

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Botana offered the following:

Amendment

Remove line(s) 80-169 and insert:

6 (b) "Livery" means a person who offers a vessel equipped
 7 with a motor of 10 horsepower or greater for use by another in
 8 exchange for any type of consideration when such person does not
 9 also provide the lessee or renter with a captain, a crew, or any
 10 type of staff or personnel to operate, oversee, maintain, or
 11 manage the vessel. A vessel rented or leased by a livery is a
 12 livery vessel as defined in s. 327.02.

13 (c) "Seaworthy" means the vessel and all of its parts and
 14 equipment, including, but not limited to, engines, bilge pumps,
 15 and kill switches, are functional and reasonably fit for their
 16 intended purpose.

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17 (2) Beginning on January 1, 2023, a livery may not offer a
18 vessel for lease or rent without first being issued a no-cost
19 livery permit by the commission. The permit must be renewed
20 annually. To qualify for issuance or renewal of a livery permit,
21 an applicant must provide the commission with a list of all
22 vessels offered by the livery for lease or rent by another, have
23 valid insurance pursuant to paragraph (3)(j), have an amount of
24 United States Coast Guard-approved lawful personal floatation
25 devices on site sufficient to accommodate the capacity of all
26 vessels offered by the livery for rent or lease by another, have
27 on site all safety equipment required by s. 327.50 and the Code
28 of Federal Regulations sufficient to equip all vessels offered
29 by the livery for rent or lease by another, and display the
30 information required by paragraph (3)(f). If, before the annual
31 renewal of the permit, the information required by this
32 subsection changes, the livery must provide the commission with
33 the updated information within 10 days after the change.

34 (a) The commission may adopt rules to implement this
35 subsection.

36 (b) A person who violates this subsection commits a
37 misdemeanor of the first degree, punishable as provided in s.
38 775.082 or s. 775.083.

39 (3) A livery may not knowingly lease, ~~hire,~~ or rent a
40 vessel to any person:

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41 (a) When the number of persons intending to use the vessel
42 exceeds the number considered to constitute a maximum safety
43 load for the vessel as specified on the authorized persons
44 capacity plate of the vessel.

45 (b) When the horsepower of the motor exceeds the capacity
46 of the vessel.

47 (c) When the vessel does not contain the ~~required~~ safety
48 equipment required under s. 327.50.

49 (d) When the vessel is not seaworthy, is a derelict vessel
50 as defined in s. 823.11, or is at risk of becoming derelict as
51 provided in s. 327.4107.

52 (e) ~~When the vessel is equipped with a motor of 10~~
53 ~~horsepower or greater,~~ Unless the livery provides pre-rental
54 ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with
55 rules established by the commission. The instruction must
56 include that includes, but need not be limited to:

- 57 1. Operational characteristics of the vessel to be rented.
- 58 2. Safe vessel operation and vessel right-of-way.
- 59 3. The responsibility of the vessel operator for the safe
60 and proper operation of the vessel.
- 61 4. Local characteristics of the waterway where the vessel
62 will be operated, such as navigational hazards, the presence of
63 boating-restricted areas, and water depths.

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64 5. Emergency procedures such as appropriate responses to
65 capsizing, falls overboard, taking on water, and vessel
66 accidents.

67
68 ~~Any person delivering the information specified in this~~
69 ~~paragraph must have successfully completed a boater safety~~
70 ~~course approved by the National Association of State Boating Law~~
71 ~~Administrators and this state.~~

72 (f) Unless the livery displays boating safety information
73 in a place visible to the renting public. The commission shall
74 prescribe by rule, pursuant to chapter 120, the contents and
75 size of the boating safety information to be displayed.

76 (g) Unless the livery has a written agreement with the
77 renter or lessee. The written agreement must include a list of
78 the names, addresses, and dates of birth for all persons who
79 will be aboard the vessel, as well as the time the vessel is
80 required to be returned to the livery or another specified
81 location and an emergency contact name, address, and telephone
82 number. The livery shall maintain each agreement for no less
83 than 1 year and, upon request, make each agreement available for
84 inspection by law enforcement.

85 (h) Who is required to comply with s. 327.395, unless such
86 person presents to the livery the documentation required by s.
87 327.395(2) for the operation of a vessel or meets the exemption
88 provided under s. 327.395(6) (f).

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89 (i) Who is under 18 years of age.
90 (j) Unless the livery first obtains and carries in full
91 force and effect a policy from a licensed insurance carrier in
92 this state which insures the livery and renter against any
93 accident, loss, injury, property damage, or other casualty
94 caused by or resulting from the operation of the vessel. The
95 insurance policy must provide coverage of at least \$500,000 per
96 person and \$1 million per event. The livery and renter shall
97 have proof of such insurance