1	A bill to be entitled
2	An act relating to boating safety; amending s.
3	327.395, F.S.; revising the requirement for persons
4	born before a specified date to have certain
5	identification and boating safety documentation in
6	their possession while operating a vessel; amending s.
7	327.54, F.S.; conforming a cross-reference; requiring
8	liveries to provide hands-on instruction that meets
9	specified requirements; providing an exemption from
10	certain safety requirements if renters or lessees hire
11	a professional captain; deleting the requirement that
12	a livery obtain and carry insurance that also insures
13	renters and lessees; conforming a provision to changes
14	made by the act; providing an effective date.
15	
16	Be It Enacted by the Legislature of the State of Florida:
17	
18	Section 1. Subsection (1) of section 327.395, Florida
19	Statutes, is amended to read:
20	327.395 Boating safety education
21	(1) A person born on or after January 1, <u>1960</u> <del>1988</del> , may
22	not operate a vessel powered by a motor of 10 horsepower or
23	greater unless such person has in his or her possession aboard
24	the vessel the documents required by subsection (2).
25	Section 2. Subsections (4) through (12) of section 327.54,
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Florida Statutes, are renumbered as subsections (5) through (13), respectively, subsection (2), paragraph (e) of subsection (3), present subsections (7) and (8) are amended, and a new subsection (4) is added to that section, to read:

30

327.54 Liveries; safety regulations; penalty.-

A livery may not offer a vessel for lease or rent 31 (2) 32 without first being issued a no-cost livery permit by the commission. The permit must be renewed annually. To qualify for 33 34 issuance or renewal of a livery permit, an applicant must provide the commission with a list of all vessels offered by the 35 36 livery for lease or rent by another, have valid insurance 37 pursuant to subsection (8) (7), have an amount of United States 38 Coast Guard-approved lawful personal floatation devices on site 39 sufficient to accommodate the capacity of all vessels offered by the livery for rent or lease by another, have on site all safety 40 41 equipment required by s. 327.50 and the Code of Federal 42 Regulations sufficient to equip all vessels offered by the 43 livery for rent or lease by another, and display the information 44 required by paragraph (3)(f). If, before the annual renewal of 45 the permit, the information required by this subsection changes, 46 the livery must provide the commission with the updated 47 information within 10 days after the change.

48 (a) The commission may adopt rules to implement this49 subsection.

50

(b) A person who violates this subsection commits a

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51 misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. 52 53 (3) A livery may not knowingly lease or rent a vessel to 54 any person: 55 Unless the livery provides hands-on pre-rental or pre-(e) 56 ride instruction in compliance with rules established by the 57 commission. The instruction must include, but need not be limited 58 1. 59 to: Operational characteristics of the vessel to be rented. 60 a. 61 b. Safe vessel operation and vessel right-of-way. The responsibility of the vessel operator for the safe 62 с. and proper operation of the vessel. 63 64 Local characteristics of the waterway where the vessel d. 65 will be operated, such as navigational hazards, the presence of 66 boating-restricted areas, and water depths, and education on any safety, regulatory, information, or navigation markers in the 67 68 geographic vicinity. 69 Emergency procedures, such as appropriate responses to e. 70 capsizing, falls overboard, taking on water, and vessel 71 accidents. 72 f. Proper use of personal floatation devices. 73 q. A notice of the prohibition against boating under the 74 influence pursuant to s. 327.35. 75 Any person receiving instruction in the safe handling 2. Page 3 of 5

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of livery vessels pursuant to this paragraph must provide the livery with a written statement attesting to each component of the instruction.

79 a. The commission shall establish by rule the content of80 the statement form.

b. The statement form must be signed by the individualproviding the instruction.

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

86 (4) If a renter or lessee retains a professional captain 87 who holds an active license issued by the United States Coast 88 Guard to command the vessel as required by an agreement between 89 the livery and the renter or lessee, and the livery confirms 90 that a professional captain has been retained, the renter or 91 lessee and the livery are not subject to paragraph (3)(e).

92 (8) (7) A livery may not lease or rent or offer to lease or 93 rent any livery vessel unless the livery first obtains and 94 carries in full force and effect a policy from a licensed 95 insurance carrier in this state which insures the livery and the 96 renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the 97 98 livery vessel. The insurance policy must provide coverage of at 99 least \$500,000 per person and \$1 million per event. The livery shall have proof of such insurance available for inspection at 100

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101 the location where livery vessels are being leased or rented, or 102 offered for lease or rent, and shall provide to each renter the 103 insurance carrier's name and address and the insurance policy 104 number. This subsection does not apply to human-powered vessels.

105 <u>(9)(8)</u> Notwithstanding the person's age or any exemptions 106 provided in s. 327.395, any person delivering instruction 107 regarding the safe operation of vessels or <u>hands-on</u> pre-rental 108 or pre-ride instruction in accordance with subsection (3) must 109 have successfully completed a boating safety education course 110 approved by the National Association of State Boating Law 111 Administrators and this state.

112

Section 3. This act shall take effect July 1, 2023.

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