

By the Committee on Commerce and Tourism; and Senator Garcia

577-03156-23

2023728c1

1 A bill to be entitled
2 An act relating to liveries; amending s. 327.54, F.S.;
3 revising safety requirements for liveries and
4 requiring hands-on instruction that meets specified
5 requirements; providing an exemption from certain
6 safety requirements when a renter hires a professional
7 captain; revising insurance requirements for liveries
8 and renters; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 327.54, Florida Statutes, is amended to
13 read:

14 327.54 Liveries; safety regulations; penalty.—

15 (1) As used in this section, the term:

16 (a) "Advertise" means to describe or draw attention to a
17 vessel and its availability for lease or rental in any medium
18 for the purpose of promoting the lease or rental of the vessel.

19 (b) "Conviction" means any judicial disposition other than
20 acquittal or dismissal.

21 (c) "Livery" means a person who advertises and offers a
22 livery vessel for use by another in exchange for any type of
23 consideration when such person does not also provide the lessee
24 or renter with a captain, a crew, or any type of staff or
25 personnel to operate, oversee, maintain, or manage the vessel.
26 The owner of a vessel who does not advertise his or her vessel
27 for use by another for consideration and who loans or offers his
28 or her vessel for use to another known to him or her either for
29 consideration or without consideration is not a livery. A public

577-03156-23

2023728c1

30 or private school or postsecondary institution located within
31 this state is not a livery. A vessel rented or leased by a
32 livery is a livery vessel as defined in s. 327.02.

33 (d) "Seaworthy" means the vessel and all of its parts and
34 equipment, including, but not limited to, engines, bilge pumps,
35 and kill switches, are functional and reasonably fit for their
36 intended purpose.

37 (2) A livery may not offer a vessel for lease or rent
38 without first being issued a no-cost livery permit by the
39 commission. The permit must be renewed annually. To qualify for
40 issuance or renewal of a livery permit, an applicant must
41 provide the commission with a list of all vessels offered by the
42 livery for lease or rent by another, have valid insurance
43 pursuant to subsection (8) ~~(7)~~, have an amount of United States
44 Coast Guard-approved lawful personal floatation devices on site
45 sufficient to accommodate the capacity of all vessels offered by
46 the livery for rent or lease by another, have on site all safety
47 equipment required by s. 327.50 and the Code of Federal
48 Regulations sufficient to equip all vessels offered by the
49 livery for rent or lease by another, and display the information
50 required by paragraph (3) (f). If, before the annual renewal of
51 the permit, the information required by this subsection changes,
52 the livery must provide the commission with the updated
53 information within 10 days after the change.

54 (a) The commission may adopt rules to implement this
55 subsection.

56 (b) A person who violates this subsection commits a
57 misdemeanor of the first degree, punishable as provided in s.
58 775.082 or s. 775.083.

577-03156-23

2023728c1

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

61 (a) When the number of persons intending to use the vessel
62 exceeds the number considered to constitute a maximum safety
63 load for the vessel as specified on the authorized persons
64 capacity plate of the vessel.

65 (b) When the horsepower of the motor exceeds the capacity
66 of the vessel.

67 (c) When the vessel does not contain the safety equipment
68 required under s. 327.50.

69 (d) When the vessel is not seaworthy, is a derelict vessel
70 as defined in s. 823.11, or is at risk of becoming derelict as
71 provided in s. 327.4107.

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

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

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

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

79 c. The responsibility of the vessel operator for the safe
80 and proper operation of the vessel.

81 d. Local characteristics of the waterway where the vessel
82 will be operated, such as navigational hazards, the presence of
83 boating-restricted areas, ~~and~~ water depths, and education on any
84 safety, regulatory, informational, or navigation markers in the
85 geographic vicinity.

86 e. Emergency procedures, such as appropriate responses to
87 capsizing, falls overboard, taking on water, and vessel

577-03156-23

2023728c1

88 accidents.

89 f. A notice of the prohibition against boating under the
90 influence pursuant to s. 327.35.

91 2. Any person receiving instruction in the safe handling of
92 livery vessels pursuant to this paragraph must provide the
93 livery with a written statement attesting to each component of
94 the instruction.

95 a. The commission shall establish by rule the content of
96 the statement form.

97 b. The statement form must be signed by the individual
98 providing the instruction.

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

102 (f) Unless the livery displays boating safety information
103 in a place visible to the renting public. The commission shall
104 prescribe by rule, pursuant to chapter 120, the contents and
105 size of the boating safety information to be displayed.

106 (g) Unless the livery has a written agreement with the
107 renter or lessee. The written agreement must include the name,
108 address, and date of birth for the renter and the number of
109 people aboard the vessel, as well as the time the vessel is
110 required to be returned to the livery or another specified
111 location and an emergency contact name, address, and telephone
112 number. The livery shall maintain each agreement for no less
113 than 1 year and, upon request, make each agreement available for
114 inspection by law enforcement.

115 (4) If a renter or lessee retains a professional captain
116 who holds an active license issued by the United States Coast

577-03156-23

2023728c1

117 Guard to command the vessel as required by the agreement between
118 the livery and the renter or lessee, the livery is not subject
119 to paragraph (3) (e).

120 (5) A livery may not knowingly lease or rent a vessel to a
121 person who is required to comply with s. 327.395 unless such
122 person presents to the livery the documentation required by s.
123 327.395(2) for the operation of a vessel or meets the exemption
124 provided under s. 327.395(6) (f).

125 (6)~~(5)~~ If a vessel rented or leased by a livery is
126 unnecessarily overdue more than 4 hours after the contracted
127 vessel rental time has expired, the livery must notify law
128 enforcement.

129 (7)~~(6)~~ A livery may not knowingly lease or rent a livery
130 vessel, other than a human-powered vessel, to any person who is
131 under 18 years of age.

132 (8)~~(7)~~ A livery may not lease or rent or offer to lease or
133 rent any livery vessel unless the livery first obtains and
134 carries in full force and effect a policy from a licensed
135 insurance carrier in this state which insures the livery and the
136 renter against any accident, loss, injury, property damage, or
137 other casualty caused by or resulting from the operation of the
138 livery vessel. The insurance policy must provide coverage of at
139 least \$500,000 per person and \$1 million per event. The livery
140 shall have proof of such insurance available for inspection at
141 the location where livery vessels are being leased or rented, or
142 offered for lease or rent, and shall provide to each renter the
143 insurance carrier's name and address and the insurance policy
144 number. A livery may choose to limit insurance covering the
145 renter if the renter or lessee meets one of the following

577-03156-23

2023728c1

146 requirements:

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

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

152

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

154 (9)~~(8)~~ Notwithstanding the person's age or any exemptions
155 provided in s. 327.395, any person delivering instruction
156 regarding the safe operation of vessels or hands-on pre-rental
157 or pre-ride instruction in accordance with subsection (3) must
158 have successfully completed a boating safety education course
159 approved by the National Association of State Boating Law
160 Administrators and this state.

161 (10)~~(9)~~ If a vessel rented or leased by a livery is
162 involved in an accident, the livery must report the accident to
163 the division.

164 (11)~~(10)~~ A livery shall make its facilities and records
165 available for inspection upon request by law enforcement no
166 later than 24 hours after receiving notice from law enforcement.

167 (12) (a)~~(11) (a)~~ Any person convicted of violating this
168 section, other than subsection (2), who has not been convicted
169 of a violation of this section within the past 3 years commits a
170 misdemeanor of the second degree, punishable as provided in s.
171 775.082 or s. 775.083.

172 (b) Unless the stricter penalties in paragraph (c) apply, a
173 person who violates this section, other than subsection (2),
174 within 3 years after a previous conviction of a violation of

577-03156-23

2023728c1

175 this section commits a misdemeanor of the first degree,
176 punishable as provided in s. 775.082 or s. 775.083, with a
177 minimum mandatory fine of \$500.

178 (c) A person who violates this section, other than
179 subsection (2), within 5 years after two previous convictions
180 for a violation of this section commits a misdemeanor of the
181 first degree, punishable as provided in s. 775.082 or s.
182 775.083, with a minimum mandatory fine of \$1,000.

183 (13)~~(12)~~ A person who commits more than one violation of
184 this section, other than subsection (2), within a 3-year period
185 may not act as a livery during a 90-day period immediately after
186 being charged with that violation. The commission may revoke or
187 refuse to issue a permit under subsection (2) based on repeated
188 violations of this section.

189 Section 2. This act shall take effect July 1, 2023.