

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WITHDRAWN	_____	(Y/N)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: Infrastructure Strategies
2 Committee

3 Representative Botana offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (12) is added to section 327.395,
8 Florida Statutes, to read:

9 327.395 Boating safety education.-

10 (12) The commission shall develop and publish on its
11 website an educational pamphlet relating to the importance of
12 boating safety education and promoting voluntary enrollment in a
13 boating safety educational course. At a minimum, the pamphlet
14 must include:

15 (a) An overview of the importance of boating safety
16 education and navigational rules.

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17 (b) An overview of boating safety and the proper use of
18 safety equipment.

19 (c) An overview of the dangers of careless operation of a
20 vessel or operating overloaded vessels.

21 (d) An overview of the proper use and lifesaving benefits
22 of an engine cutoff switch for motorboats and personal
23 watercrafts.

24 (e) The importance of not operating vessels while under
25 the influence of alcoholic beverages, chemical substances, or
26 controlled substances.

27 Section 2. Paragraph (c) of subsection (1) of section
28 327.4108, Florida Statutes, is amended to read:

29 327.4108 Anchoring of vessels in anchoring limitation
30 areas.—

31 (1) The following densely populated urban areas, which
32 have narrow state waterways, residential docking facilities, and
33 significant recreational boating traffic, are designated as and
34 shall be considered to be grandfathered-in anchoring limitation
35 areas, within which a person may not anchor a vessel at any time
36 during the period between one-half hour after sunset and one-
37 half hour before sunrise, except as provided in subsections (4)
38 and (5):

39 (c) The sections of Biscayne Bay in Miami-Dade County
40 lying between or within 200 yards of the following:

41 1. Rivo Alto Island and Di Lido Island.

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42 2. San Marino Island and San Marco Island.

43 3. San Marco Island and Biscayne Island.

44 4. Di Lido Island and San Marino Island.

45 Section 3. Subsections (4) through (12) of section 327.54,
46 Florida Statutes, are renumbered as subsections (5) through
47 (13), respectively, subsection (2), paragraph (e) of subsection
48 (3), present subsections (7) and (8) are amended, and a new
49 subsection (4) is added to that section, to read:

50 327.54 Liveries; safety regulations; penalty.—

51 (2) A livery may not offer a vessel for lease or rent
52 without first being issued a no-cost livery permit by the
53 commission. The permit must be renewed annually. To qualify for
54 issuance or renewal of a livery permit, an applicant must
55 provide the commission with a list of all vessels offered by the
56 livery for lease or rent by another, have valid insurance
57 pursuant to subsection (8) ~~(7)~~, have an amount of United States
58 Coast Guard-approved lawful personal floatation devices on site
59 sufficient to accommodate the capacity of all vessels offered by
60 the livery for rent or lease by another, have on site all safety
61 equipment required by s. 327.50 and the Code of Federal
62 Regulations sufficient to equip all vessels offered by the
63 livery for rent or lease by another, and display the information
64 required by paragraph (3) (f). If, before the annual renewal of
65 the permit, the information required by this subsection changes,

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66 the livery must provide the commission with the updated
67 information within 10 days after the change.

68 (a) The commission may adopt rules to implement this
69 subsection.

70 (b) A person who violates this subsection commits a
71 misdemeanor of the first degree, punishable as provided in s.
72 775.082 or s. 775.083.

73 (3) A livery may not knowingly lease or rent a vessel to
74 any person:

75 (e) Unless the livery provides hands-on pre-rental or pre-
76 ride instruction in compliance with rules established by the
77 commission.

78 1. The instruction must include, but need not be limited
79 to:

80 a. Operational characteristics of the vessel to be rented.

81 b. Safe vessel operation and vessel right-of-way.

82 c. The responsibility of the vessel operator for the safe
83 and proper operation of the vessel.

84 d. Local characteristics of the waterway where the vessel
85 will be operated, such as navigational hazards, the presence of
86 boating-restricted areas, ~~and~~ water depths, and education on any
87 safety, regulatory, information, or navigation markers in the
88 geographic vicinity.

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89 e. Emergency procedures, such as appropriate responses to
90 capsizing, falls overboard, taking on water, and vessel
91 accidents.

92 f. Proper use of personal floatation devices.

93 g. A notice of the prohibition against boating under the
94 influence pursuant to s. 327.35.

95 2. Any person receiving instruction in the safe handling
96 of livery vessels pursuant to this paragraph must provide the
97 livery with a written statement attesting to each component of
98 the instruction.

99 a. The commission shall establish by rule the content of
100 the statement form.

101 b. The statement form must be signed by the individual
102 providing the instruction.

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

106 (4) If a renter or lessee retains a professional captain
107 who holds an active license issued by the United States Coast
108 Guard to command the vessel as required by an agreement between
109 the livery and the renter or lessee, and the livery confirms
110 that a professional captain has been retained, the renter or
111 lessee and the livery are not subject to paragraph (3)(e).

112 (8)-(7) A livery may not lease or rent or offer to lease or
113 rent any livery vessel unless the livery first:

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114 1. Obtains and carries in full force and effect a policy
115 from a licensed insurance carrier in this state which insures
116 the livery ~~and the renter~~ against any accident, loss, injury,
117 property damage, or other casualty caused by or resulting from
118 the operation of the livery vessel. The insurance policy must
119 provide coverage of at least \$500,000 per person and \$1 million
120 per event. The livery shall have proof of such insurance
121 available for inspection at the location where livery vessels
122 are being leased or rented, or offered for lease or rent, and
123 ~~shall~~ provide to each renter the insurance carrier's name and
124 address and the insurance policy number; and

125 2. Either:

126 a. Obtains and carries in full force and effect a policy
127 from a licensed insurance carrier in this state which insures
128 the renter in the same manner and amounts of the policy obtained
129 by the livery under subparagraph 1. and provides to each renter
130 the insurance carrier's name and address and the insurance
131 policy number; or

132 b. Presents the renter with the opportunity to purchase
133 coverage which insures the renter against any accident, loss,
134 injury, property damage, or other casualty caused by or
135 resulting from the operation of the livery vessel of at least
136 \$500,000 per person and \$1 million per event. If a renter
137 chooses not to purchase the insurance, the livery must obtain a

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138 signed acknowledgement from the renter which includes the
139 following statement:

140
141 I understand that I am refusing to purchase a vessel
142 rental insurance policy for coverage of at least
143 \$500,000 per person and \$1 million per event for any
144 damage or injuries caused directly or indirectly by my
145 operation of the vessel.

146
147 The rental insurance policy coverage is being offered
148 to me at the following price: [INSERT BINDABLE PRICE
149 HERE OF INSURANCE BEING DECLINED].

150
151 I understand that I may not have other insurance to
152 cover any damage or injuries caused directly or
153 indirectly by my operation of the vessel and that I
154 may be personally liable for any such damage or
155 injuries during the rental period.

156
157 This section does not apply to human-powered vessels.

158 ~~(9)-(8)~~ Notwithstanding the person's age or any exemptions
159 provided in s. 327.395, any person delivering instruction
160 regarding the safe operation of vessels or hands-on pre-rental
161 or pre-ride instruction in accordance with subsection (3) must
162 have successfully completed a boating safety education course

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163 approved by the National Association of State Boating Law
164 Administrators and this state.

165 Section 4. Subsections (2), (3), and (4) of section
166 327.731, Florida Statutes, are renumbered as subsections (3),
167 (4), and (5), respectively, subsection (1) of that section is
168 amended, and a new subsection (2) is added to that section to
169 read:

170 327.731 Mandatory education for violators.-

171 (1) A person convicted of a criminal violation under this
172 chapter, convicted of a noncriminal infraction under this
173 chapter if the infraction resulted in a reportable boating
174 accident, or convicted of a two noncriminal infraction
175 ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
176 and (s)-(y), ~~the infractions occurring within a 12-month period,~~
177 must:

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

182 (b) File with the commission within 90 days proof of
183 successful completion of the course; and

184 (c) Refrain from operating a vessel until he or she has
185 filed proof of successful completion of the course with the
186 commission. ~~and~~

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187 (2)-(d) A person convicted of a criminal violation under
188 this chapter, convicted of a noncriminal infraction under this
189 chapter if the infraction resulted in a reportable boating
190 accident, or convicted of two noncriminal infractions as
191 specified in s. 327.73(1) (h)-(k), (m), (o), (p), and (s)-(y),
192 the infractions occurring within a 12-month period, must pay a
193 fine of \$500. The clerk of the court shall remit all fines
194 assessed and collected under this paragraph to the Department of
195 Revenue to be deposited into the Marine Resources Conservation
196 Trust Fund to support law enforcement activities.

197 Section 5. This act shall take effect July 1, 2023.

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200 **T I T L E A M E N D M E N T**

201 Remove everything before the enacting clause and insert:
202 An act relating to boating safety; amending s. 327.395,
203 F.S.; requiring the Fish and Wildlife Conservation
204 Commission to develop and publish an educational pamphlet
205 on boating safety education; providing requirements for the
206 pamphlet; amending s. 327.4108, F.S.; revising anchoring
207 limitation areas in certain sections of Biscayne Bay in
208 Miami-Dade County; amending s. 327.54, F.S.; conforming a
209 cross-reference; requiring liveries to provide hands-on
210 instruction that meets specified requirements; providing an
211 exemption from certain safety requirements if renters or

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212 lessees hire a professional captain; providing for a livery
213 to either obtain and carry insurance that also insures
214 renters or to offer renters the opportunity to purchase
215 specified liability coverage; requiring a livery to obtain
216 a specified acknowledgement from renters upon refusal of
217 such coverage; conforming a provision to changes made by
218 the act; amending s. 327.731, F.S.; requiring a person
219 convicted of certain noncriminal infractions to meet
220 certain requirements; providing an effective date.
221