

1                   A bill to be entitled  
2           An act relating to boating safety; providing a short  
3           title; amending s. 327.02, F.S.; revising the  
4           definition of the term "livery vessel"; amending s.  
5           327.30, F.S.; revising and providing penalties for  
6           vessel collisions, accidents, and casualties; amending  
7           s. 327.33, F.S.; revising and providing penalties for  
8           reckless or careless operation of a vessel; amending  
9           s. 327.351, F.S.; requiring the suspension of driver  
10          licenses for boating under the influence and reckless  
11          or careless operation of a vessel; amending s.  
12          327.353, F.S.; requiring a vessel operator to submit  
13          to a blood test without probable cause in cases of  
14          death or serious bodily injury; amending s. 327.395,  
15          F.S.; requiring that all persons, rather than only  
16          persons born on or after a specified date, have  
17          specified documents in their possession while  
18          operating a vessel; amending s. 327.54, F.S.; revising  
19          the definition of the term "livery"; amending s.  
20          782.072, F.S.; revising the definition of the term  
21          "vessel homicide"; providing an effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:  
24  
25

**Section 1.** This act may be cited as "Lucy's Law."

26           **Section 2. Subsection (24) of section 327.02, Florida**  
 27 **Statutes, is amended to read:**

28           327.02 Definitions.—As used in this chapter and in chapter  
 29 328, unless the context clearly requires a different meaning,  
 30 the term:

31           (24) "Livery vessel" means a vessel leased or rented, ~~or~~  
 32 ~~chartered to another for consideration.~~

33           **Section 3. Subsection (5) of section 327.30, Florida**  
 34 **Statutes, is amended to read:**

35           327.30 Collisions, accidents, and casualties.—

36           (5) It is unlawful for a person operating a vessel  
 37 involved in an accident or injury to leave the scene of the  
 38 accident or injury without giving all possible aid to all  
 39 persons involved and making a reasonable effort to locate the  
 40 owner or persons affected and subsequently complying with and  
 41 notifying the appropriate law enforcement official as required  
 42 under this section.

43           (a) If a ~~Any~~ person ~~who~~ violates this subsection and the  
 44 with respect to an accident results ~~resulting~~ in:

45           1. Property damage only, the person commits a misdemeanor  
 46 of the first degree, punishable as provided in s. 775.082 or s.  
 47 775.083.

48           2. Injury to a person other than serious bodily injury,  
 49 the person commits a felony of the third degree, punishable as  
 50 provided in s. 775.082, s. 775.083, or s. 775.084.

51 3. Serious bodily injury, the person commits a felony of  
52 the second degree, punishable as provided in s. 775.082, s.  
53 775.083, or s. 775.084.

54 4. The death of another person or an unborn child, the  
55 person commits a felony of the first degree, punishable as  
56 provided in s. 775.082, s. 775.083, or s. 775.084.

57 (b) If a person operating a vessel involved in an accident  
58 that results in the death of another person or an unborn child  
59 provides a false statement to an investigating law enforcement  
60 officer, the person ~~personal injury~~ commits a felony of the  
61 third degree, punishable as provided in ss. 775.082 and 775.083  
62 s. 775.082, s. 775.083, or s. 775.084. Any person who violates  
63 ~~this subsection with respect to an accident resulting in~~  
64 ~~property damage only commits a misdemeanor of the second degree,~~  
65 ~~punishable as provided in s. 775.082 or s. 775.083.~~

66 **Section 4. Subsection (2) of section 327.33, Florida**  
67 **Statutes, is amended to read:**

68 327.33 Reckless or careless operation of vessel.—

69 (2) A person who operates any vessel upon the waters of  
70 this state shall operate the vessel in a reasonable and prudent  
71 manner, having regard for other waterborne traffic, posted speed  
72 and wake restrictions, and all other attendant circumstances so  
73 as not to endanger the life, limb, or property of another person  
74 ~~outside the vessel~~ or to endanger the life, limb, or property of  
75 another person due to vessel overloading or excessive speed. The

76 failure to operate a vessel in a manner described in this  
77 subsection constitutes careless operation. However, vessel wake  
78 and shoreline wash resulting from the reasonable and prudent  
79 operation of a vessel, absent negligence, does not constitute  
80 damage or endangerment to property. If a person ~~who~~ violates  
81 this subsection and the violation:

82 (a) Does not result in an accident, the person commits a  
83 noncriminal violation as defined in s. 775.08.

84 (b) Results in an accident that does not cause serious  
85 bodily injury, the person commits a felony of the third degree,  
86 punishable as provided in ss. 775.083 or 775.084.

87 (c) Results in an accident that causes serious bodily  
88 injury, the person commits a felony of the second degree,  
89 punishable as provided in ss. 775.082, 775.083, or 775.084.

90 (d) Results in an accident that causes the death of  
91 another person or an unborn child, the person commits a felony  
92 of the first degree, punishable as provided in ss. 775.082,  
93 775.083, or 775.084.

94 **Section 5. Section 327.351, Florida Statutes, is created**  
95 **to read:**

96 327.351 Additional penalty for boating under the influence  
97 or reckless or careless operation of vessel.—The driver license  
98 of a person who is convicted of a violation of s. 327.33 or s.  
99 327.35 shall be suspended until all orders of the court have  
100 been satisfied.

101           **Section 6. Paragraph (a) of subsection (1) of section**  
102 **327.353, Florida Statutes, is amended to read:**

103           327.353 Blood test for impairment or intoxication in cases  
104 of death or serious bodily injury; right to use reasonable  
105 force.—

106           (1) (a) ~~If a law enforcement officer has probable cause to~~  
107 ~~believe that a vessel operated by a person under the influence~~  
108 ~~of alcoholic beverages, any chemical substances, or any~~  
109 ~~controlled substances has caused the death or serious bodily~~  
110 ~~injury of a human being,~~ A law enforcement officer shall require  
111 the person operating or in actual physical control of a ~~the~~  
112 vessel to submit to a test of the person's blood for the purpose  
113 of determining the alcoholic content thereof or the presence of  
114 chemical substances as set forth in s. 877.111 or any substance  
115 controlled under chapter 893. The law enforcement officer may  
116 use reasonable force if necessary to require the person to  
117 submit to the administration of the blood test. The blood test  
118 shall be performed in a reasonable manner. Notwithstanding s.  
119 327.352, the testing required by this paragraph need not be  
120 incidental to a lawful arrest of the person.

121           **Section 7. Subsection (1) of section 327.395, Florida**  
122 **Statutes, is amended to read:**

123           327.395 Boating safety education.—

124           (1) A person ~~born on or after January 1, 1988,~~ may not  
125 operate a vessel powered by a motor of 10 horsepower or greater

126 unless such person has in his or her possession aboard the  
 127 vessel the documents required by subsection (2).

128 **Section 8. Paragraph (c) of subsection (1) of section**  
 129 **327.54, Florida Statutes, is amended to read:**

130 327.54 Liveries; safety regulations; penalty.—

131 (1) As used in this section, the term:

132 (c) "Livery" means a person who advertises and offers a  
 133 livery vessel for use by another in exchange for any type of  
 134 consideration when such person does not also provide or does not  
 135 require the lessee or renter to provide as a condition of the  
 136 rental or lease agreement a person licensed by the United States  
 137 Coast Guard to serve as master of the vessel or to ~~with a~~  
 138 captain, a crew, or any type of staff or personnel to operate,  
 139 ~~oversee, maintain,~~ or manage the vessel. The owner of a vessel  
 140 who does not advertise his or her vessel for use by another for  
 141 consideration and who loans or offers his or her vessel for use  
 142 to another known to him or her either for consideration or  
 143 without consideration is not a livery. A public or private  
 144 school or postsecondary institution located within this state is  
 145 not a livery. A vessel rented or leased by a livery is a livery  
 146 vessel as defined in s. 327.02.

147 **Section 9. Section 782.072, Florida Statutes, is amended**  
 148 **to read:**

149 782.072 Vessel homicide.—

150 (1) As used in this section, the term:

151        (a) "Vessel homicide" means ~~is~~ the killing of a human  
 152 being, including the death of an unborn child caused by injury  
 153 to the mother, by the operation of a vessel as defined in s.  
 154 327.02 by another in a reckless manner likely to cause the death  
 155 of, or great bodily harm to, another.

156        (b) "Unborn child" has the same meaning as in s.  
 157 775.021(5)(e).

158        (2) Vessel homicide is:

159        (a)~~(1)~~ A felony of the second degree, punishable as  
 160 provided in s. 775.082, s. 775.083, or s. 775.084.

161        (b)~~(2)~~ A felony of the first degree, punishable as  
 162 provided in s. 775.082, s. 775.083, or s. 775.084, if:

163        1.~~(a)~~ At the time of the accident, the person knew, or  
 164 should have known, that the accident occurred; and

165        2.~~(b)~~ The person failed to give information and render aid  
 166 as required by s. 327.30(1).

167  
 168 This subsection does not require that the person knew that the  
 169 accident resulted in injury or death.

170        **Section 10.** This act shall take effect July 1, 2025.