

By Senator Martin

33-01589-25

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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; creating
9 s. 327.35105, 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; reenacting and
15 amending s. 327.395, F.S.; requiring that all persons,
16 rather than only persons born on or after a specified
17 date, have specified documents in their possession
18 while operating a vessel; amending s. 327.54, F.S.;
19 revising the definition of the term "livery"; amending
20 s. 782.072, F.S.; revising the definition of the term
21 "vessel homicide"; defining the term "unborn child";
22 providing an effective date.

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

25
26 Section 1. This act may be cited as "Lucy's Law."

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

29 327.02 Definitions.—As used in this chapter and in chapter

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30 328, unless the context clearly requires a different meaning,
31 the term:

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

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

36 327.30 Collisions, accidents, and casualties.—

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

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

46 1. Property damage only, the person commits a misdemeanor
47 of the first degree, punishable as provided in s. 775.082 or s.
48 775.083.

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

52 3. Serious bodily injury, the person commits a felony of
53 the second degree, punishable as provided in s. 775.082, s.
54 775.083, or s. 775.084.

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

58 (b) If a person operating a vessel involved in an accident

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

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

69 327.33 Reckless or careless operation of vessel.-

70 (2) A person who operates any vessel upon the waters of
71 this state shall operate the vessel in a reasonable and prudent
72 manner, having regard for other waterborne traffic, posted speed
73 and wake restrictions, and all other attendant circumstances so
74 as not to endanger the life, limb, or property of another person
75 ~~outside the vessel~~ or to endanger the life, limb, or property of
76 another person due to vessel overloading or excessive speed. The
77 failure to operate a vessel in a manner described in this
78 subsection constitutes careless operation. However, vessel wake
79 and shoreline wash resulting from the reasonable and prudent
80 operation of a vessel, absent negligence, does not constitute
81 damage or endangerment to property. If a person ~~who~~ violates
82 this subsection and the violation:

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

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

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

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

95 Section 5. Section 327.35105, Florida Statutes, is created
96 to read:

97 327.35105 Additional penalty for boating under the
98 influence or reckless or careless operation of vessel.—The
99 driver license of a person who is convicted of a violation of s.
100 327.33 or s. 327.35 must be suspended until all orders of the
101 court have been satisfied.

102 Section 6. Paragraph (a) of subsection (1) of section
103 327.353, Florida Statutes, is amended to read:

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

107 ~~(1) (a) If a law enforcement officer has probable cause to~~
108 ~~believe that a vessel operated by a person under the influence~~
109 ~~of alcoholic beverages, any chemical substances, or any~~
110 ~~controlled substances has caused the death or serious bodily~~
111 ~~injury of a human being, A law enforcement officer shall require~~
112 the person operating or in actual physical control of a the
113 vessel to submit to a test of the person's blood for the purpose
114 of determining the alcoholic content thereof or the presence of
115 chemical substances as set forth in s. 877.111 or any substance
116 controlled under chapter 893. The law enforcement officer may

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117 use reasonable force if necessary to require the person to
118 submit to the administration of the blood test. The blood test
119 must ~~shall~~ be performed in a reasonable manner. Notwithstanding
120 s. 327.352, the testing required by this paragraph need not be
121 incidental to a lawful arrest of the person.

122 Section 7. Subsection (1) of section 327.395, Florida
123 Statutes, is amended, and subsection (2) of that section is
124 reenacted, to read:

125 327.395 Boating safety education.—

126 (1) A person ~~born on or after January 1, 1988,~~ may not
127 operate a vessel powered by a motor of 10 horsepower or greater
128 unless such person has in his or her possession aboard the
129 vessel the documents required by subsection (2).

130 (2) While operating a vessel, a person identified under
131 subsection (1) must have in his or her possession aboard the
132 vessel photographic identification and a Florida boating safety
133 identification card issued by the commission; a state-issued
134 identification card or driver license indicating possession of
135 the Florida boating safety identification card; or photographic
136 identification and a temporary certificate issued or approved by
137 the commission, an International Certificate of Competency, a
138 boating safety card or certificate from another state or United
139 States territory, or a Canadian Pleasure Craft Operator Card,
140 which shows that he or she has:

141 (a) Completed a commission-approved boating safety
142 education course that meets the minimum requirements established
143 by the National Association of State Boating Law Administrators;

144 (b) Passed a temporary certificate examination developed or
145 approved by the commission;

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146 (c) A valid International Certificate of Competency; or

147 (d) Completed a boating safety education course or
148 equivalency examination in another state, a United States
149 territory, or Canada which meets or exceeds the minimum
150 requirements established by the National Association of State
151 Boating Law Administrators.

152 Section 8. Paragraph (c) of subsection (1) of section
153 327.54, Florida Statutes, is amended to read:

154 327.54 Liveries; safety regulations; penalty.—

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

156 (c) "Livery" means a person who advertises and offers a
157 livery vessel for use by another in exchange for any type of
158 consideration when such person does not also provide or does not
159 require the lessee or renter to provide as a condition of the
160 rental or lease agreement a person licensed by the United States
161 Coast Guard to serve as master of the vessel or to ~~with a~~
162 captain, a crew, or any type of staff or personnel to operate,
163 oversee, maintain, or manage the vessel. The owner of a vessel
164 who does not advertise his or her vessel for use by another for
165 consideration and who loans or offers his or her vessel for use
166 to another known to him or her either for consideration or
167 without consideration is not a livery. A public or private
168 school or postsecondary institution located within this state is
169 not a livery. A vessel rented or leased by a livery is a livery
170 vessel as defined in s. 327.02.

171 Section 9. Section 782.072, Florida Statutes, is amended to
172 read:

173 782.072 Vessel homicide.—

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

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175 (a) "Vessel homicide" means ~~is~~ the killing of a human
176 being, including the death of an unborn child caused by injury
177 to the mother, by the operation of a vessel as defined in s.
178 327.02 by another in a reckless manner likely to cause the death
179 of, or great bodily harm to, another.

180 (b) "Unborn child" has the same meaning as in s.
181 775.021(5)(e).

182 (2) Vessel homicide is:

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

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

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

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

191

192 This subsection does not require that the person knew that the
193 accident resulted in injury or death.

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