



140832

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2022	.	
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The Committee on Appropriations (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 66 - 265

and insert:

Section 2. Subsection (24) of section 327.02, Florida Statutes, is amended to read

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(24) "Livery vessel" means a vessel leased, rented, or



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11 chartered to another for consideration. A livery vessel does not
12 include a human-powered vessel.

13 Section 3. Subsection (7) is added to section 327.30,
14 Florida Statutes, to read:

15 327.30 Collisions, accidents, and casualties.—

16 (7) In addition to any other penalty provided by law, a
17 court may order a person convicted of a violation of this
18 section or of any rule adopted or order issued by the commission
19 pursuant to this section to pay an additional fine of up to
20 \$1,000 per violation. All fines assessed and collected pursuant
21 to this subsection shall be remitted by the clerk of the court
22 to the Department of Revenue to be deposited into the Marine
23 Resources Conservation Trust Fund to be used to enhance state
24 and local law enforcement activities related to boating
25 infractions. As used in this subsection, the terms "convicted"
26 and "conviction" mean any judicial disposition other than
27 acquittal or dismissal.

28 Section 4. Section 327.54, Florida Statutes, is amended to
29 read:

30 327.54 Liveries; safety regulations; penalty.—

31 (1) As used in this section, the term:

32 (a) "Conviction" means any judicial disposition other than
33 acquittal or dismissal.

34 (b) "Livery" means a person who advertises and offers a
35 livery vessel for use by another in exchange for any type of
36 consideration when such person does not also provide the lessee
37 or renter with a captain, a crew, or any type of staff or
38 personnel to operate, oversee, maintain, or manage the vessel.
39 The owner of a vessel who does not advertise his or her vessel



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40 for use by another for consideration and who loans or offers his
41 or her vessel for use to another known to him or her either for
42 consideration or without consideration is not a livery. A vessel
43 rented or leased by a livery is a livery vessel as defined in s.
44 327.02.

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

49 (2) Beginning on January 1, 2023, a livery may not offer a
50 vessel for lease or rent without first being issued a no-cost
51 livery permit by the commission. The permit must be renewed
52 annually. To qualify for issuance or renewal of a livery permit,
53 an applicant must provide the commission with a list of all
54 vessels offered by the livery for lease or rent by another, have
55 valid insurance pursuant to subsection (7), have an amount of
56 United States Coast Guard-approved lawful personal floatation
57 devices on site sufficient to accommodate the capacity of all
58 vessels offered by the livery for rent or lease by another, have
59 on site all safety equipment required by s. 327.50 and the Code
60 of Federal Regulations sufficient to equip all vessels offered
61 by the livery for rent or lease by another, and display the
62 information required by paragraph (3)(f). If, before the annual
63 renewal of the permit, the information required by this
64 subsection changes, the livery must provide the commission with
65 the updated information within 10 days after the change.

66 (a) The commission may adopt rules to implement this
67 subsection.

68 (b) A person who violates this subsection commits a



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69 misdemeanor of the first degree, punishable as provided in s.
70 775.082 or s. 775.083.

71 (3) A livery may not knowingly lease, hire, or rent a
72 vessel to any person:

73 (a) When the number of persons intending to use the vessel
74 exceeds the number considered to constitute a maximum safety
75 load for the vessel as specified on the authorized persons
76 capacity plate of the vessel.

77 (b) When the horsepower of the motor exceeds the capacity
78 of the vessel.

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

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

84 ~~(e) When the vessel is equipped with a motor of 10~~
85 ~~horsepower or greater,~~ Unless the livery provides pre-rental
86 ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with
87 rules established by the commission.

88 1. The instruction must include ~~that includes,~~ but need not
89 be limited to:

90 ~~a.1.~~ Operational characteristics of the vessel to be
91 rented.

92 ~~b.2.~~ Safe vessel operation and vessel right-of-way.

93 ~~c.3.~~ The responsibility of the vessel operator for the safe
94 and proper operation of the vessel.

95 ~~d.4.~~ Local characteristics of the waterway where the vessel
96 will be operated, such as navigational hazards, the presence of
97 boating-restricted areas, and water depths.



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98 e. Emergency procedures, such as appropriate responses to
99 capsizing, falls overboard, taking on water, and vessel
100 accidents.

101 2. Any person receiving instruction in the safe handling of
102 livery vessels pursuant to this paragraph must provide the
103 livery with a written statement attesting to each component of
104 the instruction.

105 a. The commission shall establish by rule the content of
106 the statement form.

107 b. The statement form must be signed by the individual
108 providing the instruction.

109 c. The livery shall maintain the statement form for no less
110 than 90 days and, upon request, make the form available for
111 inspection by law enforcement.

112
113 ~~Any person delivering the information specified in this~~
114 ~~paragraph must have successfully completed a boater safety~~
115 ~~course approved by the National Association of State Boating Law~~
116 ~~Administrators and this state.~~

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

121 (g) Unless the livery has a written agreement with the
122 renter or lessee. The written agreement must include the name,
123 address, and date of birth for the renter and the number of
124 people aboard the vessel, as well as the time the vessel is
125 required to be returned to the livery or another specified
126 location and an emergency contact name, address, and telephone



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127 number. The livery shall maintain each agreement for no less
128 than 1 year and, upon request, make each agreement available for
129 inspection by law enforcement.

130 (4)(2) A livery may not knowingly lease, ~~hire,~~ or rent a
131 vessel to a person who is required to comply with s. 327.395
132 unless such person presents to the livery the documentation
133 required by s. 327.395(2) for the operation of a vessel or meets
134 the exemption provided under s. 327.395(6)(f).

135 (5)(3) If a vessel rented or leased by a livery is
136 unnecessarily overdue more than 12 hours after the contracted
137 vessel rental time has expired, the livery must shall notify law
138 enforcement the proper authorities.

139 (6)(4)(a) A livery may not knowingly lease, ~~hire,~~ or rent a
140 livery vessel personal watercraft to any person who is under 18
141 years of age.

142 ~~(b) A livery may not knowingly lease, hire, or rent a~~
143 ~~personal watercraft to any person who has not received~~
144 ~~instruction in the safe handling of personal watercraft, in~~
145 ~~compliance with rules established by the commission pursuant to~~
146 ~~chapter 120.~~

147 ~~(c) Any person receiving instruction in the safe handling~~
148 ~~of personal watercraft pursuant to a program established by rule~~
149 ~~of the commission must provide the livery with a written~~
150 ~~statement attesting to the same.~~

151 (7)(5) A livery may not lease, ~~hire,~~ or rent any personal
152 watercraft or offer to lease, ~~hire,~~ or rent any personal
153 watercraft unless the livery first obtains and carries in full
154 force and effect a policy from a licensed insurance carrier in
155 this state, insuring against any accident, loss, injury,



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156 property damage, or other casualty caused by or resulting from
157 the operation of the personal watercraft. The insurance policy
158 must ~~shall~~ provide coverage of at least \$500,000 per person and
159 \$1 million per event. Other liveries must have sufficient
160 insurance to cover the livery vessels. The livery shall ~~must~~
161 have proof of such insurance available for inspection at the
162 location where livery vessels ~~personal watercraft~~ are being
163 leased, ~~hired,~~ or rented, or offered for lease, ~~hire,~~ or rent,
164 and shall provide to each renter the insurance carrier's name
165 and address and the insurance policy number. Liveries shall
166 offer insurance to the renter.

167 (8) Notwithstanding the person's age or any exemptions
168 provided in s. 327.395, any person delivering instruction
169 regarding the safe operation of vessels or pre-rental or pre-
170 ride instruction in accordance with subsection (3) must have
171 successfully completed a boating safety education course
172 approved by the National Association of State Boating Law
173 Administrators and this state.

174 (9) If a vessel rented or leased by a livery is involved in
175 an accident, the livery must report the accident to the
176 division.

177 (10) A livery shall make its facilities and records
178 available for inspection upon request by law enforcement no
179 later than 24 hours after receiving notice from law enforcement.

180 (11) (a) ~~(6)~~ Any person convicted of violating this section,
181 other than subsection (2), who has not been convicted of a
182 violation of this section within the past 3 years commits a
183 misdemeanor of the second degree, punishable as provided in s.
184 775.082 or s. 775.083.



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185 (b) Unless the stricter penalties in paragraph (c) apply, a
186 person who violates this section, other than subsection (2),
187 within 3 years after a previous conviction of a violation of
188 this section commits a misdemeanor of the first degree,
189 punishable as provided in s. 775.082 or s. 775.083, with a
190 minimum mandatory fine of \$500.

191 (c) A person who violates this section, other than
192 subsection (2), within 5 years after two previous convictions
193 for a violation of this section commits a misdemeanor of the
194 first degree, punishable as provided in s. 775.082 or s.
195 775.083, with a minimum mandatory fine of \$1,000.

196 (12) A person who commits more than one violation of this
197 section, other than subsection (2), within a 3-year period may
198 not act as a livery during a 90-day period immediately after
199 being charged with that violation. Beginning January 1, 2023,
200 the commission may revoke or refuse to issue a permit under
201 subsection (2) based on repeated violations of this section.

202
203 ===== T I T L E A M E N D M E N T =====

204 And the title is amended as follows:

205 Delete lines 3 - 21

206 and insert:

207 title; amending s. 327.02, F.S.; revising the
208 definition of livery vessel; amending s. 327.30, F.S.;
209 authorizing a court to impose a specified fine for
210 certain boating collisions and accidents; requiring
211 such fines to be deposited into the Marine Resources
212 Conservation Trust Fund for specified purposes;
213 defining the term "convicted" and "conviction";



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214 amending s. 327.54, 9 F.S.; defining terms;
215 prohibiting liveries, beginning on a specified date,
216 from offering a vessel for lease or rent without a
217 livery permit; specifying requirements and
218 qualifications for the permit; authorizing the Fish
219 and Wildlife Conservation Commission to adopt rules;
220 providing penalties for permit violations; revising
221 the conditions under which a livery may not knowingly
222 lease or rent a vessel; requiring a person receiving
223 safety instruction to provide the livery with a
224 specified signed attestation; requiring a written
225 agreement between a livery and a renter or lessee;
226 providing requirements for such agreement; providing
227 that a livery must insure livery vessels; requiring
228 specified boating safety education courses for certain
229 instructors; requiring liveries to report certain
230 accidents to the Division of Law Enforcement of the
231 commission; requiring