

## Committee on Criminal Justice

### **CS/CS/CS/HB 289 — Boating Safety**

by Judiciary Committee; State Affairs Committee; Criminal Justice Subcommittee; and Reps. Oliver, Lopez, V., and others (CS/CS/SB 628 by Transportation Committee; Criminal Justice Committee; and Senator Martin)

This act may be cited as “Lucy’s Law,” and makes revisions to relating to boating, and revises and increases penalties for boating crimes, to more closely mirror similar crimes committed in vehicles.

#### ***Crimes Related to Boating***

The bill amends s. 327.30, F.S., to create a penalty scheme for leaving the scene of a vessel accident. A person who unlawfully leaves the scene of a vessel accident that results in:

- Property damage only, commits a second degree misdemeanor.
- Injury to a person other than serious bodily injury, commits a third degree felony.
- Serious bodily injury, commits a second degree felony.
- The death of another person or an unborn child, commits a first degree felony and must be sentenced to a mandatory minimum term of imprisonment of 4 years.

The bill amends s. 327.33, F.S., to create a penalty scheme for reckless boating. A person who commits reckless boating and the violation:

- Does not result in an accident, the person commits a second degree misdemeanor.
- Results in an accident that causes damage to the property or person of another, the person commits a first degree misdemeanor.
- Results in an accident that causes serious bodily injury, the person commits a third degree felony.

The bill specifies a person who commits boating under the influence (BUI) that results in the death of an unborn child commits BUI manslaughter and must be sentenced to a mandatory minimum term of imprisonment of 4 years.

The bill provides that the death of an unborn child caused by injury to the mother, by the operation of a vessel by another in a reckless manner likely to cause the death of, or great bodily harm to, another, is vessel homicide.

The bill creates a second degree misdemeanor for a person who gives information in oral, electronic, or written reports as required in ch. 327, F.S., knowing or having reason to believe that such information is false.

#### ***Boating Education***

The bill amends s. 327.395, F.S., to specify that the rules adopted by the Florida Fish and Wildlife Commission (FWC) must establish minimum standards for online boating safety

education course offered, including curriculum requirements, assessment methods, and provider qualifications. The standards must, at a minimum, align with the education standards set by the National Association of State Boating Law Administrators and may include additional requirements as necessary to promote effective and accessible online boating safety education in this state. All online course providers must be approved by the FWC and demonstrate compliance with the standards prescribed by the FWC rule before offering courses to the public.

The bill amends s. 327.731, F.S., to revise the mandatory education for certain boating infractions to require a convicted person to:

- Enroll in, attend, and successfully complete a boating safety course;
- File with the FWC within 90 days proof of successful completion of the course; and
- Refrain from operating a vessel until she or she has filed proof of successful completion.

In addition to the penalties above, any person convicted of any criminal violation relating to boating, convicted in any non criminal infraction that resulted in a reportable boating accident, or convicted of two or more specified noncriminal infractions occurring within a 12 month period must also pay a fine of \$500.

The bill revises the definition of “Livery vessel,” to mean a vessel leased or rented, and the definition of “livery,” to specify that a livery does not require the lessee or renter to provide as a condition of the rental or lease agreement a person licensed by the United States Coast Guard to serve as a master of the vessel.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

*Vote: Senate 31-0; House 93-1*