

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 289](#)

TITLE: Boating Safety

SPONSOR(S): Oliver and Lopez, V.

COMPANION BILL: [SB 58](#) (Garcia)

LINKED BILLS: None

RELATED BILLS: [CS/SB 628](#) (Martin)

Committee References

[Criminal Justice](#)

18 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill makes several changes relating to boating safety including:

- Aligning the offenses and penalties for leaving the scene of a boating accident, reckless operation of a vessel, and vessel homicide with the corresponding driving offenses.
- Prohibiting a person from knowingly providing false information in a vessel accident report.
- Requiring every person who operates a vessel powered by a motor of 10 horsepower or greater to either possess a valid boater safety card or specified equivalent or, if such person was born before January 1, 1988, to have been a Florida resident for at least five consecutive years.
- Excluding specified leases or rentals of vessels from requirements with which a livery must comply.

Fiscal or Economic Impact:

The bill may have an indeterminate positive impact on jail and prison beds by creating new offenses and increasing the penalties for specified boating offenses, which may result in increased jail and prison admissions and longer sentences. The bill may have a negative fiscal impact on the private sector by requiring persons born before January 1, 1988, who have not been Florida residents for five consecutive years to possess a valid boater safety card when operating a vessel powered by a motor of 10 horsepower or greater.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

[Leaving the Scene of a Boating Accident](#)

The bill revises the penalties for leaving the scene of a boating accident to mirror the penalties for [leaving the scene of a vehicle crash](#). Under the bill, a person who operates a vessel involved in an accident and leaves the scene of such accident without complying with the requirement to render aid, provide his or her identifying information, and to contact law enforcement commits a:

- Second degree misdemeanor, if the accident results in property damage only.
- Third degree felony, ranked as a Level 5 offense on the [offense severity ranking chart](#) (OSRC), if the accident results in injury to a person other than serious bodily injury.¹
- Second degree felony, ranked as a Level 6 offense on the OSRC, if the accident results in serious bodily injury.
- First degree felony, which is unranked on the OSRC and thus defaults to a Level 7 offense, if the accident results in the death of another person or an unborn child.

¹ For purposes of [s. 327.30\(5\), F.S.](#), the bill defines "serious bodily injury" to mean an injury to any person, including the operator, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. [S. 327.353, F.S.](#)

STORAGE NAME: h0289.CRM

DATE: 3/7/2025

Under the bill, a person who willfully leaves the scene of a boating accident that results in the death of another person or an unborn child must be sentenced to a minimum mandatory term of imprisonment of four years. (Sections [3](#) and [9](#)).

False Reports

The bill prohibits any person from giving information in oral, electronic, or written reports required under ch. 327, F.S., which includes vessel accident reports, if he or she knows or has reason to believe that such information is false. A violation is punishable as a second degree misdemeanor. This is similar to an existing prohibition against knowingly making [false reports](#) relating to vehicle crashes. (Section [4](#)).

Reckless Operation of a Vessel

The bill revises the penalties for reckless operation of a vessel to mirror the penalties for [reckless driving](#). Under the bill, a person who recklessly operates a vessel commits a:

- Second degree misdemeanor, if such reckless operation does not result in an accident.
- First degree misdemeanor, if such reckless operation results in an accident that causes damage to the property or person of another.
- Third degree felony, which is unranked on the OSRC and thus defaults to a Level 1 offense, if such reckless operation results in an accident that causes serious bodily injury.² (Section [5](#)).

Vessel Homicide

The bill aligns the crime of vessel homicide with the crime of [vehicular homicide](#) by specifying that an unborn child is a victim of a vessel homicide if the unborn child's death is caused by an injury to the mother that results from a person operating a vessel in a reckless manner that is likely to cause the death of, or great bodily harm to, another. The bill defines "unborn child" to mean a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.³ The bill also requires a court to suspend a person's driver license for a minimum period of three years if he or she is convicted of vessel homicide. (Section [8](#)).

Boating Safety Requirements

The bill retains a provision requiring that a person born on or after January 1, 1988, have a boating safety card or specified equivalent in his or her possession while operating a vessel powered by a motor of 10 horsepower or greater. For a person born before January 1, 1988, the bill requires such person, while operating a vessel powered by a motor of 10 horsepower or greater, to possess a boating safety card or specified equivalent or to have been a Florida resident for at least five consecutive years. (Section [6](#)).

Regulation of Liveries

The bill revises the definition of "livery vessel" to include only a vessel that is leased or rented, and excludes a vessel that is "chartered to another for consideration." The bill also amends the definition of a "livery" to include a lease or rental of a vessel in which the owner does not provide or 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 (USCG) to serve as master of the vessel or to manage the vessel. As such, under the bill, a person who leases or rents a vessel to another and who provides or requires the lessee or renter to provide a person licensed by the USCG would no longer be considered a "livery" and thus not subject to the operational and insurance requirements for a livery in [s. 327.54, F.S.](#) (Sections [2](#) and [7](#)).

The act is named "Lucy's Law." (Section [1](#)).

The effective date of the bill is July 1, 2025. (Section [10](#)).

² For purposes of [s. 327.33, F.S.](#), the bill defines "serious bodily injury" to mean an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. [S. 316.192\(3\)\(c\)2., F.S.](#)

³ [S. 775.021\(5\)\(e\), F.S.](#)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive impact on prison beds by increasing the penalties for leaving the scene of a boating accident and reckless operation of a vessel, including a minimum mandatory sentence for leaving the scene of a boating accident that results in death, which may result in longer prison sentences for persons convicted of such offenses.

LOCAL GOVERNMENT:

The bill may have an indeterminate positive impact on jail beds by creating the new misdemeanor offense for making false reports and increasing the penalties for specified felony offenses, which may result in more jail admissions.

PRIVATE SECTOR:

The bill requires a person born before January 1, 1988, to possess a valid boating safety card while operating a vessel powered by a motor of 10 horsepower or greater unless he or she has been a resident of Florida for at least five consecutive years. Expanding the requirement to have a boating safety card may result in an indeterminate negative fiscal impact to a person who is currently exempt from such a requirement by requiring the person to pay for and complete a boating safety education course or maintain a specified licensure or certification exempting such person from the requirement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Boating Offenses

Leaving the Scene of a Boating Accident

Section 327.30, F.S., imposes a duty on the operator of a vessel⁴ involved in an accident, collision, or other casualty (accident), to render assistance to other persons affected by the accident, to provide his or her name and contact information, and to notify specified law enforcement agencies of the accident. A person who is operating a vessel involved in an accident and who leaves the scene of the accident and fails to comply with these requirements commits a:

- Second degree misdemeanor,⁵ if the accident results in property damage only.
- Third degree felony,⁶ ranked as a Level 5 offense on the OSRC, if the accident results in personal injury.

Reckless Operation of a Vessel

Under s. 327.33, F.S. a person commits the offense of reckless operation of a vessel, a violation of which is punishable as a first degree misdemeanor,⁷ if he or she:

- Operates any vessel, or manipulates any water skis, aquaplane, or similar device in willful or wanton disregard for the safety of persons or property, at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person; or
- Approaches within 100 feet of a divers-down warning device on a river, inlet, or navigation channel, or within 300 feet of a divers-down warning device on waters other than a river, inlet, or navigation channel.

Vessel Homicide

A person commits vessel homicide if he or she kills another human being by operating a vessel in a reckless manner that is likely to cause the death of, or great bodily harm to, another person.⁸ A conviction for vessel homicide is punishable as a second degree felony.⁹ If a person commits vessel homicide and, at the time of the

⁴ "Vessel" is synonymous with boat as referenced in article VII, section 1(b) of the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. S. 327.02(47), F.S.

⁵ A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. Ss. 775.082 or 775.083, F.S.

⁶ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or s. 775.084, F.S.

⁷ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. Ss. 775.082 or 775.083, F.S.

⁸ S. 782.072, F.S.

⁹ *Id.* A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Ss. 775.082, 775.083, or s. 775.084, F.S.

accident the person knew or should have known that the accident occurred and he or she failed to give information and render aid as required by [s. 327.30\(1\), F.S.](#), a conviction is punishable as a first degree felony.¹⁰

Vehicle Offenses

Leaving the Scene of a Vehicle Crash

[Section 316.062, F.S.](#) imposes a duty on the driver of a vehicle involved in a crash resulting in property damage, injury, or death, to render assistance to other persons injured in the crash, to provide his or her name and contact information, and to notify specified law enforcement agencies of the accident. A person who fails to comply with these requirements commits a:

- Second degree misdemeanor if the crash results in property damage only.¹¹
- Third degree felony, ranked as a Level 5 offense on the OSRC, if the crash results in personal injury other than serious bodily injury.¹²
- Second degree felony, ranked as a Level 6 offense on the OSRC, if the crash results in serious bodily injury to a person.¹³
- First degree felony, ranked as a Level 7 offense on the OSRC, if the crash results in the death of a person.¹⁴

A person who is convicted for willfully leaving the scene of a crash which results in the death of a person must be sentenced to a mandatory minimum term of imprisonment of four years.¹⁵

Reckless Driving

A person commits the offense of reckless driving if he or she drives any vehicle in willful or wanton disregard for the safety of persons or property.¹⁶ A first conviction for reckless driving is punishable by up to 90 days in jail and a \$500 fine.¹⁷ If a person commits the offense of reckless driving and causes:

- Damage to the property or person of another, he or she commits a first degree misdemeanor.¹⁸
- Serious bodily injury to another, he or she commits a third degree felony, which is unranked and thus defaults to a Level 1 offense on the OSRC.¹⁹

False Reports

[Section 316.066, F.S.](#), requires a law enforcement officer to complete specified forms when responding to a crash involving a vehicle. Generally, such forms contain information concerning the crash, including the date and time of the crash, a description of the vehicles involved, the names of the parties, names of witnesses, and relevant insurance information.²⁰ [Section 316.067, F.S.](#), prohibits any person from giving information in oral, electronic, or written reports required under ch. 316, F.S., including a crash report, if he or she knows or has reason to believe that such information is false. A violation is punishable as a second degree misdemeanor.

Vehicular Homicide

A person commits vehicular homicide if he or she kills a human being, or an unborn child by injury to the mother, by operating a motor vehicle in a reckless manner likely to cause the death of, or great bodily harm to, another person.²¹ A conviction for vehicular homicide is punishable as a second degree felony.²² If a person commits vehicular homicide and, at the time of the accident the person knew or should have known that the accident occurred and he or she failed to give information and render aid, a conviction is punishable as a first degree

¹⁰ *Id.* A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083, or s. 775.084, F.S.](#)

¹¹ [S. 316.061\(1\) or 316.063\(1\), F.S.](#)

¹² [S. 316.027\(2\)\(a\), F.S.](#)

¹³ [S. 316.027\(2\)\(b\), F.S.](#)

¹⁴ [S. 316.027\(2\)\(c\), F.S.](#)

¹⁵ *Id.*

¹⁶ [S. 316.192\(1\)\(a\), F.S.](#)

¹⁷ [S. 316.193\(2\)\(a\), F.S.](#)

¹⁸ [S. 316.192\(3\)\(c\)1., F.S.](#)

¹⁹ [S. 316.192\(3\)\(c\)2., F.S.](#)

²⁰ [S. 316.066, F.S.](#)

²¹ [S. 782.071, F.S.](#)

²² *Id.*

felony.²³ A conviction for vehicular homicide requires the court to suspend a person's driver license for a minimum period of three years.²⁴

Boating Safety Requirements

Subject to specified exemptions,²⁵ a person born *on or after* January 1, 1988, is prohibited from operating a vessel powered by a motor of 10 horsepower or greater unless he or she has in his or her possession aboard such vessel:

- Photographic identification and a Florida boating safety identification card (safety card) issued by the Fish and Wildlife Conservation Commission (FWCC);
- A state-issued identification card or driver license indicating possession of a safety card;
- Photographic identification and a temporary certificate issued or approved by FWCC;
- An International Certificate of Competency;
- A boating safety card or certificate from another U.S. state or territory; or
- A Canadian Pleasure Craft Operator Card.²⁶

A violation of the prohibition is a noncriminal infraction, punishable by a \$100 fine.²⁷

Regulation of Liveries

A "livery vessel" is a vessel that is leased, rented, or chartered to another for consideration.²⁸ A "livery" is a business that leases or rents such a vessel.²⁹ A livery must obtain a permit from FWCC and comply with specified conditions when leasing or renting vessels, including a provision prohibiting a livery from leasing or renting a vessel to a person unless he or she possesses a valid boating safety card under [s. 327.395\(2\), F.S.](#), or is exempt from such requirements.³⁰ A livery is also required to carry a minimum insurance policy which insures the livery against damages resulting from the operation of a rented vessel, and must either carry a minimum insurance policy insuring the renter or providing the renter with the opportunity to purchase such insurance coverage.³¹

Offense Severity Ranking Chart

Felony offenses subject to the Criminal Punishment Code (CPC) are listed in a single offense severity ranking chart (OSRC), which uses 10 offense levels to rank felonies from least severe (Level 1) to most severe (Level 10). Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute. A person's primary offense, any other current offenses, and prior offenses are scored using the points designated for the offense severity level of each offense. The final calculation, following the scoresheet formula, determines the lowest

²³ *Id.*

²⁴ [S. 322.28\(4\)\(a\), F.S.](#)

²⁵ A person is exempt from the requirement to have a boating safety card if he or she:

- Is licensed by the United States Coast Guard to serve as the master of a vessel, or has previously been so licensed and provides proof of licensure.
- Operates a vessel only on a private lake or pond.
- Is accompanied in the vessel by a person 18 years of age or older who has a safety card or is exempt from the requirement to have a safety card and who is responsible for the safe operation of the vessel.
- Is a nonresident who has photographic identification and proof that he or she has completed a boating safety course that meets specified criteria.
- Is operating a vessel within 90 days after the purchase of the vessel and has a valid bill of sale.
- Is operating a vessel within 90 days of completing a boating safety education course and has photographic identification and a valid boating safety certificate.
- Is exempt by rule of the FWCC.

[S. 327.395\(6\), F.S.](#)

²⁶ [S. 327.395\(1\) and \(2\), F.S.](#)

²⁷ [Ss. 327.395\(7\) and 327.73\(1\), F.S.](#)

²⁸ [S. 327.02\(24\), F.S.](#)

²⁹ "Livery" means a person who advertises and offers a livery vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. [S. 327.54\(1\)\(c\), F.S.](#)

³⁰ [S. 327.54\(4\), F.S.](#)

³¹ [S. 327.54\(7\), F.S.](#)

permissible sentence that the trial court may impose, absent a valid reason for departure.³² If an offense is unranked, the CPC specifies a default level on the OSRC depending on the felony degree of the offense.³³

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	18 Y, 0 N, As CS	3/6/2025	Hall	Padgett

THE CHANGES ADOPTED BY THE COMMITTEE:

- Revised the enhanced penalties for leaving the scene of a boating accident to align with the enhanced penalties for leaving the scene of a vehicle crash.
- Removed enhanced penalties for careless operation of a vessel.
- Created enhanced penalties for reckless operation of a vessel that align with the enhanced penalties for reckless driving.
- Removed a provision requiring a driver license suspension if a person is convicted of reckless operation of a vessel, careless operation of a vessel, or boating under the influence.
- Removed a provision authorizing a law enforcement officer to require a blood test without probable cause in boating under the influence cases involving death or serious bodily injury.
- Revised boating safety education requirements to provide an exception to the requirement to have a boating safety card if a person was born before January 1, 1988 and has been a resident of Florida for five consecutive years.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

³² [S. 921.0022, F.S.](#)

³³ [S. 921.0023, F.S.](#)