

1 A bill to be entitled
2 An act relating to boating safety; amending s.
3 327.395, F.S.; requiring the Fish and Wildlife
4 Conservation Commission to develop and publish an
5 educational pamphlet relating to boating safety
6 education; providing requirements for the pamphlet;
7 amending s. 327.4108, F.S.; providing an exemption
8 from specified anchoring limitations for residential
9 docking facilities, marinas, and existing mooring
10 fields; revising anchoring limitation areas in certain
11 sections of Biscayne Bay in Miami-Dade County;
12 amending s. 327.54, F.S.; conforming a cross-
13 reference; requiring liveries to provide hands-on
14 instruction that meets specified requirements;
15 providing an exemption from certain safety
16 requirements if renters or lessees hire a professional
17 captain; requiring a livery to either obtain and carry
18 insurance that also insures renters or offer renters
19 the opportunity to purchase specified liability
20 coverage; requiring a livery to obtain a specified
21 acknowledgement from renters upon refusal of such
22 coverage; conforming a provision to changes made by
23 the act; amending s. 327.731, F.S.; requiring a person
24 convicted of certain noncriminal boating infractions
25 to complete a boating safety course; providing an

26 | effective date.

27 |

28 | Be It Enacted by the Legislature of the State of Florida:

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30 | Section 1. Subsection (12) is added to section 327.395,
31 | Florida Statutes, to read:

32 | 327.395 Boating safety education.—

33 | (12) The commission shall develop and publish on its
34 | website an educational pamphlet that relates to the importance
35 | of boating safety education and promotes voluntary enrollment in
36 | a boating safety educational course. At a minimum, the pamphlet
37 | must include:

38 | (a) An overview of the importance of boating safety
39 | education and navigational rules.

40 | (b) An overview of boating safety and the proper use of
41 | safety equipment.

42 | (c) An overview of the dangers of careless operation of a
43 | vessel or operating overloaded vessels.

44 | (d) An overview of the proper use and lifesaving benefits
45 | of an engine cutoff switch for motorboats and personal
46 | watercrafts.

47 | (e) The importance of not operating vessels while under
48 | the influence of alcoholic beverages, chemical substances, or
49 | controlled substances.

50 | Section 2. Subsection (1) of section 327.4108, Florida

51 Statutes, is amended to read:

52 327.4108 Anchoring of vessels in anchoring limitation
53 areas.—

54 (1) The following densely populated urban areas, which
55 have narrow state waterways, residential docking facilities, and
56 significant recreational boating traffic, are designated as and
57 shall be considered to be grandfathered-in anchoring limitation
58 areas, within which a person may not anchor a vessel at any time
59 during the period between one-half hour after sunset and one-
60 half hour before sunrise, except within residential docking
61 facilities, marinas, or existing mooring fields and as provided
62 in subsections (4) and (5):

63 (a) The section of Middle River lying between Northeast
64 21st Court and the Intracoastal Waterway in Broward County.

65 (b) Sunset Lake in Miami-Dade County.

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

68 1. Rivo Alto Island and Di Lido Island.

69 2. San Marino Island and San Marco Island.

70 3. San Marco Island and Biscayne Island.

71 4. Di Lido Island and San Marino Island.

72 5. State Road 913 and State Road 826.

73 Section 3. Subsections (4) through (12) of section 327.54,
74 Florida Statutes, are renumbered as subsections (5) through
75 (13), respectively, subsection (2), paragraph (e) of subsection

76 (3), and present subsections (7) and (8) are amended, and a new
 77 subsection (4) is added to that section, to read:

78 327.54 Liveries; safety regulations; penalty.—

79 (2) A livery may not offer a vessel for lease or rent
 80 without first being issued a no-cost livery permit by the
 81 commission. The permit must be renewed annually. To qualify for
 82 issuance or renewal of a livery permit, an applicant must
 83 provide the commission with a list of all vessels offered by the
 84 livery for lease or rent by another, have valid insurance
 85 pursuant to subsection (8) ~~(7)~~, have an amount of United States
 86 Coast Guard-approved lawful personal floatation devices on site
 87 sufficient to accommodate the capacity of all vessels offered by
 88 the livery for rent or lease by another, have on site all safety
 89 equipment required by s. 327.50 and the Code of Federal
 90 Regulations sufficient to equip all vessels offered by the
 91 livery for rent or lease by another, and display the information
 92 required by paragraph (3) (f). If, before the annual renewal of
 93 the permit, the information required by this subsection changes,
 94 the livery must provide the commission with the updated
 95 information within 10 days after the change.

96 (a) The commission may adopt rules to implement this
 97 subsection.

98 (b) A person who violates this subsection commits a
 99 misdemeanor of the first degree, punishable as provided in s.
 100 775.082 or s. 775.083.

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

103 (e) Unless the livery provides hands-on pre-rental or pre-
 104 ride instruction in compliance with rules established by the
 105 commission.

106 1. The instruction must include, but need not be limited
 107 to:

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

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

110 c. The responsibility of the vessel operator for the safe
 111 and proper operation of the vessel.

112 d. Local characteristics of the waterway where the vessel
 113 will be operated, such as navigational hazards, the presence of
 114 boating-restricted areas, ~~and~~ water depths, and education on any
 115 safety, regulatory, information, or navigation markers in the
 116 geographic vicinity.

117 e. Emergency procedures, such as appropriate responses to
 118 capsizing, falls overboard, taking on water, and vessel
 119 accidents.

120 f. Proper use of personal floatation devices.

121 g. A notice of the prohibition against boating under the
 122 influence pursuant to s. 327.35.

123 2. Any person receiving instruction in the safe handling
 124 of livery vessels pursuant to this paragraph must provide the
 125 livery with a written statement attesting to each component of

126 the instruction.

127 a. The commission shall establish by rule the content of
128 the statement form.

129 b. The statement form must be signed by the individual
130 providing the instruction.

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

134 (4) If a renter or lessee retains a professional captain
135 who holds an active license issued by the United States Coast
136 Guard to command the vessel as required by an agreement between
137 the livery and the renter or lessee, and the livery confirms
138 that a professional captain has been retained, the renter or
139 lessee and the livery are not subject to paragraph (3)(e).

140 (8)-(7) A livery may not lease or rent or offer to lease or
141 rent any livery vessel unless the livery: ~~first~~

142 (a) Obtains and carries in full force and effect a policy
143 from a licensed insurance carrier in this state which insures
144 the livery ~~and the renter~~ against any accident, loss, injury,
145 property damage, or other casualty caused by or resulting from
146 the operation of the livery vessel. The insurance policy must
147 provide coverage of at least \$500,000 per person and \$1 million
148 per event. The livery shall have proof of such insurance
149 available for inspection at the location where livery vessels
150 are being leased or rented, or offered for lease or rent, and

151 shall provide to each renter the insurance carrier's name and
152 address and the insurance policy number; and

153 (b) Either:

154 1. Obtains and carries in full force and effect a policy
155 from a licensed insurance carrier in this state which insures
156 the renter in the same manner and amounts of the policy obtained
157 by the livery under paragraph (a) and provides to each renter
158 the insurance carrier's name and address and the insurance
159 policy number; or

160 2. Presents the renter with the opportunity to purchase
161 coverage which insures the renter against any accident, loss,
162 injury, property damage, or other casualty caused by or
163 resulting from the operation of the livery vessel of at least
164 \$500,000 per person and \$1 million per event. If a renter
165 chooses not to purchase the coverage, the livery must obtain a
166 signed acknowledgement from the renter which includes the
167 following statement:

168
169 I understand that I am refusing to purchase a vessel
170 rental insurance policy for coverage of at least
171 \$500,000 per person and \$1 million per event for any
172 damage or injuries caused directly or indirectly by my
173 operation of the vessel.

174

175 The vessel rental insurance policy coverage is being
176 offered to me at the following price: [INSERT BINDABLE
177 PRICE HERE OF INSURANCE BEING DECLINED].

178
179 I understand that I may not have other insurance to
180 cover any damage or injuries caused directly or
181 indirectly by my operation of the vessel and that I
182 may be personally liable for any such damage or
183 injuries during the rental period.

184

185 This subsection does not apply to human-powered vessels.

186 ~~(9)~~-(8) Notwithstanding the person's age or any exemptions
187 provided in s. 327.395, any person delivering instruction
188 regarding the safe operation of vessels or hands-on pre-rental
189 or pre-ride instruction in accordance with subsection (3) must
190 have successfully completed a boating safety education course
191 approved by the National Association of State Boating Law
192 Administrators and this state.

193 Section 4. Subsections (2), (3), and (4) of section
194 327.731, Florida Statutes, are renumbered as subsections (3),
195 (4), and (5), respectively, subsection (1) and present
196 subsection (3) are amended, and a new subsection (2) is added to
197 that section, to read:

198 327.731 Mandatory education for violators.—

199 (1) A person convicted of a criminal violation under this
 200 chapter, convicted of a noncriminal infraction under this
 201 chapter if the infraction resulted in a reportable boating
 202 accident, or convicted of a two noncriminal infraction
 203 ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
 204 and (s)-(y), ~~the infractions occurring within a 12-month period,~~
 205 must:

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

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

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

215 ~~(2)(d)~~ A person convicted of a criminal violation under
 216 this chapter, convicted of a noncriminal infraction under this
 217 chapter if the infraction resulted in a reportable boating
 218 accident, or convicted of two noncriminal infractions as
 219 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),
 220 the infractions occurring within a 12-month period, must pay a
 221 fine of \$500. The clerk of the court shall remit all fines
 222 assessed and collected under this subsection ~~paragraph~~ to the
 223 Department of Revenue to be deposited into the Marine Resources

CS/CS/CS/HB 261

2023

224 Conservation Trust Fund to support law enforcement activities.

225 (4)~~(3)~~ The commission shall print on the reverse side of
226 the defendant's copy of the boating citation a notice of the
227 provisions of this section. Upon conviction, the clerk of the
228 court shall notify the defendant that it is unlawful for him or
229 her to operate any vessel until he or she has complied with this
230 section, but failure of the clerk of the court to provide such a
231 notice shall not be a defense to a charge of unlawful operation
232 of a vessel under subsection (3)~~(2)~~.

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