



462846

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 79 - 204

and insert:

(e) Unless the livery provides pre-rental or pre-ride instruction, which shall include hands-on instruction, in compliance with rules established by the commission.

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

a. Operational characteristics of the vessel to be rented.



462846

- 11 b. Safe vessel operation and vessel right-of-way.
- 12 c. The responsibility of the vessel operator for the safe
13 and proper operation of the vessel.
- 14 d. Local characteristics of the waterway where the vessel
15 will be operated, such as navigational hazards, the presence of
16 boating-restricted areas, ~~and~~ water depths, and education on any
17 safety, regulatory, informational, or navigation markers in the
18 geographic vicinity.
- 19 e. Emergency procedures, such as appropriate responses to
20 capsizing, falls overboard, taking on water, and vessel
21 accidents.
- 22 f. A notice of the prohibition against boating under the
23 influence pursuant to s. 327.35.
- 24 2. Any person receiving instruction in the safe handling of
25 livery vessels pursuant to this paragraph must provide the
26 livery with a written statement attesting to each component of
27 the instruction.
- 28 a. The commission shall establish by rule the content of
29 the statement form.
- 30 b. The statement form must be signed by the individual
31 providing the instruction.
- 32 c. The livery shall maintain the statement form for no less
33 than 90 days and, upon request, make the form available for
34 inspection by law enforcement.
- 35 (f) Unless the livery displays boating safety information
36 in a place visible to the renting public. The commission shall
37 prescribe by rule, pursuant to chapter 120, the contents and
38 size of the boating safety information to be displayed.
- 39 (g) Unless the livery has a written agreement with the



462846

40 renter or lessee. The written agreement must include the name,
41 address, and date of birth for the renter and the number of
42 people aboard the vessel, as well as the time the vessel is
43 required to be returned to the livery or another specified
44 location and an emergency contact name, address, and telephone
45 number. The livery shall maintain each agreement for no less
46 than 1 year and, upon request, make each agreement available for
47 inspection by law enforcement.

48 (4) If a renter or lessee retains a professional captain
49 who holds an active license issued by the United States Coast
50 Guard to command the vessel as required by the agreement between
51 the livery and the renter or lessee, the livery is not subject
52 to paragraph (3) (e).

53 (5) A livery may not knowingly lease or rent a vessel to a
54 person who is required to comply with s. 327.395 unless such
55 person presents to the livery the documentation required by s.
56 327.395(2) for the operation of a vessel or meets the exemption
57 provided under s. 327.395(6) (f).

58 (6)~~(5)~~ If a vessel rented or leased by a livery is
59 unnecessarily overdue more than 4 hours after the contracted
60 vessel rental time has expired, the livery must notify law
61 enforcement.

62 (7)~~(6)~~ A livery may not knowingly lease or rent a livery
63 vessel, other than a human-powered vessel, to any person who is
64 under 18 years of age.

65 (8)~~(7)~~ A livery may not lease or rent or offer to lease or
66 rent any livery vessel unless the livery first obtains and
67 carries in full force and effect a policy from a licensed
68 insurance carrier in this state which insures the livery and the



462846

69 renter against any accident, loss, injury, property damage, or
70 other casualty caused by or resulting from the operation of the
71 livery vessel. The insurance policy must provide coverage of at
72 least \$500,000 per person and \$1 million per event. The livery
73 shall have proof of such insurance available for inspection at
74 the location where livery vessels are being leased or rented, or
75 offered for lease or rent, and shall provide to each renter the
76 insurance carrier's name and address and the insurance policy
77 number. A livery may choose to limit insurance covering the
78 renter if the renter or lessee meets one of the following
79 requirements:

80 (a) Has a Florida boating safety identification card issued
81 by the commission, a temporary certificate, or another form of
82 boating certification authorized pursuant to s. 327.395.

83 (b) Hires a professional captain who holds an active
84 license issued by the United States Coast Guard.

85
86 This subsection does not apply to human-powered vessels.

87 (9)-(8) Notwithstanding the person's age or any exemptions
88 provided in s. 327.395, any person delivering instruction
89 regarding the safe operation of vessels or hands-on pre-rental
90 or pre-ride instruction in accordance with subsection (3) must
91 have successfully completed a boating safety education course
92 approved by the National Association of State Boating Law
93 Administrators and this state.

94 (10)-(9) If a vessel rented or leased by a livery is
95 involved in an accident, the livery must report the accident to
96 the division.

97 (11)-(10) A livery shall make its facilities and records



462846

98 available for inspection upon request by law enforcement no
99 later than 24 hours after receiving notice from law enforcement.

100 (12) (a) ~~(11) (a)~~ Any person convicted of violating this
101 section, other than subsection (2), who has not been convicted
102 of a violation of this section within the past 3 years commits a
103 misdemeanor of the second degree, punishable as provided in s.
104 775.082 or s. 775.083.

105 (b) Unless the stricter penalties in paragraph (c) apply, a
106 person who violates this section, other than subsection (2),
107 within 3 years after a previous conviction of a violation of
108 this section commits a misdemeanor of the first degree,
109 punishable as provided in s. 775.082 or s. 775.083, with a
110 minimum mandatory fine of \$500.

111 (c) A person who violates this section, other than
112 subsection (2), within 5 years after two previous convictions
113 for a violation of this section commits a misdemeanor of the
114 first degree, punishable as provided in s. 775.082 or s.
115 775.083, with a minimum mandatory fine of \$1,000.

116 (13) ~~(12)~~ A person who commits more than one violation of
117

118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 8 - 15

121 and insert:

122 and renters; providing an effective date.