

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Agriculture, Conservation  
 2 & Resiliency Subcommittee  
 3 Representative Botana offered the following:

**Amendment (with title amendment)**

Remove lines 16-89 and insert:

7 Section 1. Subsection (1) of section 327.395, Florida  
 8 Statutes, is amended to read:  
 9 327.395 Boating safety education.—

10 (1) A person born on or after January 1, 1960 ~~1988~~, may  
 11 not operate a vessel powered by a motor of 10 horsepower or  
 12 greater unless such person has in his or her possession aboard  
 13 the vessel the documents required by subsection (2).

14 Section 2. Subsections (4) through (12) of section 327.54,  
 15 Florida Statutes, are renumbered as subsections (5) through  
 16 (13), respectively, subsection (2), paragraph (e) of subsection

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17 (3), and present subsections (7) and (8) of that section are  
18 amended, and a new subsection (4) is added to that section, to  
19 read:

20 327.54 Liveries; safety regulations; penalty.—

21 (2) A livery may not offer a vessel for lease or rent  
22 without first being issued a no-cost livery permit by the  
23 commission. The permit must be renewed annually. To qualify for  
24 issuance or renewal of a livery permit, an applicant must  
25 provide the commission with a list of all vessels offered by the  
26 livery for lease or rent by another, have valid insurance  
27 pursuant to subsection (8) ~~(7)~~, have an amount of United States  
28 Coast Guard-approved lawful personal floatation devices on site  
29 sufficient to accommodate the capacity of all vessels offered by  
30 the livery for rent or lease by another, have on site all safety  
31 equipment required by s. 327.50 and the Code of Federal  
32 Regulations sufficient to equip all vessels offered by the  
33 livery for rent or lease by another, and display the information  
34 required by paragraph (3) (f). If, before the annual renewal of  
35 the permit, the information required by this subsection changes,  
36 the livery must provide the commission with the updated  
37 information within 10 days after the change.

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

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

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42 775.082 or s. 775.083.

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

45 (e) Unless the livery provides hands-on pre-rental or pre-  
46 ride instruction in compliance with rules established by the  
47 commission.

48 1. The instruction must include, but need not be limited  
49 to:

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

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

52 c. The responsibility of the vessel operator for the safe  
53 and proper operation of the vessel.

54 d. Local characteristics of the waterway where the vessel  
55 will be operated, such as navigational hazards, the presence of  
56 boating-restricted areas, ~~and~~ water depths, and education on any  
57 safety, regulatory, informational, or navigation markers in the  
58 geographic vicinity.

59 e. Emergency procedures, such as appropriate responses to  
60 capsizing, falls overboard, taking on water, and vessel  
61 accidents.

62 f. Proper use of personal floatation devices.

63 g. A notice of the prohibition against boating under the  
64 influence pursuant to s. 327.35.

65 2. Any person receiving instruction in the safe handling  
66 of livery vessels pursuant to this paragraph must provide the

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67 livery with a written statement attesting to each component of  
68 the instruction.

69 a. The commission shall establish by rule the content of  
70 the statement form.

71 b. The statement form must be signed by the individual  
72 providing the instruction.

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

76 (4) If a renter or lessee retains a professional captain  
77 who holds an active license issued by the United States Coast  
78 Guard to command the vessel as required by an agreement between  
79 the livery and the renter or lessee, and the livery confirms  
80 that a professional captain has been retained, the renter or  
81 lessee and the livery are not subject to paragraph (3)(e).

82 (8)-(7) A livery may not lease or rent or offer to lease or  
83 rent any livery vessel unless the livery first obtains and  
84 carries in full force and effect a policy from a licensed  
85 insurance carrier in this state which insures the livery ~~and the~~  
86 ~~renter~~ against any accident, loss, injury, property damage, or  
87 other casualty caused by or resulting from the operation of the  
88 livery vessel. The insurance policy must provide coverage of at  
89 least \$500,000 per person and \$1 million per event. The livery  
90 shall have proof of such insurance available for inspection at  
91 the location where livery vessels are being leased or rented, or

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92 offered for lease or rent, and shall provide to each renter the  
93 insurance carrier's name and address and the insurance policy  
94 number. This subsection does not apply to human-powered vessels.

95 ~~(9)(8)~~ Notwithstanding the person's age or any exemptions  
96 provided in s. 327.395, any person delivering instruction  
97 regarding the safe operation of vessels or hands-on pre-rental  
98 or pre-ride instruction in accordance with subsection (3) must  
99 have successfully completed a boating safety education course  
100 approved by the National Association of State Boating Law  
101 Administrators and this state.

102  
103 -----  
104 **T I T L E A M E N D M E N T**

105 Remove lines 3-12 and insert:

106 327.395, F.S.; revising the requirement for persons  
107 born before a specified date to have certain  
108 identification and boating safety documentation in  
109 their possession while operating a vessel; amending s.  
110 327.54, F.S.; conforming a cross-reference; requiring  
111 liveries to provide hands-on instruction that meets  
112 specified requirements; providing an exemption from  
113 certain safety requirements if renters or lessees hire  
114 a professional captain; deleting the requirement that  
115 liveries obtain and carry insurance that also insures

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116 | renters and lessees; conforming a provision to changes  
117 | made by the act; providing an effective date.