the Florida Boater Education Temporary Certificate examination online must:
 - 1. Administer a Commission-approved boater safety education course that meets the minimum instruction requirement established by the National Association of State Boating Law Administrators.
 - 2. Administer the Florida Boater Education Temporary Certificate examination in an electronic format accessible by computer, tablet, smart phone, and other similar electronic devices.
 - 3. Utilize a test bank of 100 questions available through the National Association of State Boating Law Administrators and 50 state specific questions approved by the Commission. Each administered examination must include a total of 25 questions. Each temporary certificate examination must include questions covering the following topics:
 - a. Diving vessels, awareness of divers in the water, divers down warning devices, and the requirements of section 327.331, Florida Statutes.
 - b. The dangers associated with:
 - (1) A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.
 - (2) A passenger falling overboard.
 - (3) Operating a vessel with a person in the water near the vessel.
 - (4) Starting a vessel with the engine in gear.
 - (5) Leaving the vessel running when a passenger is boarding or disembarking.
 - c. The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.

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4. Require that any 19 of the 25 examination questions be answered correctly before submitting an examinee's information to the Commission for issuance of the Temporary Certificate. Any score equal to or greater than 19 out of 25 questions answered correctly shall be a passing score.

5. Within 24 hours of an examinee's completion of the Florida Boater Education Temporary Certificate examination with a passing score, provide to the Commission electronically the examinee's first name, middle initial, last name, date of birth, current mailing address, email address, current telephone number, and the date of the examination with the passing score so the Commission can issue the Temporary Certificate.

6. Provide to an examinee who has received a passing score on the examination with either an emailed or printable proof of a passing score on the examination, including the date of the successful completion.

(b) The commission shall issue an electronic Temporary Certificate to an examinee who has received a passing score within 7 days following receipt of the examinee's information from the examiner.

(c) A person who has successfully completed the Florida Boater Education Temporary Certificate examination, and who has in his or her possession photo identification and the emailed or printed proof of a passing score on the examination provided in subparagraph (4)(a)6., is exempt from subsection 327.395(1), F.S., for 7 days following successful completion of the online examination.

Rulemaking Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.54, 327.731 FS. History—New 6-9-05, Amended 8-24-17,_____.

~~68D-36.109 Boating Safety Information to be Displayed at Boat Rental Facilities.~~

~~(1) As provided in Section 327.54(1)(f), F.S., a livery must display boating safety information meeting the following minimum standards in a place visible to the renting public:~~

~~(a) Any livery offering motorboats, other than personal watercraft, jet boats or houseboats, for lease, hire or rent must display an informational poster or sign titled "Motorboat Rental Safety" and dated October 2008.~~

~~(b) Any livery offering houseboats for lease, hire or rent must display an informational poster or sign titled "Houseboat Rental Safety" and dated October 2008.~~

~~(c) Any livery offering personal watercraft and/or jet boats for lease, hire or rent must display an informational poster or sign titled "Personal Watercraft/Jet Boat Rental Safety" and dated October 2008.~~

~~(d) Any livery offering sailboats for lease, hire or rent must display an informational poster or sign titled "Sailboat Rental Safety" and dated October 2008.~~

~~(e) Any livery offering paddlecraft for lease, hire or rent must display an informational poster or sign titled "Paddlecraft Rental Safety" and dated October 2008.~~

~~The posters and signs specified in this section are incorporated by reference and may be obtained at no cost by contacting: FWC Boating and Waterways Section, 620 S. Meridian Street, Tallahassee, FL 32399-1600.~~

~~(2) A livery may substitute for a specified information poster or sign any other poster or sign that is no less than 187 square inches in area and contains the same information found on the applicable poster or sign listed in paragraphs (1)(a) - (e).~~

~~*Rulemaking Authority 327.04, 327.39, 327.54 FS. Law Implemented 327.04, 327.39, 327.54 FS. History—New 4-20-09.*~~