



737178

LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (306914) (with title**
2 **amendment)**

3
4 Delete lines 87 - 265
5 and insert:

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



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11 The owner of a vessel who does not advertise his or her vessel
12 for use by another for consideration and who loans or offers his
13 or her vessel for use to another known to him or her either for
14 consideration or without consideration is not a livery. A vessel
15 rented or leased by a livery is a livery vessel as defined in s.
16 327.02.

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

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

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



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40 (b) A person who violates this subsection commits a
41 misdemeanor of the first degree, punishable as provided in s.
42 775.082 or s. 775.083.

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

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

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

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

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

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

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

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

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

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

67 ~~d.4.~~ Local characteristics of the waterway where the vessel
68 will be operated, such as navigational hazards, the presence of



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69 boating-restricted areas, and water depths.

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

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

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

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

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

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

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

93 (g) Unless the livery has a written agreement with the
94 renter or lessee. The written agreement must include a passenger
95 manifest, as well as the time the vessel is required to be
96 returned to the livery or another specified location and an
97 emergency contact name, address, and telephone number. The



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98 livery shall maintain each agreement for no less than 1 year
99 and, upon request, make each agreement available for inspection
100 by law enforcement.

101 (4)(2) A livery may not knowingly lease, ~~hire,~~ or rent a
102 vessel to a person who is required to comply with s. 327.395
103 unless such person presents to the livery the documentation
104 required by s. 327.395(2) for the operation of a vessel or meets
105 the exemption provided under s. 327.395(6)(f).

106 (5)(3) If a vessel rented or leased by a livery is
107 unnecessarily overdue more than 1 hour after the contracted
108 vessel rental time has expired, the livery must shall notify law
109 enforcement and the United States Coast Guard the proper
110 authorities.

111 (6)(4)(a) A livery may not knowingly lease, ~~hire,~~ or rent a
112 livery vessel personal watercraft to any person who is under 18
113 years of age.

114 ~~(b) A livery may not knowingly lease, hire, or rent a~~
115 ~~personal watercraft to any person who has not received~~
116 ~~instruction in the safe handling of personal watercraft, in~~
117 ~~compliance with rules established by the commission pursuant to~~
118 ~~chapter 120.~~

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

123 (7)(5) A livery may not lease, ~~hire,~~ or rent any livery
124 vessel personal watercraft or offer to lease, ~~hire,~~ or rent any
125 livery vessel personal watercraft unless the livery first
126 obtains and carries in full force and effect a policy from a



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127 licensed insurance carrier in this state which insures the
128 livery and the renter, ~~insuring~~ against any accident, loss,
129 injury, property damage, or other casualty caused by or
130 resulting from the operation of the livery vessel ~~personal~~
131 ~~watercraft~~. The insurance policy must ~~shall~~ provide coverage of
132 at least \$500,000 per person and \$1 million per event. The
133 livery shall ~~must~~ have proof of such insurance available for
134 inspection at the location where livery vessels ~~personal~~
135 ~~watercraft~~ are being leased, ~~hired~~, or rented, or offered for
136 lease, ~~hire~~, or rent, and shall provide to each renter the
137 insurance carrier's name and address and the insurance policy
138 number.

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

146 (9) If a vessel rented or leased by a livery is involved in
147 an accident, the livery must report the accident to the
148 division.

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

152 (11) (a) ~~(6)~~ Any person convicted of violating this section,
153 other than subsection (2), who has not been convicted of a
154 violation of this section within the past 3 years commits a
155 misdemeanor of the second degree, punishable as provided in s.



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156 775.082 or s. 775.083.

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

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

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

174
175 ===== T I T L E A M E N D M E N T =====

176 And the title is amended as follows:

177 Delete lines 17 - 21

178 and insert:

179 requiring a person receiving safety instruction to
180 provide the livery with a specified signed
181 attestation; requiring a written agreement between a
182 livery and a renter or lessee; providing requirements
183 for such agreement; requiring specified boating safety
184 education courses for certain instructors; requiring



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liveries to report certain accidents to the Division
of Law Enforcement of the commission; requiring