

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative Botana offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (12) is added to section 327.395,
 8 Florida Statutes, to read:

9 327.395 Boating safety education.-

10 (12) The commission shall develop and publish on its
 11 website an educational pamphlet relating to the importance of
 12 boating safety education and promoting voluntary enrollment in a
 13 boating safety educational course. At a minimum, the pamphlet
 14 must include:

15 (a) An overview of the importance of boating safety
 16 education and navigational rules.

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17 (b) An overview of boating safety and the proper use of
18 safety equipment.

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

21 (d) An overview of the proper use and lifesaving benefits
22 of an engine cutoff switch for motorboats and personal
23 watercrafts.

24 (e) The importance of not operating vessels while under
25 the influence of alcoholic beverages, chemical substances, or
26 controlled substances.

27 Section 2. Subsections (4) through (12) of section 327.54,
28 Florida Statutes, are renumbered as subsections (5) through
29 (13), respectively, subsection (2), paragraph (e) of subsection
30 (3), present subsections (7) and (8) are amended, and a new
31 subsection (4) is added to that section, to read:

32 327.54 Liveries; safety regulations; penalty.—

33 (2) A livery may not offer a vessel for lease or rent
34 without first being issued a no-cost livery permit by the
35 commission. The permit must be renewed annually. To qualify for
36 issuance or renewal of a livery permit, an applicant must
37 provide the commission with a list of all vessels offered by the
38 livery for lease or rent by another, have valid insurance
39 pursuant to subsection (8) ~~(7)~~, have an amount of United States
40 Coast Guard-approved lawful personal floatation devices on site
41 sufficient to accommodate the capacity of all vessels offered by

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42 the livery for rent or lease by another, have on site all safety
43 equipment required by s. 327.50 and the Code of Federal
44 Regulations sufficient to equip all vessels offered by the
45 livery for rent or lease by another, and display the information
46 required by paragraph (3) (f). If, before the annual renewal of
47 the permit, the information required by this subsection changes,
48 the livery must provide the commission with the updated
49 information within 10 days after the change.

50 (a) The commission may adopt rules to implement this
51 subsection.

52 (b) A person who violates this subsection commits a
53 misdemeanor of the first degree, punishable as provided in s.
54 775.082 or s. 775.083.

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

57 (e) Unless the livery provides hands-on pre-rental or pre-
58 ride instruction in compliance with rules established by the
59 commission.

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

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

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

64 c. The responsibility of the vessel operator for the safe
65 and proper operation of the vessel.

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66 d. Local characteristics of the waterway where the vessel
67 will be operated, such as navigational hazards, the presence of
68 boating-restricted areas, ~~and~~ water depths, and education on any
69 safety, regulatory, information, or navigation markers in the
70 geographic vicinity.

71 e. Emergency procedures, such as appropriate responses to
72 capsizing, falls overboard, taking on water, and vessel
73 accidents.

74 f. Proper use of personal floatation devices.

75 g. A notice of the prohibition against boating under the
76 influence pursuant to s. 327.35.

77 2. Any person receiving instruction in the safe handling
78 of livery vessels pursuant to this paragraph must provide the
79 livery with a written statement attesting to each component of
80 the instruction.

81 a. The commission shall establish by rule the content of
82 the statement form.

83 b. The statement form must be signed by the individual
84 providing the instruction.

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

88 (4) If a renter or lessee retains a professional captain
89 who holds an active license issued by the United States Coast
90 Guard to command the vessel as required by an agreement between

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91 the livery and the renter or lessee, and the livery confirms
92 that a professional captain has been retained, the renter or
93 lessee and the livery are not subject to paragraph (3)(e).

94 ~~(8)(7)~~ A livery may not lease or rent or offer to lease or
95 rent any livery vessel unless the livery ~~first~~:

96 1. Obtains and carries in full force and effect a policy
97 from a licensed insurance carrier in this state which insures
98 the livery ~~and the renter~~ against any accident, loss, injury,
99 property damage, or other casualty caused by or resulting from
100 the operation of the livery vessel. The insurance policy must
101 provide coverage of at least \$500,000 per person and \$1 million
102 per event. The livery shall have proof of such insurance
103 available for inspection at the location where livery vessels
104 are being leased or rented, or offered for lease or rent, and
105 ~~shall~~ provide to each renter the insurance carrier's name and
106 address and the insurance policy number; and

107 2. Either:

108 a. Obtains and carries in full force and effect a policy
109 from a licensed insurance carrier in this state which insures
110 the renter in the same manner and amounts of the policy obtained
111 by the livery under subparagraph 1. and provides to each renter
112 the insurance carrier's name and address and the insurance
113 policy number; or

114 b. Presents the renter with the opportunity to purchase
115 liability coverage which insures the renter against any

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116 accident, loss, injury, property damage, or other casualty
117 caused by or resulting from the operation of the livery vessel
118 of at least \$50,000 per person and \$100,000 per event. If a
119 renter chooses not to purchase the insurance, the livery must
120 obtain a signed acknowledgement from the renter which includes
121 the following statement:

122
123 I understand that I am refusing to purchase a vessel
124 rental insurance policy for coverage of at least
125 \$50,000 per person and \$100,000 per event for any
126 damage or injuries caused directly or indirectly by my
127 operation of the vessel.

128
129 The rental insurance policy coverage is being offered
130 to me at the following price: [INSERT BINDABLE PRICE
131 HERE OF INSURANCE BEING DECLINED].

132
133 I understand that I may not have other insurance to
134 cover any damage or injuries caused directly or
135 indirectly by my operation of the vessel and that I
136 may be personally liable for any such damage or
137 injuries during the rental period.

138
139 This section does not apply to human-powered vessels.

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140 ~~(9)-(8)~~ Notwithstanding the person's age or any exemptions
141 provided in s. 327.395, any person delivering instruction
142 regarding the safe operation of vessels or hands-on pre-rental
143 or pre-ride instruction in accordance with subsection (3) must
144 have successfully completed a boating safety education course
145 approved by the National Association of State Boating Law
146 Administrators and this state.

147 Section 3. Subsections (2), (3), and (4) of section
148 327.731, Florida Statutes, are renumbered as subsections (3),
149 (4), and (5), respectively, subsection (1) of that section is
150 amended, and a new subsection (2) is added to that section to
151 read:

152 327.731 Mandatory education for violators.-

153 (1) A person convicted of a criminal violation under this
154 chapter, convicted of a noncriminal infraction under this
155 chapter if the infraction resulted in a reportable boating
156 accident, or convicted of a two noncriminal infraction
157 ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
158 and (s)-(y), ~~the infractions occurring within a 12-month period,~~
159 must:

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

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

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

169 (2) ~~(d)~~ A person convicted of a criminal violation under
170 this chapter, convicted of a noncriminal infraction under this
171 chapter if the infraction resulted in a reportable boating
172 accident, or convicted of two noncriminal infractions as
173 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),
174 the infractions occurring within a 12-month period, must pay a
175 fine of \$500. The clerk of the court shall remit all fines
176 assessed and collected under this paragraph to the Department of
177 Revenue to be deposited into the Marine Resources Conservation
178 Trust Fund to support law enforcement activities.

179 Section 4. This act shall take effect July 1, 2023.

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182 **T I T L E A M E N D M E N T**

183 Remove everything before the enacting clause and insert:
184 An act relating to boating safety; amending s. 327.395,
185 F.S.; requiring the Fish and Wildlife Conservation
186 Commission to develop and publish an educational pamphlet
187 on boating safety education; providing requirements for the
188 pamphlet; amending s. 327.54, F.S.; conforming a cross-

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189 reference; requiring liveries to provide hands-on
190 instruction that meets specified requirements; providing an
191 exemption from certain safety requirements if renters or
192 lessees hire a professional captain; providing for a livery
193 to either obtain and carry insurance that also insures
194 renters or to offer renters the opportunity to purchase
195 specified liability coverage; requiring a livery to obtain
196 a specified acknowledgement from renters upon refusal of
197 such coverage; conforming a provision to changes made by
198 the act; amending s. 327.731, F.S.; requiring a person
199 convicted of certain noncriminal infractions to meet
200 certain requirements; providing an effective date.
201