

By Senator Garcia

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1 A bill to be entitled
2 An act relating to boating safety; amending s.
3 322.051, F.S.; requiring the Department of Highway
4 Safety and Motor Vehicles to issue new or replacement
5 identification cards with a lifetime boating safety
6 identification card symbol to applicants if certain
7 conditions are met; requiring the department to
8 include the symbol on such cards at no cost to the
9 applicant; amending s. 322.08, F.S.; requiring that
10 applications for original, renewal, or replacement
11 driver licenses or identification cards indicate
12 whether the applicant has obtained a boating safety
13 identification card and, if so, that a copy of such
14 card be submitted with the application; authorizing
15 the Fish and Wildlife Conservation Commission to
16 provide the department with certain information
17 relating to the applicant; amending s. 322.14, F.S.;
18 requiring the department to issue new or replacement
19 driver licenses with a lifetime boating safety
20 identification card symbol to applicants if certain
21 conditions are met; requiring the department to
22 include the symbol on such licenses at no cost to the
23 applicant; amending s. 327.35, F.S.; requiring a
24 person convicted of certain violations relating to
25 boating under the influence to maintain an insurance
26 policy that meets certain requirements; providing
27 criminal penalties for failure to maintain such
28 insurance; amending s. 327.395, F.S.; requiring all
29 persons, rather than only persons born on or after a

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30 specified date, while operating a vessel, to have
31 specified identification in their possession aboard
32 the vessel; revising the required components of the
33 commission's developed or approved boating safety
34 education course or temporary certificate examination;
35 amending s. 327.731, F.S.; revising the mandatory
36 education requirements for a person convicted of
37 certain violations; requiring the commission to adopt
38 rules; making technical changes; amending s. 119.0712,
39 F.S.; conforming a cross-reference; reenacting s.
40 327.54(4), F.S., relating to liveries, to incorporate
41 the amendments made to s. 327.395, F.S., in a
42 reference thereto; providing an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Paragraph (d) of subsection (8) of section
47 322.051, Florida Statutes, is amended, and paragraph (f) is
48 added to that subsection, to read:

49 322.051 Identification cards.—

50 (8)

51 (d) The department shall include symbols representing the
52 following on an identification card upon the payment of an
53 additional \$1 fee by an applicant who meets the requirements of
54 subsection (1) and presents his or her:

- 55 1. Lifetime freshwater fishing license;
- 56 2. Lifetime saltwater fishing license;
- 57 3. Lifetime hunting license; or
- 58 4. Lifetime sportsman's license; ~~or~~

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59 ~~5. Lifetime boater safety identification card.~~

60
61 A person may replace his or her identification card before its
62 expiration date with a card that includes his or her status as a
63 lifetime licensee ~~or boater safety cardholder~~ upon surrender of
64 his or her current identification card, payment of a \$2 fee to
65 be deposited into the Highway Safety Operating Trust Fund, and
66 presentation of the person's lifetime license ~~or card~~. If the
67 sole purpose of the replacement identification card is the
68 inclusion of the applicant's status as a lifetime licensee ~~or~~
69 ~~cardholder~~, the replacement identification card must be issued
70 without payment of the fee required in s. 322.21(1)(f)3.c.

71 (f) The department shall issue a new or replacement
72 identification card, as applicable, which includes a symbol
73 representing a lifetime boating safety identification card upon
74 the applicant's presentation of his or her Florida boating
75 safety identification card or a receipt of confirmation by the
76 Fish and Wildlife Conservation Commission that the applicant was
77 issued a Florida boating safety identification card. The
78 department shall include the lifetime boating safety
79 identification card symbol on a new or renewal identification
80 card at no charge to the applicant.

81 Section 2. Present subsections (5) through (10) of section
82 322.08, Florida Statutes, are redesignated as subsections (6)
83 through (11), respectively, and a new subsection (5) is added to
84 that section, to read:

85 322.08 Application for license; requirements for license
86 and identification card forms.—

87 (5) Each such application must indicate whether the

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88 applicant has obtained a Florida boating safety identification
 89 card pursuant to s. 327.395, and, if so, a copy of such card
 90 must be submitted with the application. For purposes of
 91 administering this subsection, the Fish and Wildlife
 92 Conservation Commission may provide to the department any record
 93 it has of the applicant completing a boating safety education
 94 course that meets the requirements of s. 327.395 or having been
 95 issued a Florida boating safety identification card.

96 Section 3. Paragraph (e) of subsection (1) of section
 97 322.14, Florida Statutes, is amended, and paragraph (g) is added
 98 to that subsection, to read:

99 322.14 Licenses issued to drivers.—

100 (1)

101 (e) The department shall include symbols representing the
 102 following on a driver license upon the payment of an additional
 103 \$1 fee by an applicant who meets the requirements of s. 322.08
 104 and presents his or her:

- 105 1. Lifetime freshwater fishing license;
- 106 2. Lifetime saltwater fishing license;
- 107 3. Lifetime hunting license; or
- 108 4. Lifetime sportsman's license; ~~or~~
- 109 5. ~~Lifetime boater safety identification card.~~

110
 111 A person may replace his or her driver license before its
 112 expiration date with a license that includes his or her status
 113 as a lifetime licensee ~~or boater safety cardholder~~ upon
 114 surrender of his or her current driver license, payment of a \$2
 115 fee to be deposited into the Highway Safety Operating Trust
 116 Fund, and presentation of the person's lifetime license ~~or~~

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117 ~~identification card~~. If the sole purpose of the replacement
118 driver license is the inclusion of the applicant's status as a
119 lifetime licensee ~~or cardholder~~, the replacement driver license
120 must be issued without payment of the fee required in s.
121 322.21(1)(e).

122 (g) The department shall issue a new or replacement driver
123 license, as applicable, which includes a symbol representing a
124 lifetime boating safety identification card, upon the
125 applicant's presentation of his or her Florida boating safety
126 identification card or a receipt of confirmation by the Fish and
127 Wildlife Conservation Commission that the applicant has been
128 issued a Florida boating safety identification card. The
129 department shall include the lifetime boating safety
130 identification card symbol on a new or renewal driver license at
131 no charge to the applicant.

132 Section 4. Present subsection (10) of section 327.35,
133 Florida Statutes, is redesignated as subsection (11), and a new
134 subsection (10) is added to that section, to read:

135 327.35 Boating under the influence; penalties; "designated
136 drivers."—

137 (10) Notwithstanding any sentence or fine imposed by law or
138 the court, a person convicted of a violation of subsection (1)
139 and one or more criminal violations under this chapter, whether
140 arising from the same incident or within the preceding 12
141 months, must maintain an insurance policy insuring against loss
142 from liability for bodily injury, death, and property damage
143 arising out of the ownership, maintenance, or use of a vessel.
144 Such insurance must contain limits not less than \$100,000 for
145 bodily injury liability or death and \$50,000 for property

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146 damage. A person who operates a vessel without the requisite
147 insurance commits a misdemeanor of the second degree, punishable
148 as provided in s. 775.082 or s. 775.083.

149 Section 5. Subsections (1), (2), and (4) of section
150 327.395, Florida Statutes, are amended to read:

151 327.395 Boating safety education.—

152 (1) Effective July 1, 2026, a person operating ~~born on or~~
153 ~~after January 1, 1988,~~ may not operate a vessel powered by a
154 motor of 10 horsepower or greater must have ~~unless such person~~
155 ~~has~~ in his or her possession aboard the vessel the documents
156 required by subsection (2).

157 (2) While operating a vessel, a person ~~identified under~~
158 ~~subsection (1)~~ must have in his or her possession aboard the
159 vessel photographic identification and a Florida boating safety
160 identification card issued by the commission; a state-issued
161 identification card or driver license indicating possession of
162 the Florida boating safety identification card; or photographic
163 identification and a temporary certificate issued or approved by
164 the commission, an International Certificate of Competency, a
165 boating safety card or certificate from another state or United
166 States territory, or a Canadian Pleasure Craft Operator Card,
167 which shows that he or she has done one of the following:

168 (a) Completed a commission-approved boating safety
169 education course that meets the minimum requirements established
170 by the National Association of State Boating Law
171 Administrators.†

172 (b) Passed a temporary certificate examination developed or
173 approved by the commission.†

174 (c) Obtained a valid International Certificate of

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175 Competency. ~~or~~

176 (d) Completed a boating safety education course or
177 equivalency examination in another state, a United States
178 territory, or Canada which meets or exceeds the minimum
179 requirements established by the National Association of State
180 Boating Law Administrators.

181 (4) A commission-approved boating safety education course
182 or temporary certificate examination developed or approved by
183 the commission must include components regarding all of the
184 following:

185 (a) Diving vessels, awareness of divers in the water,
186 divers-down warning devices, and the requirements of s. 327.331.

187 (b) The danger associated with:

188 1. A passenger riding on a seat back, gunwale, transom,
189 bow, motor cover, or any other vessel area not designed and
190 designated by the manufacturer for seating.

191 2. A passenger falling overboard.

192 3. Operating a vessel with a person in the water near the
193 vessel.

194 4. Starting a vessel with the engine in gear.

195 5. Leaving the vessel running when a passenger is boarding
196 or disembarking.

197 6. Boating under the influence in violation of s. 327.35.

198 (c) The proper use and lifesaving benefits of an engine
199 cutoff switch for motorboats and personal watercraft.

200 (d) Human trafficking awareness.

201

202 The commission must include the components under this subsection
203 in boating safety education campaigns and in educational

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204 materials produced by the commission, as appropriate.

205 Section 6. Section 327.731, Florida Statutes, is amended to
206 read:

207 327.731 Mandatory education for violators.—

208 (1) A person convicted of a criminal violation under this
209 chapter, convicted of a noncriminal infraction under this
210 chapter if the infraction resulted in a reportable boating
211 accident, or convicted of a two noncriminal infraction
212 ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
213 or and (s)-(y), ~~the infractions occurring within a 12-month~~
214 ~~period~~, must do all of the following:

215 (a) Enroll in, attend, and successfully complete, at his or
216 her own expense, one of the following courses, as applicable:

217 1. For a person convicted of any two noncriminal
218 infractions within a 24-month period, the boating safety
219 education course provided for in s. 327.395.

220 2. For a person convicted of a criminal violation, of a
221 noncriminal infraction under this chapter if the infraction
222 resulted in a reportable boating accident, or of three or more
223 noncriminal infractions within a 36-month period, the boating
224 safety education course provided for in s. 327.395 and a 4-hour
225 course that includes information regarding all of the following:

226 a. The boating laws of this state.

227 b. Causes and prevention of boating accidents.

228 c. The importance of wearing personal flotation devices.

229 d. The use of common sense and common courtesy while
230 operating a vessel.

231 e. Operating a vessel defensively. ~~a classroom or online~~
232 ~~boating safety course that is approved by and meets the minimum~~

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233 ~~standards established by commission rule;~~

234 (b) File with the commission within 90 days proof of
235 successful completion of the course.~~†~~

236 (c) Refrain from operating a vessel until he or she has
237 filed proof of successful completion of the course with the
238 commission.~~†~~ ~~and~~

239 (d) Pay a fine of \$500. The clerk of the court shall remit
240 all fines assessed and collected under this paragraph to the
241 Department of Revenue to be deposited into the Marine Resources
242 Conservation Trust Fund to support law enforcement activities.

243 (2) For the purposes of this section, the terms "convicted"
244 and "conviction" mean ~~means~~ a finding of guilt, or the
245 acceptance of a plea of guilty or nolo contendere, regardless of
246 whether ~~or not~~ adjudication was withheld or whether imposition
247 of sentence was withheld, deferred, or suspended. A ~~Any~~ person
248 who operates a vessel on the waters of this state in violation
249 of ~~the provisions of~~ this section commits ~~is guilty of~~ a
250 misdemeanor of the second degree, punishable as provided in s.
251 775.082 or s. 775.083.

252 (3) The commission shall print on the reverse side of the
253 defendant's copy of the boating citation a notice of the
254 provisions of this section. Upon conviction, the clerk of the
255 court shall notify the defendant that it is unlawful for him or
256 her to operate any vessel until he or she has complied with this
257 section, but failure of the clerk of the court to provide such a
258 notice is ~~shall not be~~ a defense to a charge of unlawful
259 operation of a vessel under subsection (2).

260 (4) The commission shall:

261 (a) Maintain a program to ensure compliance with the

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262 mandatory boating safety education requirements under this
263 section. This program must:

264 1.~~(a)~~ Track any citations resulting in a conviction under
265 this section and the disposition of such citations; and—

266 2.~~(b)~~ Send specific notices to each person subject to the
267 requirement for mandatory boating safety education.

268 (b) Adopt rules necessary to implement this section.

269 Section 7. Paragraph (c) of subsection (2) of section
270 119.0712, Florida Statutes, is amended to read:

271 119.0712 Executive branch agency-specific exemptions from
272 inspection or copying of public records.—

273 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

274 (c) E-mail addresses collected by the Department of Highway
275 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
276 320.95(2), or s. 322.08(11) ~~s. 322.08(10)~~ are exempt from s.
277 119.07(1) and s. 24(a), Art. I of the State Constitution. This
278 exemption applies retroactively.

279 Section 8. For the purpose of incorporating the amendments
280 made by this act to section 327.395, Florida Statutes, in a
281 reference thereto, subsection (4) of section 327.54, Florida
282 Statutes, is reenacted to read:

283 327.54 Liveries; safety regulations; penalty.—

284 (4) A livery may not knowingly lease or rent a vessel to a
285 person who is required to comply with s. 327.395 unless such
286 person presents to the livery the documentation required by s.
287 327.395(2) for the operation of a vessel or meets the exemption
288 provided under s. 327.395(6) (f).

289 Section 9. This act shall take effect July 1, 2024.