

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.; revising the conditions upon which the
4 Department of Highway Safety and Motor Vehicles must
5 include a certain symbol on identification cards;
6 requiring the department to issue original, renewal,
7 or replacement identification cards that include a
8 certain symbol in certain circumstances; requiring
9 that replacement identification cards be issued
10 without charging a specified fee under certain
11 circumstances; amending s. 322.08, F.S.; requiring
12 that applications for original, renewal, or
13 replacement driver licenses or identification cards
14 indicate whether the applicant has obtained a Florida
15 boating safety identification card and, if so, that a
16 copy of such card be submitted with the application;
17 authorizing the Fish and Wildlife Conservation
18 Commission to provide the department with certain
19 information relating to the applicant; amending s.
20 322.14, F.S.; revising the conditions upon which the
21 department must include a certain symbol on driver
22 licenses; requiring the department to issue original,
23 renewal, or replacement driver licenses with a certain
24 symbol to applicants if certain conditions are met;
25 requiring the department to include the symbol on such
26 licenses with no additional fee for the designation;
27 requiring the department to issue certain replacement
28 driver licenses without charging a specified fee;
29 amending s. 327.30, F.S.; revising the penalties for

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30 persons operating a vessel involved in an accident
31 resulting in property damage or death of another
32 person who leave the scene of the accident under
33 certain circumstances; providing a mandatory minimum
34 sentence for a person who willfully commits such
35 violation resulting in the death of another while
36 boating under the influence (BUI); amending s. 327.33,
37 F.S.; defining the term "serious bodily injury";
38 providing increased criminal penalties for violations
39 of navigation rules under certain circumstances;
40 amending s. 327.35, F.S.; making technical changes;
41 requiring courts to order the mandatory placement of
42 ignition interlock devices upon certain vehicles and
43 vessels leased or owned and routinely operated by
44 certain persons under certain circumstances; requiring
45 that such devices be installed at the convicted
46 person's sole expense for specified time periods for
47 varying offenses; providing a mandatory minimum term
48 of imprisonment for a person convicted of BUI
49 manslaughter; revising substance abuse education,
50 evaluation, and treatment requirements for certain
51 persons; requiring an agency conducting a substance
52 abuse course to notify the court and department of an
53 offender's failure to report to or complete such
54 treatment or education and evaluation; providing
55 requirements for the department upon the receipt of
56 such notice; authorizing the department to temporarily
57 reinstate the driving privilege under certain
58 circumstances; requiring waivers before organizations

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59 conducting substance abuse education and evaluation
60 begin providing such treatment; providing
61 authorization and documentation requirements for such
62 waivers; requiring such organizations to submit
63 specified quarterly reports to the department;
64 authorizing the court to order a defendant to pay a
65 fine under certain circumstances; providing
66 restrictions for the total period of probation and
67 incarceration; requiring a person convicted of certain
68 BUI violations to maintain an insurance policy that
69 meets certain requirements; providing criminal
70 penalties for failure to maintain such insurance
71 policy; making technical changes; amending s. 327.352,
72 F.S.; revising penalties for a person operating a
73 vessel who fails to submit to a lawful test of his or
74 her breath or urine; amending s. 327.395, F.S.;
75 requiring that all persons, rather than only persons
76 born on or after a specified date, have specified
77 identification in their possession while operating a
78 vessel; revising the required components of the Fish
79 and Wildlife Conservation Commission's developed or
80 approved boating safety education course and temporary
81 certificate examination; amending s. 327.731, F.S.;
82 revising the mandatory education requirements for a
83 person convicted of certain violations; requiring the
84 commission to adopt rules; making technical changes;
85 amending s. 119.0712, F.S.; conforming a cross-
86 reference; amending s. 921.0022, F.S.; ranking
87 offenses on the offense severity ranking chart of the

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88 Criminal Punishment Code; conforming provisions to
 89 changes made by the act; reenacting s. 327.54(4),
 90 F.S., relating to liveries, to incorporate the
 91 amendment made to s. 327.395, F.S., in references
 92 thereto; providing effective dates.

93

94 Be It Enacted by the Legislature of the State of Florida:

95

96 Section 1. Effective October 1, 2027, paragraph (d) of
 97 subsection (8) of section 322.051, Florida Statutes, is amended,
 98 and paragraph (f) is added to that subsection, to read:

99 322.051 Identification cards.—

100 (8)

101 (d) The department shall include symbols representing the
 102 following on an identification card upon the payment of an
 103 additional \$1 fee by an applicant who meets the requirements of
 104 subsection (1) 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 identification card before its
 112 expiration date with a card that includes his or her status as a
 113 lifetime licensee ~~or boater safety cardholder~~ upon surrender of
 114 his or her current identification card, payment of a \$2 fee to
 115 be deposited into the Highway Safety Operating Trust Fund, and
 116 presentation of the person's lifetime license ~~or card~~. If the

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117 sole purpose of the replacement identification card is the
118 inclusion of the applicant's status as a lifetime licensee ~~or~~
119 ~~cardholder~~, the replacement identification card must be issued
120 without payment of the fee required in s. 322.21(1)(f)3.c.

121 (f) The department shall issue an original, renewal, or
122 replacement identification card, as applicable, which includes a
123 symbol representing a lifetime boater safety identification card
124 upon the applicant's presentation of his or her Florida boating
125 safety identification card or shall provide a receipt of
126 confirmation by the Fish and Wildlife Conservation Commission
127 that the applicant was issued a Florida boating safety
128 identification card. The department shall include the lifetime
129 boater safety identification card symbol on an original,
130 renewal, or replacement identification card with no additional
131 fee to the applicant for the designation. If the sole purpose of
132 a replacement identification card is the inclusion of the
133 applicant's status as a lifetime boater safety cardholder, the
134 replacement identification card must be issued without payment
135 of the fee required by s. 322.21(1)(f).

136 Section 2. Effective October 1, 2027, present subsections
137 (5) through (10) of section 322.08, Florida Statutes, are
138 redesignated as subsections (6) through (11), respectively, and
139 a new subsection (5) is added to that section, to read:

140 322.08 Application for license; requirements for license
141 and identification card forms.—

142 (5) Each such application must indicate whether the
143 applicant has obtained a Florida boating safety identification
144 card pursuant to s. 327.395, and, if so, a copy of such card
145 must be submitted with the application. For purposes of

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146 administering this subsection, the Fish and Wildlife
 147 Conservation Commission may provide to the department any record
 148 documenting the applicant's completion of a boating safety
 149 education course meeting the requirements of s. 327.395 or
 150 issuance of a Florida boating safety identification card.

151 Section 3. Effective October 1, 2027, paragraph (e) of
 152 subsection (1) of section 322.14, Florida Statutes, is amended,
 153 and paragraph (g) is added to that subsection, to read:

154 322.14 Licenses issued to drivers.—

155 (1)

156 (e) The department shall include symbols representing the
 157 following on a driver license upon the payment of an additional
 158 \$1 fee by an applicant who meets the requirements of s. 322.08
 159 and presents his or her:

- 160 1. Lifetime freshwater fishing license;
- 161 2. Lifetime saltwater fishing license;
- 162 3. Lifetime hunting license; or
- 163 4. Lifetime sportsman's license; ~~or~~
- 164 5. ~~Lifetime boater safety identification card.~~

166 A person may replace his or her driver license before its
 167 expiration date with a license that includes his or her status
 168 as a lifetime licensee ~~or boater safety cardholder~~ upon
 169 surrender of his or her current driver license, payment of a \$2
 170 fee to be deposited into the Highway Safety Operating Trust
 171 Fund, and presentation of the person's lifetime license ~~or~~
 172 ~~identification card~~. If the sole purpose of the replacement
 173 driver license is the inclusion of the applicant's status as a
 174 lifetime licensee ~~or cardholder~~, the replacement driver license

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175 must be issued without payment of the fee required in s.
176 322.21(1)(e).

177 (g) The department shall issue an original, renewal, or
178 replacement driver license, as applicable, which includes a
179 symbol representing a lifetime boater safety identification card
180 upon the applicant's presentation of his or her Florida boating
181 safety identification card or a receipt of confirmation by the
182 Fish and Wildlife Conservation Commission that the applicant has
183 been issued a Florida boating safety identification card. The
184 department shall include the lifetime boater safety
185 identification card symbol on an original, renewal, or
186 replacement driver license with no additional fee to the
187 applicant for the designation. If the sole purpose of a
188 replacement driver license is the inclusion of the applicant's
189 status as a lifetime boater safety cardholder, the replacement
190 driver license must be issued without payment of the fee
191 required by s. 322.21(1)(e).

192 Section 4. Paragraphs (a) and (b) of subsection (5) of
193 section 327.30, Florida Statutes, are amended to read:

194 327.30 Collisions, accidents, and casualties.—

195 (5) It is unlawful for a person operating a vessel involved
196 in an accident or injury to leave the scene of the accident or
197 injury without giving all possible aid to all persons involved
198 and making a reasonable effort to locate the owner or persons
199 affected and subsequently complying with and notifying the
200 appropriate law enforcement official as required under this
201 section.

202 (a) A person who violates this subsection with respect to
203 an accident resulting in:

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204 1. Property damage only, commits a misdemeanor of the first
205 ~~second~~ degree, punishable as provided in s. 775.082 or s.
206 775.083.

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

210 3. Serious bodily injury, commits a felony of the second
211 degree, punishable as provided in s. 775.082, s. 775.083, or s.
212 775.084.

213 4. The death of another person ~~or an unborn child~~, commits
214 a felony of the first degree, punishable as provided in s.
215 775.082, s. 775.083, or s. 775.084.

216 (b) A person who willfully commits a violation of
217 subparagraph (a)4. while boating under the influence as set
218 forth in 327.35(1) must be sentenced to a mandatory minimum term
219 of imprisonment of 4 years.

220 Section 5. Subsection (1) and paragraph (a) of subsection
221 (3) of section 327.33, Florida Statutes, are amended to read:

222 327.33 Reckless or careless operation of vessel.—

223 (1) It is unlawful to operate a vessel in a reckless
224 manner. A person who operates any vessel, or manipulates any
225 water skis, aquaplane, or similar device, in willful or wanton
226 disregard for the safety of persons or property at a speed or in
227 a manner as to endanger, or likely to endanger, life or limb, or
228 damage the property of, or injure a person commits ~~is guilty of~~
229 reckless operation of a vessel. Reckless operation of a vessel
230 includes, but is not limited to, a violation of s. 327.331(6).
231 Except as provided in subsection (2), if a person violates this
232 subsection and the violation:

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233 (a) Does not result in an accident, the person commits a
234 misdemeanor of the second degree, punishable as provided in s.
235 775.082 or s. 775.083.

236 (b) Results in an accident that causes damage to the
237 property or person of another, the person commits a misdemeanor
238 of the first degree, punishable as provided in s. 775.082 or s.
239 775.083.

240 (c) Results in an accident that causes serious bodily
241 injury as defined in s. 316.192, the person commits a felony of
242 the third degree, punishable as provided in s. 775.082, s.
243 775.083, or s. 775.084. As used in this paragraph, the term
244 "serious bodily injury" means an injury to a person which
245 creates a serious personal disfigurement or protracted loss or
246 impairment of the function of a bodily member or organ.

247 (3) Each person operating a vessel upon the waters of this
248 state shall comply with the navigation rules.

249 (a) A person who violates a ~~the~~ navigation rule ~~rules~~ and
250 such ~~the~~ violation results in a boating accident causing serious
251 bodily injury as defined in s. 327.353 or death, but the
252 violation does not constitute reckless operation of a vessel,
253 commits a felony ~~misdemeanor~~ of the third ~~second~~ degree,
254 punishable as provided in s. 775.082 or s. 775.083.

255 Section 6. Effective October 1, 2027, present subsection
256 (10) of section 327.35, Florida Statutes, is redesignated as
257 subsection (11), a new subsection (10) is added to that section,
258 and subsections (1) through (6) of that section are amended, to
259 read:

260 327.35 Boating under the influence; penalties; "designated
261 drivers."—

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262 (1) A person commits ~~is guilty of~~ the offense of boating
263 under the influence and is subject to punishment as provided in
264 subsection (2) if the person is in physical control of operating
265 a vessel within this state and any of the following applies:

266 (a) The person is under the influence of alcoholic
267 beverages, any chemical substance set forth in s. 877.111, or
268 any substance controlled under chapter 893, when affected to the
269 extent that the person's normal faculties are impaired.~~†~~

270 (b) The person has a blood-alcohol level of 0.08 or more
271 grams of alcohol per 100 milliliters of blood.~~†~~~~or~~

272 (c) The person has a breath-alcohol level of 0.08 or more
273 grams of alcohol per 210 liters of breath.

274 (2)(a) Except as provided in paragraph (b), subsection (3),
275 or subsection (4), a any person who is convicted of a violation
276 of subsection (1) is subject to the following ~~shall be punished~~:

277 1. ~~By~~ A fine of:

278 a. Not less than \$500 or more than \$1,000 for a first
279 conviction.

280 b. Not less than \$1,000 or more than \$2,000 for a second
281 conviction; and

282 2. ~~By~~ Imprisonment for:

283 a. Not more than 6 months for a first conviction.

284 b. Not more than 9 months for a second conviction.

285

286 The clerk shall remit the portion of a fine imposed in excess of
287 \$500 pursuant to sub-subparagraph 1.a. and the portion of a fine
288 imposed in excess of \$1,000 pursuant to sub-subparagraph 1.b.~~†~~
289 ~~shall be remitted by the clerk~~ to the Department of Revenue for
290 deposit into the General Revenue Fund.

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291 (b)1. A Any person who is convicted of a third violation of
292 this section for an offense that occurs within 10 years after a
293 prior conviction for a violation of this section commits a
294 felony of the third degree, punishable as provided in s.
295 775.082, s. 775.083, or s. 775.084. In addition, if the
296 convicted person qualifies for a permanent or restricted
297 license, the court shall order the mandatory placement of an
298 ignition interlock device approved by the department in
299 accordance with s. 316.1938 upon all vehicles and vessels
300 individually or jointly leased or owned and routinely operated
301 by the convicted person. The ignition interlock device must be
302 installed at the convicted person's sole expense for not less
303 than 2 continuous years.

304 2. A Any person who is convicted of a third violation of
305 this section for an offense that occurs more than 10 years after
306 the date of a prior conviction for a violation of this section
307 is subject to ~~shall be punished by~~ a fine of not less than
308 \$2,000 or more than \$5,000 and by imprisonment for not more than
309 12 months. The clerk shall remit the portion of a fine imposed
310 in excess of \$2,500 pursuant to this subparagraph ~~shall be~~
311 ~~remitted by the clerk~~ to the Department of Revenue for deposit
312 into the General Revenue Fund. In addition, if the convicted
313 person qualifies for a permanent or restricted license, the
314 court shall order the mandatory placement of an ignition
315 interlock device approved by the department in accordance with
316 s. 316.1938 upon all vehicles and vessels individually or
317 jointly leased or owned and routinely operated by the convicted
318 person. The ignition interlock device must be installed at the
319 convicted person's sole expense for not less than 2 continuous

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320 years.

321 3. Any person ~~who is~~ convicted of a fourth or subsequent
322 violation of this section, regardless of when any prior
323 conviction for a violation of this section occurred, commits a
324 felony of the third degree, punishable as provided in s.
325 775.082, s. 775.083, or s. 775.084.

326
327 However, the fine imposed for such fourth or subsequent
328 violation may not be less than \$2,000. The clerk shall remit the
329 portion of such fine imposed in excess of \$1,000 ~~shall be~~
330 ~~remitted by the clerk~~ to the Department of Revenue for deposit
331 into the General Revenue Fund. In addition to the penalties
332 specified in paragraph (a), the court may order the placement of
333 an ignition interlock device approved by the department in
334 accordance with s. 316.1938 upon all vehicles and vessels
335 individually or jointly leased or owned and routinely operated
336 by the convicted person if, at the time of the offense, the
337 person had a blood-alcohol level or breath-alcohol level of 0.08
338 or higher. The ignition interlock device must be installed at
339 the convicted person's sole expense for not less than 6
340 continuous months.

341 (3) (a) A Any person who:

- 342 1. Violates ~~Who is in violation of~~ subsection (1);
343 2. ~~Who~~ Operates a vessel; and
344 3. ~~Who,~~ By reason of such operation, causes or contributes
345 to causing:

346 a. Damage to the property or person of another commits a
347 misdemeanor of the first degree, punishable as provided in s.
348 775.082 or s. 775.083.

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349 b. Serious bodily injury to another, as defined in s.
 350 327.353, commits a felony of the third degree, punishable as
 351 provided in s. 775.082, s. 775.083, or s. 775.084.

352 c. The death of a ~~any~~ human being, or an unborn child as
 353 defined in s. 775.021(5), commits BUI manslaughter, and commits:

354 (I) A felony of the second degree, punishable as provided
 355 in s. 775.082, s. 775.083, or s. 775.084.

356 (II) A felony of the first degree, punishable as provided
 357 in s. 775.082, s. 775.083, or s. 775.084, if:

358 (A) At the time of the accident, the person knew, or should
 359 have known, that the accident occurred; and

360 (B) The person failed to give information and render aid as
 361 required by s. 327.30.

362

363 A person convicted of BUI manslaughter must be sentenced to a
 364 mandatory term of imprisonment of 4 years. Sub-subparagraph 3.c.
 365 ~~This sub-sub-subparagraph~~ does not require that the person knew
 366 that the accident resulted in injury or death.

367 (III) A felony of the first degree, punishable as provided
 368 in s. 775.082, s. 775.083, or s. 775.084, if the person has a
 369 prior conviction under this sub-subparagraph, s.
 370 316.193(3)(c)3., s. 782.071, or s. 782.072.

371 (b) A person ~~who is~~ convicted of BUI manslaughter must
 372 ~~shall~~ be sentenced to a mandatory minimum term of imprisonment
 373 of 4 years.

374 (4) A ~~Any~~ person ~~who is~~ convicted of violating ~~a violation~~
 375 ~~of~~ subsection (1) ~~and~~ who has a blood-alcohol level or breath-
 376 alcohol level of 0.15 or higher, or any person ~~who is~~ convicted
 377 of violating ~~a violation of~~ subsection (1) ~~and~~ who at the time

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378 of the offense was accompanied in the vessel by a person under
379 ~~the age of 18 years of age, is subject to shall be punished:~~

380 (a) ~~By~~ A fine of:

381 1. Not less than \$1,000 or more than \$2,000 for a first
382 conviction.

383 2. Not less than \$2,000 or more than \$4,000 for a second
384 conviction.

385 3. Not less than \$4,000 for a third or subsequent
386 conviction.

387 (b) ~~By~~ Imprisonment for:

388 1. Not more than 9 months for a first conviction.

389 2. Not more than 12 months for a second conviction.

390 (c) In addition to the penalties provided in paragraphs (a)
391 and (b), the mandatory placement of an ignition interlock device
392 as ordered by the court and approved by the department in
393 accordance with s. 316.1938 upon all vehicles and vessels that
394 are individually or jointly leased or owned and routinely
395 operated by the convicted person, when the convicted person
396 qualifies for a permanent or restricted license. The ignition
397 interlock device must be installed at the convicted person's
398 sole expense for not less than 6 continuous months for the first
399 offense and for not less than 2 continuous years for a second
400 offense.

401
402 The clerk shall remit the portion of a fine imposed in excess of
403 \$1,000 pursuant to subparagraph (a)1. and the portion of a fine
404 imposed in excess of \$2,000 pursuant to subparagraph (a)2. or
405 subparagraph (a)3., ~~shall be remitted by the clerk to the~~
406 Department of Revenue for deposit into the General Revenue Fund.

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407 For the purposes of this subsection, only the instant offense is
408 required to be a violation of subsection (1) by a person who has
409 a blood-alcohol level or breath-alcohol level of 0.15 or higher.

410 (5) In addition to any sentence or fine, the court shall
411 place any offender convicted of violating this section on
412 monthly reporting probation and shall require attendance at a
413 substance abuse course specified by the court.~~;~~ ~~and~~

414 (a) The agency conducting the substance abuse course may
415 refer the offender to an authorized service provider for
416 substance abuse evaluation and treatment, which must include a
417 psychosocial evaluation of the offender, in addition to any
418 sentence or fine imposed under this section. If the agency
419 conducting the substance abuse course makes such a referral in
420 addition to any sentence or fine imposed under this section, the
421 completion of all such education, evaluation, and treatment is a
422 condition of reporting probation. The offender shall assume
423 reasonable costs for such education, evaluation, and treatment,
424 ~~with completion of all such education, evaluation, and treatment~~
425 ~~being a condition of reporting probation~~. A referral to
426 treatment resulting from a psychosocial evaluation may not be
427 waived without a supporting independent psychosocial evaluation
428 conducted by an authorized substance abuse treatment provider
429 ~~agency~~ appointed by the court. The provider must be provided
430 access to the agency's substance abuse course's psychosocial
431 evaluation before the independent psychosocial evaluation is
432 conducted ~~and with access to the original evaluation~~. The
433 offender shall bear the cost of this procedure. The court shall
434 review the results and recommendations of both evaluations
435 before determining the request for a waiver.

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436 (b) If an offender is referred to treatment under this
437 subsection and he or she fails to report for or complete such
438 treatment or fails to complete the agency's substance abuse
439 education course and evaluation, the agency must notify the
440 court and the department of the failure. Upon receipt of the
441 notice, the department must cancel the offender's driving
442 privilege, notwithstanding the terms of the court order or any
443 suspension or revocation of the driving privilege. The
444 department may temporarily reinstate the driving privilege on a
445 restricted basis upon verification from the agency that the
446 offender is currently participating in treatment and that both
447 the substance abuse education course and evaluation requirement
448 have been completed. If the agency notifies the department of a
449 second failure to complete treatment, the department may
450 reinstate the driving privilege only after notice of completion
451 of treatment from the agency.

452 (c) An agency that conducts an offender's substance abuse
453 education and evaluation may not provide required substance
454 abuse treatment unless a waiver has been granted to that
455 organization by the department. A waiver may be granted only if
456 the department, in accordance with department rule, determines
457 that the service provider conducting the substance abuse
458 education and evaluation is the most appropriate service
459 provider and is licensed under chapter 397 or is exempt from
460 such licensure. Organizations authorized to provide services
461 under this section must submit quarterly statistical referral
462 reports to the department.

463 (d) As used in this subsection, the term "substance abuse"
464 means the abuse of alcohol or any substance named or described

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465 in Schedules I-V of s. 893.03.

466 (6) With respect to a ~~any~~ person convicted of violating a
467 ~~violation of~~ subsection (1), regardless of any other penalty
468 imposed:

469 (a) For the first conviction, the court shall place the
470 defendant on probation for a period not to exceed 1 year and, as
471 a condition of such probation, shall order the defendant to
472 participate in public service or a community work project for a
473 minimum of 50 hours. The court must also, as a condition of
474 probation, order the impoundment or immobilization of the vessel
475 that was operated by or in the actual control of the defendant
476 or any one vehicle registered in the defendant's name at the
477 time of impoundment or immobilization, for a period of 10 days
478 or for the unexpired term of any lease or rental agreement that
479 expires within 10 days. The impoundment or immobilization may
480 ~~must~~ not occur concurrently with the incarceration of the
481 defendant. The impoundment or immobilization order may be
482 dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), or
483 paragraph (g). The total period of probation and incarceration
484 may not exceed 1 year.

485 (b) For the second conviction for an offense that occurs
486 within a period of 5 years after the date of a prior conviction
487 for violation of this section, the court shall order
488 imprisonment for not less than 10 days. The court may order a
489 defendant to pay a fine of \$10 for each hour of public service
490 or community work otherwise required only if the court finds
491 that the residence or location of the defendant at the time
492 public service or community work is required or the defendant's
493 employment obligations would create an undue hardship for the

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494 defendant. However, the total period of probation and
495 incarceration may not exceed 1 year. The court shall ~~must~~ also,
496 as a condition of probation, order the impoundment or
497 immobilization of the vessel that was operated by or in the
498 actual control of the defendant or any one vehicle registered in
499 the defendant's name at the time of impoundment or
500 immobilization, for a period of 10 ~~30~~ days or for the unexpired
501 term of any lease or rental agreement that expires within 10 ~~30~~
502 days. The impoundment or immobilization must not occur
503 concurrently with the incarceration of the defendant. The
504 impoundment or immobilization order may be dismissed in
505 accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph
506 (g). At least 48 hours of confinement must be consecutive.

507 (c) For the third or subsequent conviction for an offense
508 that occurs within a period of 10 years after the date of a
509 prior conviction for violation of this section, the court shall
510 order imprisonment for not less than 30 days. The court shall
511 ~~must~~ also, as a condition of probation, order the impoundment or
512 immobilization of the vessel that was operated by or in the
513 actual control of the defendant or any one vehicle registered in
514 the defendant's name at the time of impoundment or
515 immobilization, for a period of 90 days or for the unexpired
516 term of any lease or rental agreement that expires within 90
517 days. The impoundment or immobilization must not occur
518 concurrently with the incarceration of the defendant. The
519 impoundment or immobilization order may be dismissed in
520 accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph
521 (g). At least 48 hours of confinement must be consecutive.

522 (d) The court shall ~~must~~ at the time of sentencing the

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523 defendant issue an order for the impoundment or immobilization
524 of a vessel. Within 7 business days after the date that the
525 court issues the order of impoundment, and once again 30
526 business days before the actual impoundment or immobilization of
527 the vessel, the clerk of the court must send notice by certified
528 mail, return receipt requested, to the registered owner of each
529 vessel, if the registered owner is a person other than the
530 defendant, and to each person of record claiming a lien against
531 the vessel.

532 (e) A person who owns but was not operating the vessel when
533 the offense occurred may submit to the court a police report
534 indicating that the vessel was stolen at the time of the offense
535 or documentation of having purchased the vessel after the
536 offense was committed from an entity other than the defendant or
537 the defendant's agent. If the court finds that the vessel was
538 stolen or that the sale was not made to circumvent the order and
539 allow the defendant continued access to the vessel, the order
540 must be dismissed and the owner of the vessel will incur no
541 costs. If the court denies the request to dismiss the order of
542 impoundment or immobilization, the petitioner may request an
543 evidentiary hearing.

544 (f) A person who owns but was not operating the vessel when
545 the offense occurred, and whose vessel was stolen or who
546 purchased the vessel after the offense was committed directly
547 from the defendant or the defendant's agent, may request an
548 evidentiary hearing to determine whether the impoundment or
549 immobilization should occur. If the court finds that either the
550 vessel was stolen or the purchase was made without knowledge of
551 the offense, that the purchaser had no relationship to the

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552 defendant other than through the transaction, and that such
553 purchase would not circumvent the order and allow the defendant
554 continued access to the vessel, the order must be dismissed and
555 the owner of the vessel will incur no costs.

556 (g) All costs and fees for the impoundment or
557 immobilization, including the cost of notification, must be paid
558 by the owner of the vessel or, if the vessel is leased or
559 rented, by the person leasing or renting the vessel, unless the
560 impoundment or immobilization order is dismissed.

561 (h) The person who owns a vessel that is impounded or
562 immobilized under this paragraph, or a person who has a lien of
563 record against such a vessel and who has not requested a review
564 of the impoundment pursuant to paragraph (e) or paragraph (f),
565 may, within 10 days after the date that person has knowledge of
566 the location of the vessel, file a complaint in the county in
567 which the owner resides to determine whether the vessel was
568 wrongfully taken or withheld from the owner or lienholder. Upon
569 the filing of a complaint, the owner or lienholder may have the
570 vessel released by posting with the court a bond or other
571 adequate security equal to the amount of the costs and fees for
572 impoundment or immobilization, including towing or storage, to
573 ensure the payment of the costs and fees if the owner or
574 lienholder does not prevail. When the bond is posted and the fee
575 is paid as set forth in s. 28.24, the clerk of the court shall
576 issue a certificate releasing the vessel. At the time of
577 release, after reasonable inspection, the owner or lienholder
578 must give a receipt to the towing or storage company indicating
579 any loss or damage to the vessel or to the contents of the
580 vessel.

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581 (i) A defendant, in the court's discretion, may be required
582 to serve all or any portion of a term of imprisonment to which
583 the defendant has been sentenced pursuant to this section in a
584 residential alcoholism treatment program or a residential drug
585 abuse treatment program. Any time spent in such a program must
586 be credited by the court toward the term of imprisonment.

587

588 For the purposes of this section, any conviction for a violation
589 of s. 316.193, a previous conviction for the violation of former
590 s. 316.1931, former s. 860.01, or former s. 316.028, or a
591 previous conviction outside this state for driving under the
592 influence, driving while intoxicated, driving with an unlawful
593 blood-alcohol level, driving with an unlawful breath-alcohol
594 level, or any other similar alcohol-related or drug-related
595 traffic offense, is also considered a previous conviction for
596 violation of this section.

597 (10) Notwithstanding any sentence or fine imposed by law or
598 the court, a person convicted of violating subsection (1) and
599 one or more additional criminal violations under this chapter,
600 whether arising from the same incident or from other incidents
601 occurring within the 12 months preceding the violation of
602 subsection (1), must maintain an insurance policy insuring
603 against loss from liability for bodily injury, death, and
604 property damage arising out of the ownership, maintenance, or
605 use of a vessel. Such insurance policy must contain limits of
606 not less than \$100,000 for bodily injury liability or death and
607 \$50,000 for property damage. A person who operates a vessel
608 without such insurance policy commits a misdemeanor of the
609 second degree, punishable as provided in s. 775.082 or s.

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610 775.083.

611 Section 7. Effective October 1, 2027, paragraph (a) of
612 subsection (1) of section 327.352, Florida Statutes, is amended
613 to read:

614 327.352 Tests for alcohol, chemical substances, or
615 controlled substances; implied consent; refusal.—

616 (1)(a)1. The Legislature declares that the operation of a
617 vessel is a privilege that must be exercised in a reasonable
618 manner. In order to protect the public health and safety, it is
619 essential that a lawful and effective means of reducing the
620 incidence of boating while impaired or intoxicated be
621 established. Therefore, a person who accepts the privilege
622 extended by the laws of this state of operating a vessel within
623 this state is, by operating such vessel, deemed to have given
624 his or her consent to submit to an approved chemical test or
625 physical test including, but not limited to, an infrared light
626 test of his or her breath for the purpose of determining the
627 alcoholic content of his or her blood or breath if the person is
628 lawfully arrested for any offense allegedly committed while the
629 person was operating a vessel while under the influence of
630 alcoholic beverages. The chemical or physical breath test must
631 be incidental to a lawful arrest and administered at the request
632 of a law enforcement officer who has reasonable cause to believe
633 such person was operating the vessel within this state while
634 under the influence of alcoholic beverages. The administration
635 of a breath test does not preclude the administration of another
636 type of test. The person must ~~shall~~ be told that his or her
637 failure to submit to a ~~any~~ lawful test of his or her breath
638 under this chapter will result in a suspension of the person's

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639 privilege to operate a vessel for a period of 1 year for a first
640 refusal or for a period of 18 months if his or her privilege to
641 operate a vessel has been previously suspended or if he or she
642 has been fined for a prior refusal to submit to a lawful test of
643 his or her breath, urine, or blood as required under this
644 chapter or chapter 316. The person must also be told ~~civil~~
645 ~~penalty of \$500,~~ and that if he or she refuses to submit to a
646 lawful test of his or her breath and he or she has been
647 previously fined under s. 327.35215 or his or her driving
648 privilege has been previously suspended for refusal to submit to
649 any lawful test of his or her breath, urine, or blood, under
650 this chapter or chapter 316, he or she commits a misdemeanor of
651 the first degree, punishable as provided in s. 775.082 or s.
652 775.083, in addition to any other penalties provided by law. The
653 refusal to submit to a chemical or physical breath test upon the
654 request of a law enforcement officer as provided in this section
655 is admissible into evidence in any criminal proceeding.

656 2. A person who accepts the privilege extended by the laws
657 of this state of operating a vessel within this state is, by
658 operating such vessel, deemed to have given his or her consent
659 to submit to a urine test for the purpose of detecting the
660 presence of chemical substances as set forth in s. 877.111 or
661 controlled substances if the person is lawfully arrested for any
662 offense allegedly committed while the person was operating a
663 vessel while under the influence of chemical substances or
664 controlled substances. The urine test must be incidental to a
665 lawful arrest and administered at a detention facility or any
666 other facility, mobile or otherwise, which is equipped to
667 administer such tests at the request of a law enforcement

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668 officer who has reasonable cause to believe such person was
669 operating a vessel within this state while under the influence
670 of chemical substances or controlled substances. The urine test
671 must be administered at a detention facility or any other
672 facility, mobile or otherwise, which is equipped to administer
673 such test in a reasonable manner that will ensure the accuracy
674 of the specimen and maintain the privacy of the individual
675 involved. The administration of a urine test does not preclude
676 the administration of another type of test. The person must
677 ~~shall~~ be told that his or her failure to submit to a any lawful
678 test of his or her urine under this chapter will result in
679 suspension of the person's privilege to operate a vessel for a
680 period of 1 year for the first refusal, or for a period of 18
681 months if his or her privilege to operate a vessel or to operate
682 a vehicle has been previously suspended under s. 327.35215 or
683 chapter 316. The person must also be told a civil penalty of
684 ~~\$500, and~~ that if he or she refuses to submit to a lawful test
685 of his or her urine and he or she has been previously fined
686 under s. 327.35215 or his or her driving privilege has been
687 previously suspended for refusal to submit to any lawful test of
688 his or her breath, urine, or blood, he or she commits a
689 misdemeanor of the first degree, punishable as provided in s.
690 775.082 or s. 775.083, in addition to any other penalties
691 provided by law. The refusal to submit to a urine test upon the
692 request of a law enforcement officer as provided in this section
693 is admissible into evidence in any criminal proceeding.

694 Section 8. Subsections (1), (2), and (4) of section
695 327.395, Florida Statutes, are amended to read:

696 327.395 Boating safety education.-

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697 (1) Effective July 1, 2028, a person operating ~~born on or~~
698 ~~after January 1, 1988,~~ may not operate a vessel powered by a
699 motor of 10 horsepower or greater must have ~~unless such person~~
700 ~~has~~ in his or her possession aboard the vessel the documents
701 required by subsection (2).

702 (2) While operating a vessel, a person ~~identified under~~
703 ~~subsection (1)~~ must have in his or her possession aboard the
704 vessel photographic identification and a Florida boating safety
705 identification card issued by the commission; a state-issued
706 identification card or driver license indicating possession of
707 the Florida boating safety identification card; or photographic
708 identification and a temporary certificate issued or approved by
709 the commission, an International Certificate of Competency, a
710 boating safety card or certificate from another state or United
711 States territory, or a Canadian Pleasure Craft Operator Card,
712 which shows that he or she has done one of the following:

713 (a) Completed a commission-approved boating safety
714 education course that meets the minimum requirements established
715 by the National Association of State Boating Law
716 Administrators. ~~†~~

717 (b) Passed a temporary certificate examination developed or
718 approved by the commission. ~~†~~

719 (c) Obtained a valid International Certificate of
720 Competency. ~~† or~~

721 (d) Completed a boating safety education course or
722 equivalency examination in another state, a United States
723 territory, or Canada which meets or exceeds the minimum
724 requirements established by the National Association of State
725 Boating Law Administrators.

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726 (4) A commission-approved boating safety education course
727 or temporary certificate examination developed or approved by
728 the commission must include components regarding all of the
729 following:

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

732 (b) The danger associated with:

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

736 2. A passenger falling overboard.

737 3. Operating a vessel with a person in the water near the
738 vessel.

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

740 5. Leaving the vessel running when a passenger is boarding
741 or disembarking.

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

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

745 (d) Human trafficking awareness.

746

747 The commission must include the components under this subsection
748 in boating safety education campaigns and in educational
749 materials produced by the commission, as appropriate.

750 Section 9. Subsections (1), (3), (4) and (5) of section
751 327.731, Florida Statutes, are amended to read:

752 327.731 Mandatory education for violators.—

753 (1) A person convicted of a noncriminal infraction as
754 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y)

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755 must do all of the following:

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

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

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

767 a. The boating laws of this state.

768 b. Causes and prevention of boating accidents.

769 c. The importance of wearing personal flotation devices.

770 d. The use of common sense and common courtesy while
771 operating a vessel.

772 e. How to operate a vessel defensively. ~~a classroom or~~
773 ~~online boating safety course that is approved by and meets the~~
774 ~~minimum standards established by commission rule;~~

775 (b) File with the commission within 90 days proof of
776 successful completion of the course. ~~;~~ ~~and~~

777 (c) Refrain from operating a vessel until he or she has
778 filed proof of successful completion of the course with the
779 commission.

780 (3) As used in ~~For the purposes of~~ this section, the terms
781 "convicted" and "conviction" mean ~~means~~ a finding of guilt, or
782 the acceptance of a plea of guilty or nolo contendere,
783 regardless of whether ~~or not~~ adjudication was withheld or

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784 whether imposition of sentence was withheld, deferred, or
 785 suspended. A ~~Any~~ person who operates a vessel on the waters of
 786 this state in violation of ~~the provisions of~~ this section
 787 commits ~~is guilty of~~ a misdemeanor of the second degree,
 788 punishable as provided in s. 775.082 or s. 775.083.

789 (4) The commission shall print on the reverse side of the
 790 defendant's copy of the boating citation a notice of the
 791 provisions of this section. Upon conviction, the clerk of the
 792 court shall notify the defendant that it is unlawful for him or
 793 her to operate any vessel until he or she has complied with this
 794 section, but failure of the clerk of the court to provide such a
 795 notice is ~~shall~~ not ~~be~~ a defense to a charge of unlawful
 796 operation of a vessel under subsection (3).

797 (5) The commission shall:

798 (a) Maintain a program to ensure compliance with the
 799 mandatory boating safety education requirements under this
 800 section. This program must:

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

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

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

806 Section 10. Effective October 1, 2027, paragraph (c) of
 807 subsection (2) of section 119.0712, Florida Statutes, is amended
 808 to read:

809 119.0712 Executive branch agency-specific exemptions from
 810 inspection or copying of public records.—

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

812 (c) E-mail addresses collected by the Department of Highway

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813 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
 814 320.95(2), or s. 322.08(11) ~~s. 322.08(10)~~ are exempt from s.
 815 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 816 exemption applies retroactively.

817 Section 11. Paragraph (f) of subsection (3) of section
 818 921.0022, Florida Statutes, is amended to read:

819 921.0022 Criminal Punishment Code; offense severity ranking
 820 chart.—

821 (3) OFFENSE SEVERITY RANKING CHART

822 (f) LEVEL 6

823

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
327.30(5)(a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
<u>327.33(3)(a)</u>	<u>3rd</u>	<u>Vessel accidents causing</u>

828

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serious bodily injury or
death but not reckless
operation of a vessel.

829

400.9935 (4) (c)

2nd

Operating a clinic, or offering services requiring licensure, without a license.

830

499.0051 (2)

2nd

Knowing forgery of transaction history, transaction information, or transaction statement.

831

499.0051 (3)

2nd

Knowing purchase or receipt of prescription drug from unauthorized person.

832

499.0051 (4)

2nd

Knowing sale or transfer of prescription drug to unauthorized person.

833

775.0875 (1)

3rd

Taking firearm from law enforcement officer.

834

784.021 (1) (a)

3rd

Aggravated assault; deadly weapon without

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intent to kill.

835

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

836

784.041

3rd

Felony battery; domestic
battery by
strangulation.

837

784.048 (3)

3rd

Aggravated stalking;
credible threat.

838

784.048 (5)

3rd

Aggravated stalking of
person under 16.

839

784.07 (2) (c)

2nd

Aggravated assault on
law enforcement officer.

840

784.074 (1) (b)

2nd

Aggravated assault on
sexually violent
predators facility
staff.

841

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

842

784.081 (2)

2nd

Aggravated assault on
specified official or

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employee.

843

784.082 (2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

844

784.083 (2)

2nd

Aggravated assault on
code inspector.

845

787.02 (2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

846

787.025 (2) (a)

3rd

Luring or enticing a
child.

847

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

848

790.161 (2)

2nd

Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

849

790.164 (1)

2nd

False report concerning
bomb, explosive, weapon

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of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

850

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

851

794.011 (8) (a)

3rd

Solicitation of minor to
participate in sexual
activity by custodial
adult.

852

794.05 (1)

2nd

Unlawful sexual activity
with specified minor.

853

800.04 (5) (d)

3rd

Lewd or lascivious
molestation; victim 12
years of age or older
but less than 16 years
of age; offender less
than 18 years.

854

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

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855

806.031 (2) 2nd Arson resulting in great
bodily harm to
firefighter or any other
person.

856

810.02 (3) (c) 2nd Burglary of occupied
structure; unarmed; no
assault or battery.

857

810.145 (8) (b) 2nd Digital voyeurism;
certain minor victims;
2nd or subsequent
offense.

858

812.014 (2) (b) 1. 2nd Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

859

812.014 (2) (c) 5. 3rd Grand theft; third
degree; firearm.

860

812.014 (6) 2nd Theft; property stolen
\$3,000 or more;
coordination of others.

861

812.015 (9) (a) 2nd Retail theft; property
stolen \$750 or more;

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second or subsequent conviction.

862

812.015 (9) (b)

2nd

Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.

863

812.015 (9) (d)

2nd

Retail theft; multiple thefts within specified period.

864

812.015 (9) (e)

2nd

Retail theft; committed with specified number of other persons and use of social media platform.

865

812.13 (2) (c)

2nd

Robbery, no firearm or other weapon (strong-arm robbery).

866

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

867

817.49 (2) (b) 2.

2nd

Willful making of a false report of a crime

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resulting in death.

868

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

869

817.5695 (3) (b)

2nd

Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.

870

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

871

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

872

825.1025 (3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

873

825.103 (3) (c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

874

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875	827.03 (2) (c)	3rd	Abuse of a child.
876	827.03 (2) (d)	3rd	Neglect of a child.
877	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
878	828.126 (3)	3rd	Sexual activities involving animals.
879	836.05	2nd	Threats; extortion.
880	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
881	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene

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materials depicting
minors.

882

847.012

3rd

Knowingly using a minor
in the production of
materials harmful to
minors.

883

847.0135 (2)

3rd

Facilitates sexual
conduct of or with a
minor or the visual
depiction of such
conduct.

884

893.131

2nd

Distribution of
controlled substances
resulting in overdose or
serious bodily injury.

885

914.23

2nd

Retaliation against a
witness, victim, or
informant, with bodily
injury.

886

918.13 (2) (b)

2nd

Tampering with or
fabricating physical
evidence relating to a
capital felony.

887

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944.35 (3) (a) 2.

3rd

Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

888

944.40

2nd

Escapes.

889

944.46

3rd

Harboring, concealing, aiding escaped prisoners.

890

944.47 (1) (a) 5.

2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

891

951.22 (1) (i)

3rd

Firearm or weapon introduced into county detention facility.

892

893 Section 12. For the purpose of incorporating the amendment
 894 made by this act to section 327.395, Florida Statutes, in a
 895 reference thereto, subsection (4) of section 327.54, Florida
 896 Statutes, is reenacted to read:

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897 327.54 Liveries; safety regulations; penalty.—

898 (4) A livery may not knowingly lease or rent a vessel to a
899 person who is required to comply with s. 327.395 unless such
900 person presents to the livery the documentation required by s.
901 327.395(2) for the operation of a vessel or meets the exemption
902 provided under s. 327.395(6)(f).

903 Section 13. Except as otherwise expressly provided in this
904 act, this act shall take effect July 1, 2026.