



960338

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2022	.	
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Appropriations Subcommittee on Agriculture, Environment, and General Government (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 537
and insert:
\$1,000 per violation. All fines assessed and collected pursuant to this subsection shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund to be used to enhance state and local law enforcement activities related to boating infractions. As used in this subsection, the terms "convicted"



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11 and "conviction" mean any judicial disposition other than
12 acquittal or dismissal.

13 Section 3. Section 327.54, Florida Statutes, is amended to
14 read:

15 327.54 Liveries; safety regulations; penalty.—

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

17 (a) "Conviction" means any judicial disposition other than
18 acquittal or dismissal.

19 (b) "Livery" means a person who offers a vessel for use by
20 another in exchange for any type of consideration when such
21 person does not also provide the lessee or renter with a
22 captain, a crew, or any type of staff or personnel to operate,
23 oversee, maintain, or manage the vessel. A vessel rented or
24 leased by a livery is a livery vessel as defined in s. 327.02.

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

29 (2) Beginning on January 1, 2023, a livery may not offer a
30 vessel for lease or rent without first being issued a no-cost
31 livery permit by the commission. The permit must be renewed
32 annually. To qualify for issuance or renewal of a livery permit,
33 an applicant must provide the commission with a list of all
34 vessels offered by the livery for lease or rent by another, have
35 valid insurance pursuant to paragraph (3)(j), have an amount of
36 United States Coast Guard-approved lawful personal floatation
37 devices on site sufficient to accommodate the capacity of all
38 vessels offered by the livery for rent or lease by another, have
39 on site all safety equipment required by s. 327.50 and the Code



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40 of Federal Regulations sufficient to equip all vessels offered
41 by the livery for rent or lease by another, and display the
42 information required by paragraph (3)(f). If, before the annual
43 renewal of the permit, the information required by this
44 subsection changes, the livery must provide the commission with
45 the updated information within 10 days after the change.

46 (a) The commission may adopt rules to implement this
47 subsection.

48 (b) A person who violates this subsection commits a
49 misdemeanor of the first degree, punishable as provided in s.
50 775.082 or s. 775.083.

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

53 (a) When the number of persons intending to use the vessel
54 exceeds the number considered to constitute a maximum safety
55 load for the vessel as specified on the authorized persons
56 capacity plate of the vessel.

57 (b) When the horsepower of the motor exceeds the capacity
58 of the vessel.

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

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

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



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69 1. Operational characteristics of the vessel to be rented.

70 2. Safe vessel operation and vessel right-of-way.

71 3. The responsibility of the vessel operator for the safe
72 and proper operation of the vessel.

73 4. Local characteristics of the waterway where the vessel
74 will be operated, such as navigational hazards, the presence of
75 boating-restricted areas, and water depths.

76 5. Emergency procedures such as appropriate responses to
77 capsizing, falls overboard, taking on water, and vessel
78 accidents.

79
80 ~~Any person delivering the information specified in this~~
81 ~~paragraph must have successfully completed a boater safety~~
82 ~~course approved by the National Association of State Boating Law~~
83 ~~Administrators and this state.~~

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

88 (g) Unless the livery has a written agreement with the
89 renter or lessee. The written agreement must include a list of
90 the names, addresses, and dates of birth for all persons who
91 will be aboard the vessel, as well as the time the vessel is
92 required to be returned to the livery or another specified
93 location and an emergency contact name, address, and telephone
94 number. The livery shall maintain each agreement for no less
95 than 1 year and, upon request, make each agreement available for
96 inspection by law enforcement.

97 (h) Who is required to comply with s. 327.395, unless such



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98 person presents to the livery the documentation required by s.
99 327.395(2) for the operation of a vessel or meets the exemption
100 provided under s. 327.395(6) (f).

101 (i) Who is under 18 years of age.

102 (j) Unless the livery first obtains and carries in full
103 force and effect a policy from a licensed insurance carrier in
104 this state which insures the livery and renter against any
105 accident, loss, injury, property damage, or other casualty
106 caused by or resulting from the operation of the vessel. The
107 insurance policy must provide coverage of at least \$500,000 per
108 person and \$1 million per event. The livery and renter shall
109 have proof of such insurance available for inspection at the
110 location where the livery's vessels are being leased or rented,
111 or offered for lease or rent, and shall provide to each renter
112 the insurance carrier's name and address and the insurance
113 policy number.

114 (4) Notwithstanding the person's age or any exemptions
115 provided in s. 327.395, any person delivering instruction
116 regarding the safe operation of vessels or pre-rental or pre-
117 ride instruction in accordance with subsection (3) must have
118 successfully completed a boating safety education course
119 approved by the National Association of State Boating Law
120 Administrators and this state.

121 (5) A person who receives instruction regarding the safe
122 operation of vessels or pre-rental or pre-ride instruction in
123 accordance with subsection (3) must provide the livery with a
124 signed form attesting to each component of the instruction.

125 (a) The commission shall establish by rule the content of
126 the form.



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127 (b) The form must be signed by the individual providing the
128 instruction.

129 (c) The livery shall maintain the form for no less than 90
130 days and, upon request, make the form available for inspection
131 by law enforcement.

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

137 (6)(3) If a vessel rented or leased by a livery is
138 unnecessarily overdue more than 1 hour after the contracted
139 vessel rental time has expired, the livery must shall notify law
140 enforcement and the United States Coast Guard the proper
141 authorities.

142 (7) If a vessel rented or leased by a livery is involved in
143 an accident, the livery must, as applicable under s. 327.301,
144 report the accident.

145 (8) A livery shall make its facilities and records
146 available for inspection upon request by law enforcement no
147 later than 24 hours after receiving notice from law enforcement.

148 (9) (a) A person who violates this section other than
149 subsection (2), but who has not been convicted of a violation of
150 this section within the past 3 years, commits a misdemeanor of
151 the second degree, punishable as provided in s. 775.082 or s.
152 775.083.

153 (b) Unless the stricter penalties in paragraph (c) apply, a
154 person who violates this section other than subsection (2)
155 within 3 years after a previous conviction of a violation of



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156 this section commits a misdemeanor of the first degree,
157 punishable as provided in s. 775.082 or s. 775.083, with a
158 minimum mandatory fine of \$500.

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

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

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

172 ~~(b) A livery may not knowingly lease, hire, or rent a~~
173 ~~personal watercraft to any person who has not received~~
174 ~~instruction in the safe handling of personal watercraft, in~~
175 ~~compliance with rules established by the commission pursuant to~~
176 ~~chapter 120.~~

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

181 ~~(5) A livery may not lease, hire, or rent any personal~~
182 ~~watercraft or offer to lease, hire, or rent any personal~~
183 ~~watercraft unless the livery first obtains and carries in full~~
184 ~~force and effect a policy from a licensed insurance carrier in~~



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185 ~~this state, insuring against any accident, loss, injury,~~
186 ~~property damage, or other casualty caused by or resulting from~~
187 ~~the operation of the personal watercraft. The insurance policy~~
188 ~~shall provide coverage of at least \$500,000 per person and \$1~~
189 ~~million per event. The livery must have proof of such insurance~~
190 ~~available for inspection at the location where personal~~
191 ~~watercraft are being leased, hired, or rented, or offered for~~
192 ~~lease, hire, or rent, and shall provide to each renter the~~
193 ~~insurance carrier's name and address and the insurance policy~~
194 ~~number.~~

195 ~~(6) Any person convicted of violating this section commits~~
196 ~~a misdemeanor of the second degree, punishable as provided in s.~~
197 ~~775.082 or s. 775.083.~~

198 Section 4. Subsections (1) and (8) of section 327.73,
199 Florida Statutes, are amended to read:

200 327.73 Noncriminal infractions.—

201 (1) Violations of the following provisions of the vessel
202 laws of this state are noncriminal infractions:

203 (a) Section 328.46, relating to operation of unregistered
204 and unnumbered vessels.

205 (b) Section 328.48(4), relating to display of number and
206 possession of registration certificate.

207 (c) Section 328.48(5), relating to display of decal.

208 (d) Section 328.52(2), relating to display of number.

209 (e) Section 328.54, relating to spacing of digits and
210 letters of identification number.

211 (f) Section 328.60, relating to military personnel and
212 registration of vessels.

213 (g) Section 328.72(13), relating to operation with an



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214 expired registration, for which the penalty is:

215 1. For a first or subsequent offense of s. 328.72(13)(a),
216 up to a maximum of \$100 ~~\$50~~.

217 2. For a first offense of s. 328.72(13)(b), up to a maximum
218 of \$250.

219 3. For a second or subsequent offense of s. 328.72(13)(b),
220 up to a maximum of \$500. Any person cited for a noncriminal
221 infraction under this subparagraph may not have the provisions
222 of paragraph (4)(a) available to him or her but must appear
223 before the designated official at the time and location of the
224 scheduled hearing.

225 (h) Section 327.33(2), relating to careless operation.

226 (i) Section 327.37, relating to water skiing, aquaplaning,
227 parasailing, and similar activities.

228 (j) Section 327.44, relating to interference with
229 navigation.

230 (k) Violations relating to boating-restricted areas and
231 speed limits:

232 1. Established by the commission or by local governmental
233 authorities pursuant to s. 327.46.

234 2. Speed limits established pursuant to s. 379.2431(2).

235 (l) Section 327.48, relating to regattas and races.

236 (m) Section 327.50(1) and (2), relating to required safety
237 equipment, lights, and shapes.

238 (n) Section 327.65, relating to muffling devices.

239 (o) Section 327.33(3)(b), relating to a violation of
240 navigation rules:

241 1. That does not result in an accident; or

242 2. That results in an accident not causing serious bodily



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243 injury or death, for which the penalty is:

244 a. For a first offense, up to a maximum of \$500 ~~\$250~~.

245 b. For a second offense, up to a maximum of \$1,000 ~~\$750~~.

246 c. For a third or subsequent offense, up to a maximum of
247 \$1,500 ~~\$1,000~~.

248 (p) Section 327.39(1), (2), (3), and (5), relating to
249 personal watercraft.

250 (q) Section 327.53(1), (2), (3), and (8), relating to
251 marine sanitation.

252 (r) Section 327.53(4), (5), and (7), relating to marine
253 sanitation, and s. 327.60, relating to no-discharge zones, for
254 which the civil penalty is \$250.

255 (s) Section 327.395, relating to boater safety education.
256 However, a person cited for violating the requirements of s.
257 327.395 relating to failure to have required proof of boating
258 safety education in his or her possession may not be convicted
259 if, before or at the time of a county court hearing, the person
260 produces proof of the boating safety education identification
261 card or temporary certificate for verification by the hearing
262 officer or the court clerk and the identification card or
263 temporary certificate was valid at the time the person was
264 cited.

265 (t) Section 327.52(3), relating to operation of overloaded
266 or overpowered vessels.

267 (u) Section 327.331, relating to divers-down warning
268 devices, except for violations meeting the requirements of
269 s. 327.33.

270 (v) Section 327.391(1), relating to the requirement for an
271 adequate muffler on an airboat.



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272 (w) Section 327.391(3), relating to the display of a flag
273 on an airboat.

274 (x) Section 253.04(3)(a), relating to carelessly causing
275 seagrass scarring, for which the civil penalty upon conviction
276 is:

277 1. For a first offense, \$100 ~~\$50~~.

278 2. For a second offense occurring within 12 months after a
279 prior conviction, \$250.

280 3. For a third offense occurring within 36 months after a
281 prior conviction, \$500.

282 4. For a fourth or subsequent offense occurring within 72
283 months after a prior conviction, \$1,000.

284 (y) Section 327.45, relating to protection zones for
285 springs, for which the penalty is:

286 1. For a first offense, \$100 ~~\$50~~.

287 2. For a second offense occurring within 12 months after a
288 prior conviction, \$250.

289 3. For a third offense occurring within 36 months after a
290 prior conviction, \$500.

291 4. For a fourth or subsequent offense occurring within 72
292 months after a prior conviction, \$1,000.

293 (z) Section 327.4108, relating to the anchoring of vessels
294 in anchoring limitation areas, for which the penalty is:

295 1. For a first offense, up to a maximum of \$100 ~~\$50~~.

296 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

297 3. For a third or subsequent offense, up to a maximum of
298 \$500 ~~\$250~~.

299 (aa) Section 327.4107, relating to vessels at risk of
300 becoming derelict on waters of this state, for which the civil



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301 penalty is:

302 1. For a first offense, \$100.

303 2. For a second offense occurring 30 days or more after a
304 first offense, \$250.

305 3. For a third or subsequent offense occurring 30 days or
306 more after a previous offense, \$500.

307

308 A vessel that is the subject of three or more violations issued
309 pursuant to the same paragraph of s. 327.4107(2) within an 18-
310 month period which result in dispositions other than acquittal
311 or dismissal shall be declared to be a public nuisance and
312 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
313 an officer of the commission, or a law enforcement agency or
314 officer specified in s. 327.70 may relocate, remove, or cause to
315 be relocated or removed such public nuisance vessels from waters
316 of this state. The commission, an officer of the commission, or
317 a law enforcement agency or officer acting pursuant to this
318 paragraph upon waters of this state shall be held harmless for
319 all damages to the vessel resulting from such relocation or
320 removal unless the damage results from gross negligence or
321 willful misconduct as these terms are defined in s. 823.11.

322 (bb) Section 327.4109, relating to anchoring or mooring in
323 a prohibited area, for which the penalty is:

324 1. For a first offense, up to a maximum of \$100 ~~\$50~~.

325 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

326 3. For a third or subsequent offense, up to a maximum of
327 \$500 ~~\$250~~.

328 (cc) Section 327.463(4) (a) and (b), relating to vessels
329 creating special hazards, for which the penalty is:



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330 1. For a first offense, \$100 ~~\$50~~.

331 2. For a second offense occurring within 12 months after a
332 prior offense, \$250 ~~\$100~~.

333 3. For a third offense occurring within 36 months after a
334 prior offense, \$500 ~~\$250~~.

335 (dd) Section 327.371, relating to the regulation of human-
336 powered vessels.

337 ~~(ee) Section 328.03, relating to an improper transfer of~~
338 ~~title, for which the penalty is up to a maximum of \$500.~~

339 ~~(ff) Section 328.48(9), relating to the failure to update~~
340 ~~vessel registration information, for which the penalty is up to~~
341 ~~a maximum of \$500.~~

342

343 Any person cited for a violation of ~~any provision of~~ this
344 subsection shall be deemed to be charged with a noncriminal
345 infraction, shall be cited for such an infraction, and shall be
346 cited to appear before the county court. The civil penalty for
347 any such infraction is \$100 ~~\$50~~, except as otherwise provided in
348 this section. Any person who fails to appear or otherwise
349 properly respond to a uniform boating citation ~~shall~~, in
350 addition to the charge relating to the violation of the boating
351 laws of this state, must be charged with the offense of failing
352 to respond to such citation and, upon conviction, be guilty of a
353 misdemeanor of the second degree, punishable as provided in s.
354 775.082 or s. 775.083. A written warning to this effect shall be
355 provided at the time such uniform boating citation is issued.

356 (8) All fees and civil penalties assessed and collected
357 pursuant to this section shall be remitted by the clerk of the
358 court to the Department of Revenue to be deposited into the



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359 Marine Resources Conservation Trust Fund for boating safety
360 education or law enforcement purposes.

361 Section 5. Subsection (1) of section 327.731, Florida
362 Statutes, is amended, and subsection (4) is added to that
363 section, to read:

364 327.731 Mandatory education for violators.-

365 (1) A person convicted of a criminal violation under this
366 chapter, convicted of a noncriminal infraction under this
367 chapter if the infraction resulted in a reportable boating
368 accident, or convicted of two noncriminal infractions as
369 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),
370 the said infractions occurring within a 12-month period, must:

371 (a) Enroll in, attend, and successfully complete, at his or
372 her own expense, a classroom or online boating safety course
373 that is approved by and meets the minimum standards established
374 by commission rule;

375 (b) File with the commission within 90 days proof of
376 successful completion of the course; ~~and~~

377 (c) Refrain from operating a vessel until he or she has
378 filed proof of successful completion of the course with the
379 commission; and

380 (d) Pay a fine of \$500. The clerk of the court shall remit
381 all fines assessed and collected under this paragraph to the
382 Department of Revenue to be deposited into the Marine Resources
383 Conservation Trust Fund to support law enforcement activities.

384 (4) The commission shall maintain a program to ensure
385 compliance with the mandatory boating safety education
386 requirements under this section. This program must:

387 (a) Track any citations resulting in a conviction under



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388 this section and the disposition of such citations.

389 (b) Send specific notices to each person subject to the
390 requirement for mandatory boating safety education.

391 Section 6. Subsection (3) of section 328.03, Florida
392 Statutes, is amended to read:

393 328.03 Certificate of title required.—

394 (3) A person may ~~shall~~ not sell, assign, or transfer a
395 vessel titled by the state without delivering to the purchaser
396 or transferee a valid certificate of title with an assignment on
397 it showing the transfer of title to the purchaser or transferee.
398 A person may ~~shall~~ not purchase or otherwise acquire a vessel
399 required to be titled by the state without obtaining a
400 certificate of title for the vessel in his or her name. The
401 purchaser or transferee shall, within 30 days after a change in
402 vessel ownership, file an application for a title transfer with
403 the county tax collector. An additional \$10 fee must ~~shall~~ be
404 charged against the purchaser or transferee if he or she files a
405 title transfer application after the 30-day period. The county
406 tax collector may ~~shall be entitled to~~ retain \$5 of the
407 additional amount. Any person who does not properly transfer
408 title of a vessel pursuant to this chapter is subject to the
409 penalties provided in s. 327.73(1)(ee).

410 Section 7. Effective July 1, 2023, subsection (4) of
411 section 328.03, Florida Statutes, as amended by chapter 2019-76,
412 Laws of Florida, is amended to read:

413 328.03 Certificate of title required.—

414 (4) An additional \$10 fee shall be charged against the
415 purchaser or transferee if he or she files a title transfer
416 application after the 30-day period. The county tax collector



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417 may shall be entitled to retain \$5 of the additional amount. Any
418 person who does not properly transfer title of a vessel pursuant
419 to this chapter is subject to the penalties provided in s.
420 327.73(1)(ee).

421 Section 8. Paragraph (a) of subsection (1) and subsection
422 (4) of section 328.48, Florida Statutes, are amended, and
423 subsection (9) is added to that section, to read:

424 328.48 Vessel registration, application, certificate,
425 number, decal, duplicate certificate.—

426 (1) (a) The owner of each vessel required by this law to pay
427 a registration fee and secure an identification number shall
428 file an application with the county tax collector. The
429 application must shall provide the owner's name and physical
430 residential or business address; residency status; personal or
431 business identification; and a complete description of the
432 vessel, and must shall be accompanied by payment of the
433 applicable fee required in s. 328.72. An individual applicant
434 must provide a valid driver license or identification card
435 issued by this state or another state or a valid passport. A
436 business applicant must provide a federal employer
437 identification number, if applicable, verification that the
438 business is authorized to conduct business in this the state, or
439 a Florida city or county business license or number.
440 Registration is not required for any vessel that is not used on
441 the waters of this state. Upon receipt of an application from a
442 live-aboard vessel owner whose primary residence is the vessel,
443 the commission may authorize such owner to provide a post office
444 box address in lieu of a physical residential or business
445 address.



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446 (4) Each certificate of registration issued must ~~shall~~
447 state among other items the numbers awarded to the vessel, the
448 hull identification number, the name and physical residential or
449 business address of the owner, and a description of the vessel,
450 except that certificates of registration for vessels constructed
451 or assembled by the owner registered for the first time must
452 ~~shall~~ state all the foregoing information except the hull
453 identification number. The numbers must ~~shall~~ be placed on each
454 side of the forward half of the vessel in such position as to
455 provide clear legibility for identification, except, if the
456 vessel is an airboat, the numbers may be placed on each side of
457 the rudder. The numbers awarded to the vessel must ~~shall~~ read
458 from left to right and must ~~shall~~ be in block characters of good
459 proportion not less than 3 inches in height. The numbers must
460 ~~shall~~ be of a solid color that ~~which~~ will contrast with the
461 color of the background and must ~~shall~~ be so maintained as to be
462 clearly visible and legible; i.e., dark numbers on a light
463 background or light numbers on a dark background. The
464 certificate of registration must ~~shall~~ be pocket-sized and must
465 ~~shall~~ be available for inspection on the vessel for which issued
466 whenever such vessel is in operation. Upon receipt of an
467 application from a live-aboard vessel owner whose primary
468 residence is the vessel, the commission may authorize such owner
469 to provide a post office box address in lieu of a physical
470 residential address.

471
472 ===== T I T L E A M E N D M E N T =====

473 And the title is amended as follows:

474 Delete lines 51 - 52



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475 and insert:
476 residential or business address; providing that a
477 person who fails to