

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.; prohibiting the anchoring
 8 of vessels within a specified distance of single-
 9 family residences in certain areas; providing an
 10 exemption from specified anchoring limitations for
 11 residential docking facilities, marinas, and existing
 12 mooring fields; revising anchoring limitation areas in
 13 certain sections of Biscayne Bay in Miami-Dade County;
 14 amending s. 327.54, F.S.; conforming a cross-
 15 reference; requiring liveries to provide hands-on
 16 instruction that meets specified requirements;
 17 providing an exemption from certain safety
 18 requirements if renters or lessees hire a professional
 19 captain; requiring a livery to either obtain and carry
 20 insurance that also insures renters or offer renters
 21 the opportunity to purchase specified liability
 22 coverage; requiring a livery to obtain a specified
 23 acknowledgement from renters upon refusal of such
 24 coverage; conforming a provision to changes made by
 25 the act; amending s. 327.731, F.S.; requiring a person

26 convicted of certain noncriminal boating infractions
 27 to complete a boating safety course; providing an
 28 effective date.

29
 30 Be It Enacted by the Legislature of the State of Florida:

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

34 327.395 Boating safety education.—

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

40 (a) An overview of the importance of boating safety
 41 education and navigational rules.

42 (b) An overview of boating safety and the proper use of
 43 safety equipment.

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

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

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

52 Section 2. Subsection (1) of section 327.4108, Florida
 53 Statutes, is amended to read:

54 327.4108 Anchoring of vessels in anchoring limitation
 55 areas.—

56 (1) The following densely populated urban areas, which
 57 have narrow state waterways, residential docking facilities, and
 58 significant recreational boating traffic, are designated as and
 59 shall be considered to be grandfathered-in anchoring limitation
 60 areas, within which a person may not anchor a vessel at any time
 61 during the period between one-half hour after sunset and one-
 62 half hour before sunrise or at any time within 100 yards of a
 63 single-family residence in the areas identified in paragraphs
 64 (b) and (c), except within residential docking facilities,
 65 marinas, or existing mooring fields and as provided in
 66 subsections (4) and (5):

67 (a) The section of Middle River lying between Northeast
 68 21st Court and the Intracoastal Waterway in Broward County.

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

70 (c) The sections of Biscayne Bay in Miami-Dade County
 71 lying between:

72 1. Rivo Alto Island and Di Lido Island.

73 2. San Marino Island and San Marco Island.

- 74 3. San Marco Island and Biscayne Island.
- 75 4. Di Lido Island and San Marino Island.
- 76 5. Sunset Islands and Star Island.

77 Section 3. Subsections (4) through (12) of section 327.54,
 78 Florida Statutes, are renumbered as subsections (5) through
 79 (13), respectively, subsection (2), paragraph (e) of subsection
 80 (3), and present subsections (7) and (8) are amended, and a new
 81 subsection (4) is added to that section, to read:

82 327.54 Liveries; safety regulations; penalty.—

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

99 information within 10 days after the change.

100 (a) The commission may adopt rules to implement this
101 subsection.

102 (b) A person who violates this subsection commits a
103 misdemeanor of the first degree, punishable as provided in s.
104 775.082 or s. 775.083.

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

107 (e) Unless the livery provides hands-on pre-rental or pre-
108 ride instruction in compliance with rules established by the
109 commission.

110 1. The instruction must include, but need not be limited
111 to:

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

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

114 c. The responsibility of the vessel operator for the safe
115 and proper operation of the vessel.

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

121 e. Emergency procedures, such as appropriate responses to
122 capsizing, falls overboard, taking on water, and vessel
123 accidents.

124 f. Proper use of personal floatation devices.
 125 g. A notice of the prohibition against boating under the
 126 influence pursuant to s. 327.35.

127 2. Any person receiving instruction in the safe handling
 128 of livery vessels pursuant to this paragraph must provide the
 129 livery with a written statement attesting to each component of
 130 the instruction.

131 a. The commission shall establish by rule the content of
 132 the statement form.

133 b. The statement form must be signed by the individual
 134 providing the instruction.

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

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

144 ~~(8)-(7)~~ A livery may not lease or rent or offer to lease or
 145 rent any livery vessel unless the livery: ~~first~~

146 (a) Obtains and carries in full force and effect a policy
 147 from a licensed insurance carrier in this state which insures
 148 the livery ~~and the renter~~ against any accident, loss, injury,

149 property damage, or other casualty caused by or resulting from
150 the operation of the livery vessel. The insurance policy must
151 provide coverage of at least \$500,000 per person and \$1 million
152 per event. The livery shall have proof of such insurance
153 available for inspection at the location where livery vessels
154 are being leased or rented, or offered for lease or rent, and
155 shall provide to each renter the insurance carrier's name and
156 address and the insurance policy number; and

157 (b) Either:

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

164 2. Presents the renter with the opportunity to purchase
165 coverage which insures the renter against any accident, loss,
166 injury, property damage, or other casualty caused by or
167 resulting from the operation of the livery vessel of at least
168 \$500,000 per person and \$1 million per event. If a renter
169 chooses not to purchase the coverage, the livery must obtain a
170 signed acknowledgement from the renter which includes the
171 following statement:

172

173 I understand that I am refusing to purchase a vessel
174 rental insurance policy for coverage of at least
175 \$500,000 per person and \$1 million per event for any
176 damage or injuries caused directly or indirectly by my
177 operation of the vessel.

178
179 The vessel rental insurance policy coverage is being
180 offered to me at the following price: [INSERT BINDABLE
181 PRICE HERE OF INSURANCE BEING DECLINED].

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

188
189 This subsection does not apply to human-powered vessels.

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

197 Section 4. Subsections (2), (3), and (4) of section

198 327.731, Florida Statutes, are renumbered as subsections (3),
 199 (4), and (5), respectively, subsection (1) and present
 200 subsection (3) are amended, and a new subsection (2) is added to
 201 that section, to read:

202 327.731 Mandatory education for violators.—

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

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

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

216 (c) Refrain from operating a vessel until he or she has
 217 filed proof of successful completion of the course with the
 218 commission. ~~;~~ and

219 (2)-(d) A person convicted of a criminal violation under
 220 this chapter, convicted of a noncriminal infraction under this
 221 chapter if the infraction resulted in a reportable boating
 222 accident, or convicted of two noncriminal infractions as

223 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),
224 the infractions occurring within a 12-month period, must pay a
225 fine of \$500. The clerk of the court shall remit all fines
226 assessed and collected under this subsection ~~paragraph~~ to the
227 Department of Revenue to be deposited into the Marine Resources
228 Conservation Trust Fund to support law enforcement activities.

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

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