

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 58
 INTRODUCER: Senator Garcia
 SUBJECT: Boating Safety
 DATE: March 24, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Pre-meeting
2.	_____	_____	TR	_____
3.	_____	_____	FP	_____

I. Summary:

SB 58 amends multiple statutes relating to boating safety Specifically the bill:

- Amends ss. 322.051, and 322.14, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to issue an original, renewal or replacement identification cards and driver licenses with a lifetime boating safety identification card symbol upon the applicant’s identification or license if certain conditions are met. The bill requires the DHSMV to issue certain replacement identification cards or license without charging a specified fee.
- Amends s. 322.08, F.S., to require that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application.
- Amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury under certain circumstances. Providing graduated penalties depending on the level of damage to property or injury to person. The bill defines “Serious bodily injury.”
- Amends s. 327.33, F.S., to provide increased criminal penalties for the reckless operation of a vessel which causes serious bodily injury and for a person who violates a navigation rule while operating a vessel that results in an accident causing serious bodily injury or death but the violation does not constitute reckless operation of a vessel.
- Amends s. 327.35, F.S., to specify that a person must be in physical control of a vessel to commit BUI.
- Requires a person convicted of BUI manslaughter must be sentenced to a mandatory term of imprisonment of 4 years.
- Requires the court to order the mandatory placement of ignition interlock devices upon certain vehicles leased or owned and routinely operated by certain persons convicted of BUI, and permits the court to order ignition interlock in other circumstances.

- Revises the substance abuse education, evaluation, and treatment requirements for certain persons, and provides for the revocation or suspension of driving privileges for failure to complete a required substance abuse education course.
- Requires a person convicted of certain BUI violations to maintain an insurance policy to meet certain requirements.
- Amends s. 327.352, F.S., to revise penalties for a person operating a vessel who fails to submit to a lawful test of his or her breath or urine.
- Amends s. 327.395, F.S., to provide that while operating a vessel powered by a motor of 10 horsepower or more a person must have in his or her possession aboard the vessel specified documentation.
- Requires an FWC-approved boating safety education course or temporary certificate examination be developed or approved by the commission must include certain components, including the dangers of BUI and Human Trafficking.
- Amends s. 327.731, F.S., to revise the mandatory education requirements for a person convicted of certain violations.
- Amends s. 782.072, F.S., to revise the definition for “vessel homicide,” and “unborn child.”¹

The bill has an indeterminately positive fiscal impact. *See Section V. Fiscal Impact Statement.*

Sections 1, 2, 3, 6 and 7 of this bill are effective October 1, 2026. Section 8 of this bill is effective July 1, 2027. Except as otherwise expressly provided in this act, this bill takes effect July 1, 2025.

II. Present Situation:

Fish and Wildlife Conservation Commission

The FWC is responsible for regulating, managing, protecting, and conserving the state’s fish and wildlife resources.² Chapter 327, F.S., concerning vessel safety, is enforced by the FWC’s Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.³

The Division of Law Enforcement manages the state’s waterways to ensure boating safety for Florida residents and visitors.⁴ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the

¹ Section 775.021(5)(e), F.S.

² FLA. CONST. art. IV, s. 9. There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The FWC shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the FWC shall be prescribed by general law.

³ Section 327.70(1), F.S.

⁴ Fish and Wildlife Conservation Commission (FWC), *Boating*, available at <https://myfwc.com/boating/> (last visited February 27, 2025).

waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁵

Boating Safety Education and Identification Cards

A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel the following:

- Photographic identification and a Florida boating safety identification card issued by the FWC;
- A state-issued identification card or driver license indicating possession of the Florida boating safety identification card; or
- Photographic identification and a temporary certificate issued or approved by the FWC, an International Certificate of Competency, a boating safety card or certificate from another state or United States territory, or a Canadian Pleasure Craft Operator Card.⁶

A person is exempt from the requirement to have the specified identification and documentation described above if he or she:

- Is licensed by the United States Coast Guard to serve as master of a vessel;⁷ or
- Has been previously licensed by the United States Coast Guard to serve as master of a vessel, provides proof of such licensure to the FWC, and requests that a boating safety identification card be issued in his or her name.⁸
- Operates a vessel on a private lake or pond.⁹
- Is accompanied in the vessel by a person who is exempt from this section or who holds a boating safety identification card in compliance with this section, who is 18 years of age or older, and who is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel.¹⁰
- Is a nonresident who has in his or her possession photographic identification and proof that he or she has completed a boating safety education course or equivalency examination in another state or a United States territory which meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators.¹¹
- Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale meeting the requirements of s. 328.46(1), F.S.¹²

⁵ Fish and Wildlife Conservation Commission (FWC), *Law Enforcement*, available at <https://myfwc.com/about/inside-fwc/le/> (last visited February 27, 2025). The FWC's Division of Law Enforcement is responsible for protecting Florida's natural resources, including fish, wildlife and the environment, while providing a safe atmosphere for residents and visitors to recreate. Fish and Wildlife Conservation Commission (FWC) officers have full police powers and statewide jurisdiction. They patrol rural, wilderness and inshore and offshore areas and are often the sole law enforcement presence in many remote parts of the state. The Division of Law Enforcement has cooperative agreements with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Officers are also cross-deputized to enforce federal marine fisheries and wildlife laws, thus ensuring state and federal consistency in resource-protection efforts.

⁶ Section 327.395(2), F.S.

⁷ Section 327.395(6)(a)1., F.S.

⁸ Section 327.395(6)(a)2., F.S.

⁹ Section 327.395(6)(b), F.S.

¹⁰ Section 327.395(6)(c), F.S.

¹¹ Section 327.395(6)(d), F.S.

¹² Section 327.395(6)(e), F.S.

- Is operating a vessel within 90 days after completing a boating safety education course and has a photographic identification card and a boating safety education certificate available for inspection as proof of having completed a boating safety education course. The boating safety education certificate must provide, at a minimum, the student's first and last name, the student's date of birth, and the date that he or she passed the course examination.¹³
- Is exempted by rule of the FWC.¹⁴

A person may obtain a Florida boating safety identification card by successfully completing a boating safety education course that meets the requirements and rules adopted by the FWC.¹⁵ A person may obtain a temporary certificate by passing a temporary certificate examination that meets the requirements of this section and rules adopted by the FWC pursuant to this section.¹⁶

An FWC-approved boating safety education course or temporary certificate examination developed or approved by the FWC must include components regarding:

- Driving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331, F.S.¹⁷
- The danger associated with:
 - A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.
 - A passenger falling overboard.
 - Operating a vessel with a person in the water near the vessel.
 - Starting a vessel with the engine in gear.
 - Leaving the vessel running when a passenger is boarding or disembarking.¹⁸
- The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.¹⁹

A Florida boating safety identification card issued to a person who has completed a boating safety education course is valid for life. A temporary certificate issued to a person who has passed a temporary certification examination is valid for 90 days after the date of issuance. The FWC may issue either the boating safety identification card or the temporary certificate in a digital, electronic, or paper format.²⁰ The FWC may establish and collect a \$2 fee for each card and temporary certificate issued.²¹

A boating safety education course is mandatory for persons convicted of certain boating safety violations. A person convicted of a criminal boating safety violation, of a noncriminal boating

¹³ Section 327.395(6)(f), F.S.

¹⁴ Section 327.395(6)(g), F.S.

¹⁵ Section 327.395(3)(a), F.S.

¹⁶ Section 327.395(3)(b), F.S.

¹⁷ Section 327.395(4)(a), F.S.

¹⁸ Section 327.395(4)(b)1-5, F.S.

¹⁹ Section 327.395(4)(c), F.S.

²⁰ Section 327.395(5), F.S.

²¹ Section 327.395(9), F.S.

safety infraction if it resulted in a reportable boating accident, or of two noncriminal infractions²² occurring within a 12-month period must:

- Enroll in, attend, and successfully complete, at his or her own expense, an FWC-approved classroom or online boating safety course;
- File with FWC within 90 days proof of successful completion of the course;
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course with FWC; and
- Pay a \$500 fine.²³

Boating Crimes

Vessel Homicide

Vessel homicide is the killing of a human being by the operation of a vessel by another in a reckless manner likely to cause the death of, or great bodily harm to, another.²⁴ Vessel homicide is generally a second degree felony;²⁵ however, it is a first degree felony if:

- At the time of the accident, the person knew or should have known, that the accident occurred;²⁶ and
- The person failed to give information and render aid as required.²⁷

Careless and Reckless Boating

Generally, a person may not operate a vessel in a reckless or careless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person, commits the first degree misdemeanor offense of reckless operation of a vessel.²⁸

A person must operate a vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed. Failing to operate a vessel in this manner is the noncriminal infraction of careless operation.²⁹

Leaving the Scene

²² The noncriminal boating safety infractions included relate to careless operation; water skiing, aquaplaning, parasailing, and similar activities; interference with navigation; boating-restricted areas and speed limits; required safety equipment, lights, and shapes; navigation rules; personal watercraft; boater safety education; operation of overloaded or overpowered vessels; divers-down warning devices; adequate mufflers on an airboat; display of a flag on an airboat; carelessly causing seagrass scarring; and protection zones for springs. Sections 327.731(1) and 327.73(1), F.S.

²³ Section 327.731(1)(d), F.S.

²⁴ Section 782.072, F.S.

²⁵ Section 782.072(1), F.S.

²⁶ Section 782.072(2)(a), F.S.

²⁷ Section 782.072(2)(b), F.S.

²⁸ Section 327.33(1), F.S.

²⁹ Section 327.33(2), F.S.

It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he or she can do so without serious danger to the operator's own vessel, crew, and passengers, to render assistance to other persons. Additionally, he or she must give his or her name, address, and identification of his or her vessel in writing to any person injured and to the owner of any property damaged. The operator must also take all reasonable steps to locate and notify the owner or person in charge of an unattended vessel involved in an accident.³⁰

A person commits a second degree misdemeanor for leaving the scene of a vessel involved in an accident, if such accident results in property damage only.

A person commits a third degree felony for leaving the scene of a vessel involved in an accident, if such accident results in personal injury.³¹

Boating Under the Influence

A person is guilty of BUI if the person is operating a vessel in this state and the person:

- Is under the influence of an alcoholic beverage, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under ch. 893, F.S., when affected to the extent that the person's normal faculties are impaired;³²
- Has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood;³³ or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.³⁴

The criminal penalties for BUI vary depending on numerous factors such as the number of prior convictions, the length of time between convictions, and the defendant's blood alcohol level.³⁵

The penalties for a first or second BUI offense includes:

- A fine of not less than \$500 or more than \$1,000 for a first conviction.³⁶
- A fine of not less than \$1,000 or more than \$2,000 for a second conviction.³⁷
- Imprisonment for not more than 6 months for a first conviction.³⁸
- Imprisonment for not more than 9 months for a second conviction.³⁹
- A period of probation not exceeding one year for a first conviction.⁴⁰
- A mandatory 50 hours of community service,⁴¹ and a mandatory 10-day vessel impoundment or immobilization for a first conviction.⁴²

³⁰ Section 327.30(1), F.S.

³¹ Section 327.30(5), F.S.

³² Section 327.35(1)(a), F.S.

³³ Section 327.35(1)(b), F.S.

³⁴ Section 327.35(1)(c), F.S.

³⁵ Section 327.35, F.S.

³⁶ Section 327.35(2)(a)1., F.S.

³⁷ Section 327.35(2)(a), F.S.

³⁸ Section 327.35(2)(a)2.a., F.S.

³⁹ Section 327.35(2)(a)2.b., F.S.

⁴⁰ Section 327.35(6)(a), F.S.

⁴¹ *Id.*

⁴² *Id.*

- A mandatory term of imprisonment of at least 10 days and a mandatory 30-day vessel impoundment or immobilization for a second conviction that occurs within a period of 5 years after the date of a prior conviction.⁴³

Any person who is convicted of a third BUI for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a third degree felony.⁴⁴ Additionally, the court must order imprisonment of at least 30 days, and order the impoundment or immobilization of the vessel for 90 days.⁴⁵

Any person who is convicted of a third BUI for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$2,000 or more than \$5,000 and by imprisonment for not more than 12 months.⁴⁶

Any person who is convicted of a fourth or subsequent BUI, regardless of when any prior conviction for a violation of this section occurred commits a third degree felony. The fine imposed for a fourth or subsequent violation may not be less than \$2,000.⁴⁷

Any person who commits BUI, who operates a vessel, and who by reason of such operation causes or contributes to causing:

- Damage to the property or person of another commits a first degree misdemeanor.⁴⁸
- Serious bodily injury to another commits a third degree felony.⁴⁹
- The death of any human being commits BUI manslaughter and commits a second degree felony.⁵⁰
- If at the time of the accident the person knew, or should have known, that the accident occurred and failed to give information and render aid, such person commits a first degree felony.⁵¹

Any person who is convicted of a BUI and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a BUI and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, must be punished:⁵²

- By a fine of:
 - Not less than \$1,000 or more than \$2,000 for a first conviction.⁵³
 - Not less than \$2,000 or more than \$4,000 for a second conviction.⁵⁴
 - Not less than \$4,000 or a third or subsequent conviction.⁵⁵

⁴³ Section 327.35(6)(b), F.S.

⁴⁴ Section 327.35(2)(b)1., F.S.

⁴⁵ Section 327.35(6)(c), F.S.

⁴⁶ Section 327.35(2)(b)2., F.S.

⁴⁷ Section 327.35(2)(b)3., F.S.

⁴⁸ Section 327.35(3)(c)1., F.S.

⁴⁹ Section 327.35(3)(c)2., F.S.

⁵⁰ Section 327.35(3)(c)3.a., F.S.

⁵¹ Section 327.35(3)(c)b., F.S., penalties for this subsection does not require that the person know that the accident resulted in injury or death.

⁵² Section 327.35(4), F.S.

⁵³ Section 327.35(4)(a)1., F.S.

⁵⁴ Section 327.35(4)(a)2., F.S.

⁵⁵ Section 327.35(4)(a)3., F.S.

- By imprisonment for:
 - Not more than 9 months for a first conviction.⁵⁶
 - Not more than 12 months for a second conviction.⁵⁷

Additionally, the court must place any person convicted of BUI to monthly reporting probation and must require attendance at a substance abuse course specified by the court. The agency conducting the course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment.⁵⁸

Implied Consent

A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages.⁵⁹ Additionally, a person is deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances.⁶⁰

The urine, or chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcohol, chemical substances, or controlled substances. The administration of a breath test does not preclude the administration of another type of test.⁶¹

The person shall be told that his or her failure to submit to any lawful test of his or her urine or breath under this chapter will result in a civil penalty of \$500, and that if he or she refuses to submit to a lawful test of his or her urine or breath and he or she has been previously fined under s. 327.35215, F.S., or his or her driving privilege has been previously suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a first degree misdemeanor.⁶²

The refusal to submit to a urine, or chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.⁶³

⁵⁶ Section 327.35(4)(b)1., F.S.

⁵⁷ Section 327.35(4)(b)2., F.S.

⁵⁸ Section 327.35(5), F.S.

⁵⁹ Section 327.352(1)(a)1., F.S.

⁶⁰ Section 327.352(1)(a)2., F.S.

⁶¹ Section 316.1932(1)(a)1.a., F.S.

⁶² Section 327.352(1)(a)1.-2., F.S.

⁶³ Section 327.352(1)(a)1.-2., F.S.

Refusal

A person who has refused to submit to a chemical or physical test of his or her breath or urine and who has been previously fined under s. 327.35215, F.S.,⁶⁴ or has previously had his or her driver license suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, and:

- Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;⁶⁵
- Who was placed under lawful arrest for a BUI unless such test was requested pursuant to s. 327.352(1)(c), F.S.;⁶⁶
- Who was informed that if he or she refused to submit to such test, he or she is subject to a fine of \$500;⁶⁷
- Who was informed that a refusal to submit to a lawful test of his or her breath or urine, if he or she has been previously fined for a prior refusal or has previously had his or her driver license suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a first degree misdemeanor.⁶⁸
- Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer commits a first degree misdemeanor.⁶⁹

Blood Test for Impairment

While there is implied consent for a urine or breath test, a blood draw to determine whether a person is under the influence of alcohol, a chemical substance or a controlled substance generally requires a warrant. A blood draw is considered a search and individuals cannot be lawfully compelled to submit to a blood draw by statute.⁷⁰

However, s. 327.353, F.S., provides that a law enforcement officer who has probable cause to believe a vessel operated by a person under the influence of alcoholic beverages, any chemical substance, or any controlled substance has caused the death or serious bodily injury of a human being, must require the person operating the vessel to submit to a blood draw. The officer may use reasonable force if necessary to require the person to submit to the administration of such blood draw.⁷¹

Courts have upheld a similar statute allowing forcible blood draw after a traffic accident with serious bodily injury where there is probable cause to believe that the driver was under the influence of alcohol.⁷²

⁶⁴ Section 327.35215, F.S., provides that a person arrested for an alleged violation of BUI who refuses to submit to a blood test, breath test, or urine test is subject to a \$500 civil penalty.

⁶⁵ Section 327.359(1), F.S.

⁶⁶ Section 327.359(2), F.S.

⁶⁷ Section 327.359(3), F.S.

⁶⁸ Section 327.359(4), F.S.

⁶⁹ Section 327.359(5), F.S.

⁷⁰ *State v. Hamilton*, 350 So. 3d 839 (1st DCA 2022) (citing *Missouri v. McNeely*, 569 U.S. 141, 148 (2013) and *Birchfield v. North Dakota*, 579 U.S. 438, 477 (2016)).

⁷¹ Section 327.353(1)(a), F.S.

⁷² See *State v. Quintanilla*, 276 So. 3d 941 (3rd DCA 2019).

Boarding a vessel (Search)

The Florida Supreme Court has held that the state’s interest in random stopping and brief detention of motorboats for limited purposes outweighs a person’s interest in being completely free from such limited intrusion.⁷³ No officer shall board any vessel to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard. An officer may board a vessel:

- When the owner or operator is aboard with consent; or
- When the officer has probable cause or knowledge to believe that a violation of a provision of this chapter has occurred or is occurring.

An officer may board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law, if requested to do so by a law enforcement officer, or when the safety or marine sanitation equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel.⁷⁴ Law enforcement officers of the FWC have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products.⁷⁵

Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules adopted under this law. Law enforcement officers may arrest any person in the act of violating this law, the rules of the FWC, or any of the laws of this state.⁷⁶

It is unlawful for a person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or rule of the FWC.⁷⁷

Comparison penalty for Driving Under the Influence of MV and Vessel Under Florida Law

	Motor Vehicle		Vessel		Notes
	Penalty	Statute	Penalty	Statute	
1 st Offense	Undesignated MM ⁷⁸	316.193(2)(a)	Undesignated MM ⁷⁹	327.35(2)(a)	Punishable by a fine of not less than \$500 or more than \$1000 and not more than 6

⁷³ *State v. Casal*, 410 So. 2d 152 (Fla. 1982).

⁷⁴ Section 327.56 (1), F.S.

⁷⁵ Section 379.3313, F.S.

⁷⁶ *Id.*

⁷⁷ Section 379.3313(1), F.S.

⁷⁸ *Id.*

⁷⁹ Section 775.081(2), F.S., a misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

					months imprisonment.
2 nd Offense	Undesignated MM	316.193(2)(a)	Undesignated MM	327.35(2)(a)	Punishable by a fine of not less than \$1000 or more than \$2,000 and not more than nine months imprisonment.
3 rd Offense within 10 yrs	Felony 3rd	316.193(2)(b)1.	Felony 3 rd	327.35(2)(b)1.	Term of imprisonment not to exceed five yrs
3 rd Offense more than 10 yrs	Undesignated MM with enhanced penalties	316.193(2)(b)2.	Undesignated MM with enhanced penalties	327.35(2)(b)2.	Punishable by a fine of not less than \$2,000 or more than \$5,000 and by imprisonment for not more than 12 months
4 th or Subsequent	Felony 3rd	316.193(2)(b)3.	Felony 3rd	327.35(2)(b)3.	Not to exceed five yrs imprisonment and a fine not less than \$2,000.
Damage to Property or person of another	MM 1 st	316.193(3)(c)1.	MM 1 st	327.35(3)(c)1.	Punishable by a definite term of imprisonment not exceeding one year and a \$1,000 fine.
Serious Bodily Injury	Felony 3rd	316.193(3)(c)2.	Felony 3rd	327.35(3)(c)2.	Term of imprisonment not to exceed five years.
Death of any Human (Manslaughter)	Felony 2 nd	316.193(3)(c)3.a	Felony 2 nd	327.35(3)(c)3.a.	Term of imprisonment not to exceed 15 years. DUI or BUI Manslaughter has a Mandatory minimum sentence of four years imprisonment.
Knew or should've known that an accident occurred and failed to give information or render aid	Felony 1 st	316.193(3)(c)3.b.	Felony 1 st	327.35(3)(c)3.b.	Term of imprisonment of 30 years.

BAL .015 or high accompanied by a person under 18	Undesignated MM with enhanced penalties	316.193(4)(a)-(b)	Undesignated MM with enhanced penalties	327.35(4)(a)-(b)	By a fine of: * Not less than \$1,000 or more than \$2,000 for a first conviction. * Not less than \$2,000 or more than \$4,000 for a second conviction. *Not less than \$4,000 for a third or subsequent conviction. By imprisonment for: * Not more than nine months for a first conviction. * Not more than 12 months for a second conviction.
---	---	-------------------	---	------------------	---

III. Effect of Proposed Changes:

SB 58 amends multiple statutes relating to boating safety.

Section I, II, III: Identification Cards, Driver License, and Applications

The bill amends s. 322.051, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to issue an original, renewal or replacement identification cards or driver license with a lifetime boating safety identification card symbol upon the applicant’s presentation of his or her Florida boating safety identification card or a receipt of confirmation by the Fish and Wildlife Conservation Commission (FWC) that the applicant was issued a Florida boating safety identification card.

The department shall include the lifetime boating safety identification card symbol on an original, renewal, or replacement identification card with no additional fee to the applicant for the designation. If the sole purpose of a replacement identification card is the inclusion of the applicant’s status as a lifetime boating safety cardholder, the replacement identification card or driver license must be issued without payment of the fee required by s. 322.21(1)(f).⁸⁰

The bill amends s. 322.08, F.S., to require that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application.

The FWC may provide to the DHSMV any record documenting the applicant’s completion of a boating safety education course meeting the requirements of s. 327.395, F.S., or issuance of a Florida boating safety identification card.

⁸⁰ Section 322.21(1)(f), F.S., provides that an original, renewal, or replacement identification cards issued is \$25.

Section IV: Leaving the Scene of Vessel Accident

The bill amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury. If a person leaves the scene and the accident results in:

- Property damage only, the person commits a first degree misdemeanor.⁸¹
- Injury to a person other than serious bodily injury, the person commits a third degree felony.
- Serious bodily injury, the person commits a second degree felony.⁸²
- The death of another person the person commits a first degree felony.⁸³
 - A person who willfully commits a violation of the above law while operating a vessel under the influence must be sentenced to a mandatory minimum term of imprisonment of 4 years.

“Serious bodily injury” means an injury to a person, including the vessel operator, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

Section V: Reckless or Careless operation of a vessel

The bill amends s. 327.33, F.S., to provide that a person who operates a vessel in a reckless manner, and by reason of such operation, causes serious bodily injury to another commits a third degree felony.

The term “serious bodily injury” means an injury to a person which consists of a physical condition that creates a serious personal disfigurement or protracted loss or impairment of the function of a bodily member or organ.

A person who violates a navigation rule while operating a vessel that results in an accident causing serious bodily injury or death but the violation does not constitute reckless operation of a vessel, commits a third degree felony. This bill increases the penalty for such a violation from a misdemeanor to a felony.

Section VI: Boating Under the Influence

The bill amends s. 327.35, to specify that a person commits the offense of boating under the influence and is subject to punishment if the person is in physical control of a vessel within this state and commits certain acts.

A person convicted of BUI manslaughter must be sentenced to a mandatory term of imprisonment of 4 years.

Ignition Interlock

⁸¹ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

⁸² A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

⁸³ A first degree felony is punishable by a term of imprisonment not to exceed 30 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

The bill provides for the mandatory placement of an ignition interlock device as ordered by the court and approved by the DHSMV in accordance with s. 316.1938, F.S., upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The ignition interlock device must be installed, at the convicted person's sole expense, for not:

- Less than two continuous years for a 3rd violation that occurs within 10 years after a prior conviction.
- Less than two continuous years for a 3rd violation that occurred more than 10 years after the date of a prior conviction.
- Less than six continuous months for the first offense and for not less than two continuous years for a second offense for any person who is convicted of a BUI who has a blood-alcohol level or breath-alcohol level of 0.15 or higher.

The court may order ignition interlock for not less than six continuous months for a 4th or subsequent violation if the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher.

Substance Abuse Treatment Referral

In addition to any sentence or fine, the court shall place any offender convicted of BUI on monthly reporting probation and shall require attendance at a substance abuse course specified by the court. The agency conducting the substance abuse course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment which must include a psychosocial evaluation. If the substance abuse program makes such a referral, the completion of all such education, evaluation and treatment is a condition of reporting probation.

A referral to treatment resulting from a psychosocial evaluation may not be waived without a supporting independent psychosocial evaluation conducted by an authorized substance abuse treatment provider appointed by the court. The provider must be provided access to the substance abuse program's psychosocial evaluation before the independent psychosocial evaluation is conducted. The court shall review the results and recommendations of both evaluations before determining the request for a waiver.

This bill provides that upon notification of the offender's failure to complete the substance abuse education course and treatment, the court may order the suspension or revocation of the offender's driving privileges. The DHSMV may temporarily reinstate the driving privilege on a restricted basis upon verification from the substance abuse program that the offender is currently participating in treatment and that both the substance abuse education course and evaluation requirement have been completed.

An organization that conducts an offender's substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted only if the department, in accordance with department rule, determines that the service provider conducting the substance abuse education and evaluation is the most appropriate service provider and is licensed under ch. 397, F.S., or is exempt from such licensure. Organizations authorized to provide services under this section shall submit quarterly statistical referral reports to the department.

Other BUI Penalties and Requirements

For the second conviction for an offense that occurs within a period of five years after the date of a prior conviction, the court may order a defendant to pay a fine of \$10 for each hour of public service or community work otherwise required only if the court finds that the residence or location of the defendant at the time public service or community work is required or the defendant's employment obligations would create an undue hardship for the defendant. However, the total period of probation and incarceration may not exceed one year. The bill decreases from 30 to 10 the number of days that a vessel must be impounded.

A person convicted of BUI whether arising from the same incident or incidents occurring within the preceding 12 months, must maintain an insurance policy insuring against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a vessel. Such insurance policy must contain limits of not less than \$100,000 for bodily injury liability or death and \$50,000 for property damage. A person who operates a vessel without such insurance policy commits a second degree misdemeanor.

Section VII: Implied Consent

The bill amends s. 327.352, F.S., to revise penalties for a person operating a vessel who fails to submit to a lawful test of his or her breath or urine.

The person must be told that his or her failure to submit to a lawful test of his or her breath or urine will result in a suspension of the person's privilege to operate a vessel for a period of one year for a first refusal or for a period of 18 months if his or her privilege to operate a vessel has been previously suspended or if he or she has been fined for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required.

Section VIII: Boating Safety Education

The bill amends s. 327.395, F.S., to provide that while operating a vessel powered by a motor of 10 horsepower or more a person must have in his or her possession aboard the vessel specified documentation. Current law provides that only persons born on or after a specified date must carry such documentation.

An FWC-approved boating safety education course or temporary certificate examination developed or approved by the commission must include components. The bill adds to the list of specified documents:

- BUI
- Human trafficking

Section IX: Mandatory Education

The bill amends s. 327.731, F.S., to revise the mandatory education requirements for a person convicted of a criminal violation, convicted of a noncriminal infraction if the infraction resulted in a reportable boating accident, or convicted of a specified noncriminal infraction. Such person must do all of the following:

- Enroll in, attend, and successfully complete, at his or her own expense, one of the following courses, as applicable:
 - For a person convicted of any two noncriminal infractions within a 24-month period, the boating safety education course provided for in s. 327.395, F.S.
 - For a person convicted of a criminal violation, of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or of three or more noncriminal infractions within a 36-month period, the boating safety education course provided for in s. 327.395, F.S. and a 4-hour course that includes information regarding all of the following:
 - The boating laws of this state.
 - Causes and prevention of boating accidents.
 - The importance of wearing personal floatation devices.
 - The use of common sense and common courtesy while operating a vessel.
 - How to operate a vessel defensively.

Section X: Vessel Homicide

The bill amends s. 782.072, F.S., to revise the definition for “vessel homicide” to include the killing of an unborn child causing injury to the mother by operation of a vessel in a reckless manner under certain circumstances. The term “unborn child,” is to mean a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.⁸⁴

Sections 1, 2, 3, 6 and 7 of this bill are effective October 1, 2026. Section 8 of this bill is effective July 1, 2027. Except as otherwise expressly provided in this act, this bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁸⁴ Section 775.021(5)(e), F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Pursuant to s. 327.395(9), F.S., FWC is authorized to collect a fee of \$2.00 for each card and temporary certificate associated with boating safety education courses. The bill would result in an increase in the volume of boaters required to obtain a boating safety education card or certificate, which would result in an increase in the amount of revenue collected from associated fees. Any such impact would be indeterminately positive.⁸⁵

The bill would increase the number of boating safety education cards and certificates issued by FWC. Currently about 45 percent of the cards issued are printed on plastic and accompanied by a letter mailed to the card holder. When plastic cards are issued, there is a cost associated with staff time, cost of the card/letter/envelope, printing, and the cost of mailing each card.

Additionally, provisions in the bill related to records communicated to DHSMV may require a mechanism by which to disseminate information. As such, the bill would have an indeterminate negative fiscal impact on expenditures proportionate to the relative increase in card and certificate issuance.

The FWC would need to develop a process to share/provide to the DHSMV the data containing names of individuals who have completed a boating safety education course. We do not anticipate any fiscal impact, as such processes could likely be provided for using existing resources.⁸⁶

DHSMV collected \$1,453 in the Highway Safety Operating Trust Fund in FY 2022-2023 from customers who requested just the Lifetime Boater Safety designation. Although the DHSMV cannot predict how many individuals would add the Lifetime Boater Safety

⁸⁵ Florida Fish and Wildlife Conservation The FWC, *2024 Agency Legislative Bill Analysis*, on SB 30, pg. 4 (on file with the Senate Committee on Criminal Justice).

⁸⁶ Florida Fish and Wildlife Conservation The FWC, *2024 Agency Legislative Bill Analysis*, on SB 30, pg. 5 (on file with the Senate Committee on Criminal Justice).

designation, if the same number of customers of FY 2022-2023 requested the Lifetime Boater Safety designation, then the fiscal year revenue loss would be \$1,453.⁸⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.08, 322.14, 327.30, 327.33, 327.35, 327.352, 327.395, 327.731, 782.072, 119.0712, 327.70, 327.73, and 327.54.

The bill reenacts 327.54, F.S., relating to liveries, to incorporate the amendment made to s. 327.395, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁸⁷ Highway Safety and Motor Vehicles, 2024 Agency Legislative Bill Analysis on SB 30 at pg. 4 (on file with the Senate Committee on Criminal Justice).