

By Senator Rodriguez

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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;
8 providing a mandatory minimum sentence for a person
9 who willfully commits such a violation resulting in
10 the death of another while boating under the
11 influence; defining the term "serious bodily injury";
12 amending s. 327.33, F.S.; providing increased criminal
13 penalties for the reckless operation of a vessel which
14 causes serious bodily injury to another; defining the
15 term "serious bodily injury"; amending s. 327.35,
16 F.S.; providing that a person commits boating under
17 the influence manslaughter when his or her impaired
18 operation of a vessel causes the death of an unborn
19 child; defining the term "unborn child"; providing a
20 mandatory minimum sentence for a conviction of boating
21 under the influence manslaughter; amending s. 782.072,
22 F.S.; revising the definition of the term "vessel
23 homicide" to include the killing of an unborn child by
24 causing injury to the mother by operation of a vessel
25 in a reckless manner under certain circumstances;
26 defining the term "unborn child"; amending ss. 327.70
27 and 327.73, F.S.; conforming cross-references;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Subsection (5) of section 327.30, Florida
33 Statutes, is amended to read:

34 327.30 Collisions, accidents, and casualties.—

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

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

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

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

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

53 4. The death of another person, the person commits a felony
54 of the first degree, punishable as provided in s. 775.082, s.
55 775.083, or s. 775.084. A person who willfully commits such a
56 violation of this subsection while operating a vessel under the
57 influence as set forth in s. 327.35(1) shall be sentenced to a
58 mandatory minimum term of imprisonment of 4 years.

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59 (b) As used in this subsection, the term "serious bodily
60 injury" means an injury to a person, including the vessel
61 operator, which consists of a physical condition that creates a
62 substantial risk of death, serious personal disfigurement, or
63 protracted loss or impairment of the function of a bodily member
64 or organ ~~personal injury commits a felony of the third degree,~~
65 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
66 ~~Any person who violates this subsection with respect to an~~
67 ~~accident resulting in property damage only commits a misdemeanor~~
68 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
69 ~~775.083.~~

70 Section 2. Present subsections (2), (3), and (4) of section
71 327.33, Florida Statutes, are redesignated as subsections (3),
72 (4), and (5), respectively, a new subsection (2) is added to
73 that section, and subsection (1) of that section is amended, to
74 read:

75 327.33 Reckless or careless operation of vessel.—

76 (1) It is unlawful to operate a vessel in a reckless
77 manner. A person who operates any vessel, or manipulates any
78 water skis, aquaplane, or similar device, in willful or wanton
79 disregard for the safety of persons or property at a speed or in
80 a manner as to endanger, or likely to endanger, life or limb, or
81 damage the property of, or injure a person is guilty of reckless
82 operation of a vessel. Reckless operation of a vessel includes,
83 but is not limited to, a violation of s. 327.331(6). Except as
84 provided in subsection (2), a person who violates this
85 subsection commits a misdemeanor of the first degree, punishable
86 as provided in s. 775.082 or s. 775.083.

87 (2) A person:

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- 88 (a) Who violates subsection (1);
- 89 (b) Who operates a vessel; and
- 90 (c) Who, by reason of such operation, causes serious bodily
- 91 injury to another commits a felony of the third degree,
- 92 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 93 As used in this subsection, the term "serious bodily injury"
- 94 means an injury to a person, including the vessel operator,
- 95 which consists of a physical condition that creates a
- 96 substantial risk of death, serious personal disfigurement, or
- 97 protracted loss or impairment of the function of a bodily member
- 98 or organ.

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

101 327.35 Boating under the influence; penalties; "designated
 102 drivers."—

103 (3) A ~~Any~~ person:

- 104 (a) Who violates ~~is in violation of~~ subsection (1);
- 105 (b) Who operates a vessel; and
- 106 (c) Who, by reason of such operation, causes or contributes
- 107 to causing:

108 1. Damage to the property or person of another commits a
 109 misdemeanor of the first degree, punishable as provided in s.
 110 775.082 or s. 775.083.

111 2. Serious bodily injury to another, as defined in s.
 112 327.353, commits a felony of the third degree, punishable as
 113 provided in s. 775.082, s. 775.083, or s. 775.084.

114 3. The death of any human being or unborn child, as defined
 115 in s. 775.021(5)(e), commits BUI manslaughter, and commits:

116 a. A felony of the second degree, punishable as provided in

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117 s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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125 A person who is convicted of BUI manslaughter shall be sentenced
126 to a mandatory minimum term of imprisonment of 4 years. This
127 Sub-subparagraph 3.b. does not require that the person knew that
128 the accident resulted in injury or death.

129 Section 4. Section 782.072, Florida Statutes, is amended to
130 read:

131 782.072 Vessel homicide.—“Vessel homicide” is the killing
132 of a human being, or the killing of an unborn child by causing
133 injury to the mother, by the operation of a vessel as defined in
134 s. 327.02 by another in a reckless manner likely to cause the
135 death of, or great bodily harm to, another. As used in this
136 section, the term “unborn child” has the same meaning as in s.
137 775.021(5)(e). Vessel homicide is:

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

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

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

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

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

Section 5. Paragraph (a) of subsection (3) of section 327.70, Florida Statutes, is amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(3) (a) Noncriminal violations of the following statutes may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on the waters of this state:

1. Section 327.33(4)(b) ~~327.33(3)(b)~~, relating to navigation rules.

2. Section 327.44, relating to interference with navigation.

3. Section 327.50(2), relating to required lights and shapes.

4. Section 327.53, relating to marine sanitation.

5. Section 328.48(5), relating to display of decal.

6. Section 328.52(2), relating to display of number.

7. Section 327.4107, relating to vessels at risk of becoming derelict.

8. Section 327.4109, relating to prohibited anchoring or mooring.

Section 6. Paragraphs (h) and (o) of subsection (1) of section 327.73, Florida Statutes, are amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(h) Section 327.33(3) ~~327.33(2)~~, relating to careless

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175 operation.

176 (o) Section 327.33(4)(b) ~~327.33(3)(b)~~, relating to a
177 violation of navigation rules:

178 1. That does not result in an accident; or

179 2. That results in an accident not causing serious bodily
180 injury or death, for which the penalty is:

181 a. For a first offense, up to a maximum of \$500.

182 b. For a second offense, up to a maximum of \$1,000.

183 c. For a third or subsequent offense, up to a maximum of
184 \$1,500.

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186 Any person cited for a violation of this subsection shall be
187 deemed to be charged with a noncriminal infraction, shall be
188 cited for such an infraction, and shall be cited to appear
189 before the county court. The civil penalty for any such
190 infraction is \$100, except as otherwise provided in this
191 section. Any person who fails to appear or otherwise properly
192 respond to a uniform boating citation, in addition to the charge
193 relating to the violation of the boating laws of this state,
194 must be charged with the offense of failing to respond to such
195 citation and, upon conviction, be guilty of a misdemeanor of the
196 second degree, punishable as provided in s. 775.082 or s.
197 775.083. A written warning to this effect shall be provided at
198 the time such uniform boating citation is issued.

199 Section 7. This act shall take effect July 1, 2024.