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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete lines 87 - 265
and insert:

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



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11 for use by another for consideration and who loans or offers his
12 or her vessel for use to another known to him or her either for
13 consideration or without consideration is not a livery. A vessel
14 rented or leased by a livery is a livery vessel as defined in s.
15 327.02.

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

20 (2) Beginning on January 1, 2023, a livery may not offer a
21 vessel for lease or rent without first being issued a no-cost
22 livery permit by the commission. The permit must be renewed
23 annually. To qualify for issuance or renewal of a livery permit,
24 an applicant must provide the commission with a list of all
25 vessels offered by the livery for lease or rent by another, have
26 valid insurance pursuant to subsection (7), have an amount of
27 United States Coast Guard-approved lawful personal floatation
28 devices on site sufficient to accommodate the capacity of all
29 vessels offered by the livery for rent or lease by another, have
30 on site all safety equipment required by s. 327.50 and the Code
31 of Federal Regulations sufficient to equip all vessels offered
32 by the livery for rent or lease by another, and display the
33 information required by paragraph (3)(f). If, before the annual
34 renewal of the permit, the information required by this
35 subsection changes, the livery must provide the commission with
36 the updated information within 10 days after the change.

37 (a) The commission may adopt rules to implement this
38 subsection.

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



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40 misdemeanor of the first degree, punishable as provided in s.
41 775.082 or s. 775.083.

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

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

48 (b) When the horsepower of the motor exceeds the capacity
49 of the vessel.

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

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

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

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

61 a.1. Operational characteristics of the vessel to be
62 rented.

63 b.2. Safe vessel operation and vessel right-of-way.

64 c.3. The responsibility of the vessel operator for the safe
65 and proper operation of the vessel.

66 d.4. Local characteristics of the waterway where the vessel
67 will be operated, such as navigational hazards, the presence of
68 boating-restricted areas, and water depths.



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69 e. Emergency procedures, such as appropriate responses to
70 capsizing, falls overboard, taking on water, and vessel
71 accidents.

72 2. Any person receiving instruction in the safe handling of
73 livery vessels pursuant to this paragraph must provide the
74 livery with a written statement attesting to each component of
75 the instruction.

76 a. The commission shall establish by rule the content of
77 the statement form.

78 b. The statement form must be signed by the individual
79 providing the instruction.

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

83
84 ~~Any person delivering the information specified in this~~
85 ~~paragraph must have successfully completed a boater safety~~
86 ~~course approved by the National Association of State Boating Law~~
87 ~~Administrators and this state.~~

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

92 (g) Unless the livery has a written agreement with the
93 renter or lessee. The written agreement must include a passenger
94 manifest, as well as the time the vessel is required to be
95 returned to the livery or another specified location and an
96 emergency contact name, address, and telephone number. The
97 livery shall maintain each agreement for no less than 1 year



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98 and, upon request, make each agreement available for inspection
99 by law enforcement. Unless the livery knowingly omits a vessel
100 passenger from the passenger manifest, the livery may not be
101 held criminally or civilly liable for the action or inaction of
102 a passenger who is not listed and who the livery is unaware is
103 on the vessel, and the livery's insurance is not responsible for
104 covering injury to the unlisted passenger or for damages caused
105 to another by the unlisted passenger.

106 (4)-(2) A livery may not knowingly lease, hire, or rent a
107 vessel to a person who is required to comply with s. 327.395
108 unless such person presents to the livery the documentation
109 required by s. 327.395(2) for the operation of a vessel or meets
110 the exemption provided under s. 327.395(6) (f).

111 (5)-(3) If a vessel rented or leased by a livery is
112 unnecessarily overdue more than 1 hour after the contracted
113 vessel rental time has expired, the livery must shall notify law
114 enforcement and the United States Coast Guard the proper
115 authorities.

116 (6)-(4)-(a) A livery may not knowingly lease, hire, or rent a
117 livery vessel personal watercraft to any person who is under 18
118 years of age.

119 (b) A livery may not knowingly lease, hire, or rent a
120 personal watercraft to any person who has not received
121 instruction in the safe handling of personal watercraft, in
122 compliance with rules established by the commission pursuant to
123 chapter 120.

124 (c) Any person receiving instruction in the safe handling
125 of personal watercraft pursuant to a program established by rule
126 of the commission must provide the livery with a written



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127 ~~statement attesting to the same.~~

128 (7) ~~(5)~~ A livery may not lease, ~~hire,~~ or rent any livery
129 vessel ~~personal watercraft~~ or offer to lease, ~~hire,~~ or rent any
130 livery vessel ~~personal watercraft~~ unless the livery first
131 obtains and carries in full force and effect a policy from a
132 licensed insurance carrier in this state, insuring against any
133 accident, loss, injury, property damage, or other casualty
134 caused by or resulting from the operation of the livery vessel
135 ~~personal watercraft~~. The insurance policy must ~~shall~~ provide
136 coverage of at least \$500,000 per person and \$1 million per
137 event. The livery shall ~~must~~ have proof of such insurance
138 available for inspection at the location where livery vessels
139 ~~personal watercraft~~ are being leased, ~~hired,~~ or rented, or
140 offered for lease, ~~hire,~~ or rent, and shall provide to each
141 renter the insurance carrier's name and address and the
142 insurance policy number.

143 (8) Notwithstanding the person's age or any exemptions
144 provided in s. 327.395, any person delivering instruction
145 regarding the safe operation of vessels or pre-rental or pre-
146 ride instruction in accordance with subsection (3) must have
147 successfully completed a boating safety education course
148 approved by the National Association of State Boating Law
149 Administrators and this state.

150 (9) If a vessel rented or leased by a livery is involved in
151 an accident, the livery must report the accident to the
152 division.

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



156 (11) (a) ~~(6)~~ Any person convicted of violating this section,
157 other than subsection (2), who has not been convicted of a
158 violation of this section within the past 3 years commits a
159 misdemeanor of the second degree, punishable as provided in s.
160 775.082 or s. 775.083.

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

167 (c) A person who violates this section, other than
168 subsection (2), within 5 years after two previous convictions
169 for a violation of this section commits a misdemeanor of the
170 first degree, punishable as provided in s. 775.082 or s.
171 775.083, with a minimum mandatory fine of \$1,000.

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

178
179 ===== T I T L E A M E N D M E N T =====

180 And the title is amended as follows:

181 Delete lines 17 - 21

182 and insert:

183 requiring a person receiving safety instruction to
184 provide the livery with a specified signed



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185 attestation; requiring a written agreement between a
186 livery and a renter or lessee; providing requirements
187 for such agreement; providing that a livery or the
188 livery's insurance is not liable for the action or
189 inaction of certain passengers; requiring specified
190 boating safety education courses for certain
191 instructors; requiring liveries to report certain
192 accidents to the Division of Law Enforcement of the
193 commission; requiring