

By Senator Pizzo

38-01262-21

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1 A bill to be entitled
2 An act relating to vessel safety; amending s. 327.30,
3 F.S.; revising the penalties for persons operating a
4 vessel involved in an accident or injury who leave the
5 scene of the accident or injury under certain
6 circumstances; providing graduated penalties depending
7 on the level of damage to property or person; defining
8 the term "serious bodily injury"; providing a
9 mandatory minimum sentence for a person who willfully
10 commits such violation resulting in the death of
11 another while boating under the influence; amending s.
12 327.33, F.S.; providing increased criminal penalties
13 for the reckless operation of a vessel which causes
14 seriously bodily injury to another; defining the term
15 "serious bodily injury"; amending s. 327.35, F.S.;
16 providing that a person commits boating under the
17 influence manslaughter when their impaired operation
18 of a vessel causes the death of an unborn child;
19 defining the term "unborn child"; providing a
20 mandatory minimum sentence for a conviction for such a
21 violation; amending s. 782.072, F.S.; revising the
22 definition of the term "vessel homicide" to include
23 the killing of an unborn child by causing injury to
24 the mother by operation of a vessel in a reckless
25 manner under certain circumstances; defining the term
26 "unborn child"; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (5) of section 327.30, Florida
31 Statutes, is amended to read:

32 327.30 Collisions, accidents, and casualties.—

33 (5) It is unlawful for a person operating a vessel involved
34 in an accident or injury to leave the scene of the accident or
35 injury without giving all possible aid to all persons involved
36 and making a reasonable effort to locate the owner or persons
37 affected and subsequently complying with and notifying the
38 appropriate law enforcement official as required under this
39 section. If a Any person who violates this subsection and the
40 with respect to an accident results resulting in: personal
41 injury commits a felony of the third degree, punishable as
42 provided in s. 775.082, s. 775.083, or s. 775.084. Any person
43 who violates this subsection with respect to an accident
44 resulting in property damage only commits a misdemeanor of the
45 second degree, punishable as provided in s. 775.082 or s.
46 775.083.

47 (a) Property damage, the person commits a misdemeanor of
48 the first degree, punishable as provided in s. 775.082, s.
49 775.083, or s. 775.084;

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

53 (c) Serious bodily injury, the person commits a felony of
54 the second degree, punishable as provided in s. 775.082, s.
55 775.083, or s. 775.084. As used in this paragraph, the term
56 “serious bodily injury” means an injury to a person, including
57 the operator, which consists of a physical condition that
58 creates a substantial risk of death, serious personal

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59 disfigurement, or protracted loss or impairment of the function
60 of a bodily member or organ; or

61 (d) The death of another person, the person commits a
62 felony of the first degree, punishable as provided in s.
63 775.082, s. 775.083, or s. 775.084. A person who willfully
64 commits such a violation of this subsection while operating a
65 vessel under the influence as set forth in s. 327.35 shall be
66 sentenced to a mandatory minimum term of imprisonment of 4
67 years.

68 Section 2. Subsection (1) of section 327.33, Florida
69 Statutes, is amended to read:

70 327.33 Reckless or careless operation of vessel.—

71 (1) It is unlawful to operate a vessel in a reckless
72 manner. A person who operates any vessel, or manipulates any
73 water skis, aquaplane, or similar device, in willful or wanton
74 disregard for the safety of persons or property at a speed or in
75 a manner as to endanger, or likely to endanger, life or limb, or
76 damage the property of, or injure a person is guilty of reckless
77 operation of a vessel. Reckless operation of a vessel includes,
78 but is not limited to, a violation of s. 327.331(6). A person
79 who violates this subsection:

80 (a) Except as provided in paragraph (b), commits a
81 misdemeanor of the first degree, punishable as provided in s.
82 775.082 or s. 775.083; ~~or.~~

83 (b) While operating a vessel and who, by reason of such
84 operation causes serious bodily injury to another, commits a
85 felony of the third degree, punishable as provided in s.
86 775.082, s. 775.083, or s. 775.084. As used in this paragraph,
87 the term "serious bodily injury" means an injury to another

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88 person which consists of a physical condition that creates a
89 serious personal disfigurement or protracted loss or impairment
90 of the function of a bodily member or organ.

91 Section 3. Subsection (3) of section 327.35, Florida
92 Statutes, is amended to read:

93 327.35 Boating under the influence; penalties; "designated
94 drivers."—

95 (3) Any person:

96 (a) Who is in violation of subsection (1);

97 (b) Who operates a vessel; and

98 (c) Who, by reason of such operation, causes or contributes
99 to causing:

100 1. Damage to the property or person of another commits a
101 misdemeanor of the first degree, punishable as provided in s.
102 775.082 or s. 775.083.

103 2. Serious bodily injury to another, as defined in s.
104 327.353, commits a felony of the third degree, punishable as
105 provided in s. 775.082, s. 775.083, or s. 775.084.

106 3. The death of any human being or unborn child commits BUI
107 manslaughter, and commits:

108 a. A felony of the second degree, punishable as provided in
109 s. 775.082, s. 775.083, or s. 775.084.

110 b. A felony of the first degree, punishable as provided in
111 s. 775.082, s. 775.083, or s. 775.084, if:

112 (I) At the time of the accident, the person knew, or should
113 have known, that the accident occurred; and

114 (II) The person failed to give information and render aid
115 as required by s. 327.30.

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117 This sub-subparagraph does not require that the person knew that
118 the accident resulted in injury or death.

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120 For the purposes of this subsection, the term "unborn child" has
121 the same meaning as in s. 775.021(5)(e). A person who is
122 convicted of BUI manslaughter shall be sentenced to a mandatory
123 minimum term of imprisonment of 4 years.

124 Section 4. Section 782.072, Florida Statutes, is amended to
125 read:

126 782.072 Vessel homicide.—"Vessel homicide" is the killing
127 of a human being, or the killing of an unborn child by causing
128 an injury to the mother, by the operation of a vessel as defined
129 in s. 327.02 by another in a reckless manner likely to cause the
130 death of, or great bodily harm to, another. Vessel homicide is:

131 (1) A felony of the second degree, punishable as provided
132 in s. 775.082, s. 775.083, or s. 775.084.

133 (2) A felony of the first degree, punishable as provided in
134 s. 775.082, s. 775.083, or s. 775.084, if:

135 (a) At the time of the accident, the person knew, or should
136 have known, that the accident occurred; and

137 (b) The person failed to give information and render aid as
138 required by s. 327.30(1).

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

142 (3) For purposes of this section, the term "unborn child"
143 has the same meaning as in s. 775.021(5)(e).

144 Section 5. This act shall take effect July 1, 2021.