1	A bill to be entitled
2	An act relating to boating safety; amending s.
3	327.395, F.S.; revising the requirement for persons
4	born before a specified date to have certain
5	identification and boating safety documentation in
6	their possession while operating a vessel; amending s.
7	327.54, F.S.; conforming a cross-reference; requiring
8	liveries to provide hands-on instruction that meets
9	specified requirements; providing an exemption from
10	certain safety requirements if renters or lessees hire
11	a professional captain; deleting the requirement that
12	a livery obtain and carry insurance that also insures
13	renters and lessees; conforming a provision to changes
14	made by the act; providing an effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Subsection (1) of section 327.395, Florida
19	Statutes, is amended to read:
20	327.395 Boating safety education
21	(1) <u>Effective July 1, 2028,</u> a person born on or after
22	January 1, <u>1978</u> 1988 , may not operate a vessel powered by a
23	motor of 10 horsepower or greater unless such person has in his
24	or her possession aboard the vessel the documents required by
25	subsection (2).
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26 Section 2. Subsections (4) through (12) of section 327.54, 27 Florida Statutes, are renumbered as subsections (5) through 28 (13), respectively, subsection (2), paragraph (e) of subsection 29 (3), present subsections (7) and (8) are amended, and a new 30 subsection (4) is added to that section, to read: 327.54 Liveries; safety regulations; penalty.-31 32 (2) A livery may not offer a vessel for lease or rent without first being issued a no-cost livery permit by the 33 34 commission. The permit must be renewed annually. To qualify for 35 issuance or renewal of a livery permit, an applicant must provide the commission with a list of all vessels offered by the 36 37 livery for lease or rent by another, have valid insurance 38 pursuant to subsection (8) (7), have an amount of United States 39 Coast Guard-approved lawful personal floatation devices on site 40 sufficient to accommodate the capacity of all vessels offered by 41 the livery for rent or lease by another, have on site all safety equipment required by s. 327.50 and the Code of Federal 42 43 Regulations sufficient to equip all vessels offered by the livery for rent or lease by another, and display the information 44 45 required by paragraph (3)(f). If, before the annual renewal of 46 the permit, the information required by this subsection changes, the livery must provide the commission with the updated 47 48 information within 10 days after the change. 49 The commission may adopt rules to implement this (a)

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subsection.

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51	(b) A person who violates this subsection commits a
52	misdemeanor of the first degree, punishable as provided in s.
53	775.082 or s. 775.083.
54	(3) A livery may not knowingly lease or rent a vessel to
55	any person:
56	(e) Unless the livery provides <u>hands-on</u> pre-rental or pre-
57	ride instruction in compliance with rules established by the
58	commission.
59	1. The instruction must include, but need not be limited
60	to:
61	a. Operational characteristics of the vessel to be rented.
62	b. Safe vessel operation and vessel right-of-way.
63	c. The responsibility of the vessel operator for the safe
64	and proper operation of the vessel.
65	d. Local characteristics of the waterway where the vessel
66	will be operated, such as navigational hazards, the presence of
67	boating-restricted areas, and water depths, and education on any
68	safety, regulatory, information, or navigation markers in the
69	geographic vicinity.
70	e. Emergency procedures, such as appropriate responses to
71	capsizing, falls overboard, taking on water, and vessel
72	accidents.
73	f. Proper use of personal floatation devices.
74	g. A notice of the prohibition against boating under the
75	influence pursuant to s. 327.35.
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76 2. Any person receiving instruction in the safe handling 77 of livery vessels pursuant to this paragraph must provide the 78 livery with a written statement attesting to each component of 79 the instruction.

a. The commission shall establish by rule the content ofthe statement form.

b. The statement form must be signed by the individualproviding the instruction.

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

87 (4) If a renter or lessee retains a professional captain 88 who holds an active license issued by the United States Coast 89 Guard to command the vessel as required by an agreement between 90 the livery and the renter or lessee, and the livery confirms 91 that a professional captain has been retained, the renter or 92 lessee and the livery are not subject to paragraph (3)(e).

93 (8) (7) A livery may not lease or rent or offer to lease or 94 rent any livery vessel unless the livery first obtains and 95 carries in full force and effect a policy from a licensed 96 insurance carrier in this state which insures the livery and the 97 renter against any accident, loss, injury, property damage, or 98 other casualty caused by or resulting from the operation of the 99 livery vessel. The insurance policy must provide coverage of at least \$500,000 per person and \$1 million per event. The livery 100

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101 shall have proof of such insurance available for inspection at 102 the location where livery vessels are being leased or rented, or 103 offered for lease or rent, and shall provide to each renter the 104 insurance carrier's name and address and the insurance policy 105 number. This subsection does not apply to human-powered vessels.

106 <u>(9)(8)</u> Notwithstanding the person's age or any exemptions 107 provided in s. 327.395, any person delivering instruction 108 regarding the safe operation of vessels or <u>hands-on</u> pre-rental 109 or pre-ride instruction in accordance with subsection (3) must 110 have successfully completed a boating safety education course 111 approved by the National Association of State Boating Law 112 Administrators and this state.

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Section 3. This act shall take effect July 1, 2023.

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