

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

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30 an accident or injury who leave the scene of the
31 accident or injury under certain circumstances;
32 providing graduated penalties depending on the level
33 of damage to property or injury to person; providing a
34 mandatory minimum sentence for a person who willfully
35 commits such a violation resulting in the death of
36 another while boating under the influence; defining
37 the term "serious bodily injury"; amending s. 327.33,
38 F.S.; providing increased criminal penalties for the
39 reckless operation of a vessel which causes serious
40 bodily injury to another; defining the term "serious
41 bodily injury"; amending s. 327.35, F.S.; revising the
42 conditions that compose the offense of, and penalties
43 for, boating under the influence (BUI); requiring
44 courts to order the mandatory placement of ignition
45 interlock devices upon certain vehicles leased or
46 owned and routinely operated by certain persons;
47 revising the conditions composing the offense of, and
48 penalties for, BUI manslaughter; providing a mandatory
49 minimum term of imprisonment for a person convicted of
50 BUI manslaughter; requiring courts to order the
51 mandatory placement of ignition interlock devices upon
52 certain vehicles leased or owned and routinely
53 operated by certain persons; revising substance abuse
54 education, evaluation, and treatment requirements for
55 certain persons; requiring substance abuse programs to
56 notify the court and department of an offender's
57 failure to report to or complete such treatment or
58 education and evaluation; providing penalties for the

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59 offender; requiring waivers before organizations
60 conducting substance abuse education and evaluation
61 begin providing such treatment; providing
62 authorization and documentation requirements for such
63 waivers; authorizing civil penalties; requiring a
64 person convicted of certain BUI violations to maintain
65 an insurance policy that meets certain requirements;
66 providing criminal penalties for failure to maintain
67 such insurance policy; making technical changes;
68 amending s. 327.352, F.S.; revising penalties for a
69 person operating a vessel who fails to submit to a
70 lawful test of his or her breath or urine; amending s.
71 327.395, F.S.; requiring that all persons, rather than
72 only persons born on or after a specified date, have
73 specified identification in their possession while
74 operating a vessel; revising the required components
75 of the commission's developed or approved boating
76 safety education course and temporary certificate
77 examination; amending s. 327.731, F.S.; revising the
78 mandatory education requirements for a person
79 convicted of certain violations; requiring the
80 commission to adopt rules; making technical changes;
81 amending s. 782.072, F.S.; revising the definition of
82 the term "vessel homicide" to include the killing of
83 an unborn child by causing injury to the mother by
84 operation of a vessel in a reckless manner under
85 certain circumstances; defining the term "unborn
86 child"; amending ss. 119.0712, 327.70, and 327.73,
87 F.S.; conforming cross-references; reenacting s.

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88 327.54(4), F.S., relating to liveries, to incorporate
 89 the amendment made to s. 327.395, F.S., in references
 90 thereto; providing effective dates.

91

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

93

94 Section 1. Effective October 1, 2026, paragraph (d) of
 95 subsection (8) of section 322.051, Florida Statutes, is amended,
 96 and paragraph (f) is added to that subsection, to read:

97 322.051 Identification cards.—

98 (8)

99 (d) The department shall include symbols representing the
 100 following on an identification card upon the payment of an
 101 additional \$1 fee by an applicant who meets the requirements of
 102 subsection (1) and presents his or her:

103 1. Lifetime freshwater fishing license;

104 2. Lifetime saltwater fishing license;

105 3. Lifetime hunting license; or

106 4. Lifetime sportsman's license; ~~or~~

107 5. ~~Lifetime boater safety identification card.~~

108

109 A person may replace his or her identification card before its
 110 expiration date with a card that includes his or her status as a
 111 lifetime licensee ~~or boater safety cardholder~~ upon surrender of
 112 his or her current identification card, payment of a \$2 fee to
 113 be deposited into the Highway Safety Operating Trust Fund, and
 114 presentation of the person's lifetime license ~~or card~~. If the
 115 sole purpose of the replacement identification card is the
 116 inclusion of the applicant's status as a lifetime licensee ~~or~~

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117 ~~cardholder~~, the replacement identification card must be issued
118 without payment of the fee required in s. 322.21(1)(f)3.c.

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

134 Section 2. Effective October 1, 2026, present subsections
135 (5) through (10) of section 322.08, Florida Statutes, are
136 redesignated as subsections (6) through (11), respectively, and
137 a new subsection (5) is added to that section, to read:

138 322.08 Application for license; requirements for license
139 and identification card forms.—

140 (5) Each such application must indicate whether the
141 applicant has obtained a Florida boating safety identification
142 card pursuant to s. 327.395, and, if so, a copy of such card
143 must be submitted with the application. For purposes of
144 administering this subsection, the Fish and Wildlife
145 Conservation Commission may provide to the department any record

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146 documenting the applicant's completion of a boating safety
 147 education course meeting the requirements of s. 327.395 or
 148 issuance of a Florida boating safety identification card.

149 Section 3. Effective October 1, 2026, paragraph (e) of
 150 subsection (1) of section 322.14, Florida Statutes, is amended,
 151 and paragraph (g) is added to that subsection, to read:

152 322.14 Licenses issued to drivers.—

153 (1)

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

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

163
 164 A person may replace his or her driver license before its
 165 expiration date with a license that includes his or her status
 166 as a lifetime licensee ~~or boater safety cardholder~~ upon
 167 surrender of his or her current driver license, payment of a \$2
 168 fee to be deposited into the Highway Safety Operating Trust
 169 Fund, and presentation of the person's lifetime license ~~or~~
 170 ~~identification card~~. If the sole purpose of the replacement
 171 driver license is the inclusion of the applicant's status as a
 172 lifetime licensee ~~or cardholder~~, the replacement driver license
 173 must be issued without payment of the fee required in s.
 174 322.21(1)(e).

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

190 Section 4. Subsection (5) of section 327.30, Florida
191 Statutes, is amended to read:

192 327.30 Collisions, accidents, and casualties.—

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

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

202 1. Property damage only, the person commits a misdemeanor
203 of the first degree, punishable as provided in s. 775.082 or s.

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204 775.083.

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

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

211 4. The death of another person, the person commits a felony
212 of the first degree, punishable as provided in s. 775.082, s.
213 775.083, or s. 775.084. A person who willfully commits a
214 violation of this subparagraph while operating a vessel under
215 the influence as set forth in s. 327.35(1) must be sentenced to
216 a mandatory minimum term of imprisonment of 4 years.

217 (b) As used in this subsection, the term "serious bodily
218 injury" means an injury to a person, including the vessel
219 operator, which consists of a physical condition that creates a
220 substantial risk of death, serious personal disfigurement, or
221 protracted loss or impairment of the function of a bodily member
222 or organ ~~personal injury commits a felony of the third degree,~~
223 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
224 ~~Any person who violates this subsection with respect to an~~
225 ~~accident resulting in property damage only commits a misdemeanor~~
226 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
227 ~~775.083.~~

228 Section 5. Present subsections (2), (3), and (4) of section
229 327.33, Florida Statutes, are redesignated as subsections (3),
230 (4), and (5), respectively, a new subsection (2) is added to
231 that section, and subsection (1) and present subsection (3) of
232 that section are amended, to read:

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233 327.33 Reckless or careless operation of vessel.—

234 (1) It is unlawful to operate a vessel in a reckless

235 manner. A person who operates any vessel, or manipulates any

236 water skis, aquaplane, or similar device, in willful or wanton

237 disregard for the safety of persons or property at a speed or in

238 a manner as to endanger, or likely to endanger, life or limb, or

239 damage the property of, or injure a person commits ~~is guilty of~~

240 reckless operation of a vessel. Reckless operation of a vessel

241 includes, but is not limited to, a violation of s. 327.331(6).

242 Except as provided in subsection (2), a person who violates this

243 subsection commits a misdemeanor of the first degree, punishable

244 as provided in s. 775.082 or s. 775.083.

245 (2) A person who:

246 (a) Violates subsection (1);

247 (b) Operates a vessel; and

248 (c) By reason of such operation, causes serious bodily

249 injury to another,

250

251 commits a felony of the third degree, punishable as provided in

252 s. 775.082, s. 775.083, or s. 775.084. As used in this

253 subsection, the term "serious bodily injury" means an injury to

254 a person which consists of a physical condition that creates a

255 serious personal disfigurement or protracted loss or impairment

256 of the function of a bodily member or organ.

257 (4)~~(3)~~ Each person operating a vessel upon the waters of

258 this state shall comply with the navigation rules.

259 (a) A person who violates a ~~the~~ navigation rule ~~rules~~ and

260 such ~~the~~ violation results in a boating accident causing serious

261 bodily injury as defined in s. 327.353 or death, but the

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262 violation does not constitute reckless operation of a vessel,
 263 commits a felony ~~misdemeanor~~ of the third ~~second~~ degree,
 264 punishable as provided in s. 775.082 or s. 775.083.

265 (b) A person who violates the navigation rules and the
 266 violation does not constitute reckless operation of a vessel
 267 commits a noncriminal violation as defined in s. 775.08,
 268 punishable as provided in s. 327.73.

269 (c) Law enforcement vessels may deviate from the
 270 navigational rules when such diversion is necessary to the
 271 performance of their duties and when such deviation may be
 272 safely accomplished.

273 Section 6. Effective October 1, 2026, present subsection
 274 (10) of section 327.35, Florida Statutes, is redesignated as
 275 subsection (11), a new subsection (10) is added to that section,
 276 and subsections (1) through (6) of that section are amended, to
 277 read:

278 327.35 Boating under the influence; penalties; "designated
 279 drivers."—

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

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

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

290 (c) The person has a breath-alcohol level of 0.08 or more

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291 grams of alcohol per 210 liters of breath.

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

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

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

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

300 2. ~~By~~ Imprisonment for:

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

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

303

304 The clerk shall remit the portion of a fine imposed in excess of
305 \$500 pursuant to sub-subparagraph 1.a. and the portion of a fine
306 imposed in excess of \$1,000 pursuant to sub-subparagraph 1.b. ~~7~~
307 ~~shall be remitted by the clerk~~ to the Department of Revenue for
308 deposit into the General Revenue Fund.

309 (b)1. A Any person who is convicted of a third violation of
310 this section for an offense that occurs within 10 years after a
311 prior conviction for a violation of this section commits a
312 felony of the third degree, punishable as provided in s.

313 775.082, s. 775.083, or s. 775.084. In addition, the court shall

314 order the mandatory placement of an ignition interlock device
315 approved by the department in accordance with s. 316.1938 upon
316 all vehicles individually or jointly leased or owned and
317 routinely operated by the convicted person, when the convicted

318 person qualifies for a permanent or restricted license. The

319 ignition interlock device must be installed, at the convicted

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320 person's sole expense, for not less than 2 continuous years.

321 2. A ~~Any person who is~~ convicted of a third violation of
322 this section for an offense that occurs more than 10 years after
323 the date of a prior conviction for a violation of this section
324 is subject to ~~shall be punished by~~ a fine of not less than
325 \$2,000 or more than \$5,000 and by imprisonment for not more than
326 12 months. The clerk shall remit the portion of a fine imposed
327 in excess of \$2,500 pursuant to this subparagraph ~~shall be~~
328 ~~remitted by the clerk~~ to the Department of Revenue for deposit
329 into the General Revenue Fund. In addition, the court shall
330 order the mandatory placement of an ignition interlock device
331 approved by the department in accordance with s. 316.1938 upon
332 all vehicles individually or jointly leased or owned and
333 routinely operated by the convicted person, when the convicted
334 person qualifies for a permanent or restricted license. The
335 ignition interlock device must be installed, at the convicted
336 person's sole expense, for not less than 2 continuous years.

337 3. Any person ~~who is~~ convicted of a fourth or subsequent
338 violation of this section, regardless of when any prior
339 conviction for a violation of this section occurred, commits a
340 felony of the third degree, punishable as provided in s.
341 775.082, s. 775.083, or s. 775.084.

342
343 However, the fine imposed for such fourth or subsequent
344 violation may not be less than \$2,000. The clerk shall remit the
345 portion of such fine imposed in excess of \$1,000 ~~shall be~~
346 ~~remitted by the clerk~~ to the Department of Revenue for deposit
347 into the General Revenue Fund. In addition to the penalties
348 specified in paragraph (a), the court may order the placement of

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349 an ignition interlock device approved by the department in
350 accordance with s. 316.1938 upon all vehicles individually or
351 jointly leased or owned and routinely operated by the convicted
352 person if, at the time of the offense, the person had a blood-
353 alcohol level or breath-alcohol level of 0.08 or higher. The
354 ignition interlock device must be installed, at the convicted
355 person's sole expense, for not less than 6 continuous months.

356 (3) A ~~Any~~ person who:

357 (a) Violates ~~Who is in violation of~~ subsection (1);

358 (b) ~~Who~~ Operates a vessel; and

359 (c) ~~Who~~, By reason of such operation, causes or contributes
360 to causing:

361 1. Damage to the property or person of another commits a
362 misdemeanor of the first degree, punishable as provided in s.
363 775.082 or s. 775.083.

364 2. Serious bodily injury to another, as defined in s.
365 327.353, commits a felony of the third degree, punishable as
366 provided in s. 775.082, s. 775.083, or s. 775.084.

367 3. The death of a any human being or an unborn child as
368 defined in s. 775.021(5)(e) commits BUI manslaughter, and
369 commits:

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

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

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

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

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379 A person convicted of BUI manslaughter must be sentenced to a
380 mandatory term of imprisonment of 4 years. ~~This~~ Sub-subparagraph
381 3.b. does not require that the person knew that the accident
382 resulted in injury or death.

383 (4) A ~~Any person who is~~ convicted of violating a violation
384 ~~of~~ subsection (1) ~~and~~ who has a blood-alcohol level or breath-
385 alcohol level of 0.15 or higher, or any person ~~who is~~ convicted
386 of violating a violation of subsection (1) ~~and~~ who at the time
387 of the offense was accompanied in the vessel by a person under
388 ~~the age of 18 years of age,~~ is subject to ~~shall be punished:~~

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

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

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

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

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

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

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

399 (c) In addition to the penalties provided in paragraphs (a)
400 and (b), the mandatory placement of an ignition interlock device
401 as ordered by the court and approved by the department in
402 accordance with s. 316.1938 upon all vehicles that are
403 individually or jointly leased or owned and routinely operated
404 by the convicted person, when the convicted person qualifies for
405 a permanent or restricted license. The ignition interlock device
406 must be installed, at the convicted person's sole expense, for

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407 not less than 6 continuous months for the first offense and for
408 not less than 2 continuous years for a second offense.

409
410 The clerk shall remit the portion of a fine imposed in excess of
411 \$1,000 pursuant to subparagraph (a)1. and the portion of a fine
412 imposed in excess of \$2,000 pursuant to subparagraph (a)2. or
413 subparagraph (a)3., ~~shall be remitted by the clerk to the~~
414 Department of Revenue for deposit into the General Revenue Fund.
415 For the purposes of this subsection, only the instant offense is
416 required to be a violation of subsection (1) by a person who has
417 a blood-alcohol level or breath-alcohol level of 0.15 or higher.

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

422 (a) The agency conducting the substance abuse course may
423 refer the offender to an authorized service provider for
424 substance abuse evaluation and treatment, which must include a
425 psychosocial evaluation of the offender, in addition to any
426 sentence or fine imposed under this section. If the substance
427 abuse program makes such a referral in addition to any sentence
428 or fine imposed under this section, the completion of all such
429 education, evaluation, and treatment is a condition of reporting
430 probation. The offender shall assume reasonable costs for such
431 education, evaluation, and treatment, ~~with completion of all~~
432 ~~such education, evaluation, and treatment being a condition of~~
433 ~~reporting probation.~~ A referral to treatment resulting from a
434 psychosocial evaluation may not be waived without a supporting
435 independent psychosocial evaluation conducted by an authorized

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436 substance abuse treatment provider ~~agency~~ appointed by the
437 court. The provider must be provided access to the substance
438 abuse program's psychosocial evaluation before the independent
439 psychosocial evaluation is conducted ~~and with access to the~~
440 ~~original evaluation~~. The offender shall bear the cost of this
441 procedure. The court shall review the results and
442 recommendations of both evaluations before determining the
443 request for a waiver.

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

461 (c) An organization that conducts an offender's substance
462 abuse education and evaluation may not provide required
463 substance abuse treatment unless a waiver has been granted to
464 that organization by the department. A waiver may be granted

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465 only if the department, in accordance with department rule,
466 determines that the service provider conducting the substance
467 abuse education and evaluation is the most appropriate service
468 provider and is licensed under chapter 397 or is exempt from
469 such licensure. Organizations authorized to provide services
470 under this section shall submit quarterly statistical referral
471 reports to the department.

472 (d) As used in this subsection, the term "substance abuse"
473 means the abuse of alcohol or any substance named or described
474 in Schedules I-V of s. 893.03.

475 (6) With respect to a ~~any~~ person convicted of violating a
476 ~~violation of~~ subsection (1), regardless of any other penalty
477 imposed:

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

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494 (b) For the second conviction for an offense that occurs
495 within a period of 5 years after the date of a prior conviction
496 for violation of this section, the court shall order
497 imprisonment for not less than 10 days. The court may order a
498 defendant to pay a fine of \$10 for each hour of public service
499 or community work otherwise required only if the court finds
500 that the residence or location of the defendant at the time
501 public service or community work is required or the defendant's
502 employment obligations would create an undue hardship for the
503 defendant. However, the total period of probation and
504 incarceration may not exceed 1 year. The court shall ~~must~~ also,
505 as a condition of probation, order the impoundment or
506 immobilization of the vessel that was operated by or in the
507 actual control of the defendant or any one vehicle registered in
508 the defendant's name at the time of impoundment or
509 immobilization, for a period of 10 ~~30~~ days or for the unexpired
510 term of any lease or rental agreement that expires within 10 ~~30~~
511 days. The impoundment or immobilization must not occur
512 concurrently with the incarceration of the defendant. The
513 impoundment or immobilization order may be dismissed in
514 accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph
515 (g). At least 48 hours of confinement must be consecutive.

516 (c) For the third or subsequent conviction for an offense
517 that occurs within a period of 10 years after the date of a
518 prior conviction for violation of this section, the court shall
519 order imprisonment for not less than 30 days. The court shall
520 ~~must~~ also, as a condition of probation, order the impoundment or
521 immobilization of the vessel that was operated by or in the
522 actual control of the defendant or any one vehicle registered in

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523 the defendant's name at the time of impoundment or
524 immobilization, for a period of 90 days or for the unexpired
525 term of any lease or rental agreement that expires within 90
526 days. The impoundment or immobilization must not occur
527 concurrently with the incarceration of the defendant. The
528 impoundment or immobilization order may be dismissed in
529 accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph
530 (g). At least 48 hours of confinement must be consecutive.

531 (d) The court shall ~~must~~ at the time of sentencing the
532 defendant issue an order for the impoundment or immobilization
533 of a vessel. Within 7 business days after the date that the
534 court issues the order of impoundment, and once again 30
535 business days before the actual impoundment or immobilization of
536 the vessel, the clerk of the court must send notice by certified
537 mail, return receipt requested, to the registered owner of each
538 vessel, if the registered owner is a person other than the
539 defendant, and to each person of record claiming a lien against
540 the vessel.

541 (e) A person who owns but was not operating the vessel when
542 the offense occurred may submit to the court a police report
543 indicating that the vessel was stolen at the time of the offense
544 or documentation of having purchased the vessel after the
545 offense was committed from an entity other than the defendant or
546 the defendant's agent. If the court finds that the vessel was
547 stolen or that the sale was not made to circumvent the order and
548 allow the defendant continued access to the vessel, the order
549 must be dismissed and the owner of the vessel will incur no
550 costs. If the court denies the request to dismiss the order of
551 impoundment or immobilization, the petitioner may request an

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552 evidentiary hearing.

553 (f) A person who owns but was not operating the vessel when
554 the offense occurred, and whose vessel was stolen or who
555 purchased the vessel after the offense was committed directly
556 from the defendant or the defendant's agent, may request an
557 evidentiary hearing to determine whether the impoundment or
558 immobilization should occur. If the court finds that either the
559 vessel was stolen or the purchase was made without knowledge of
560 the offense, that the purchaser had no relationship to the
561 defendant other than through the transaction, and that such
562 purchase would not circumvent the order and allow the defendant
563 continued access to the vessel, the order must be dismissed and
564 the owner of the vessel will incur no costs.

565 (g) All costs and fees for the impoundment or
566 immobilization, including the cost of notification, must be paid
567 by the owner of the vessel or, if the vessel is leased or
568 rented, by the person leasing or renting the vessel, unless the
569 impoundment or immobilization order is dismissed.

570 (h) The person who owns a vessel that is impounded or
571 immobilized under this paragraph, or a person who has a lien of
572 record against such a vessel and who has not requested a review
573 of the impoundment pursuant to paragraph (e) or paragraph (f),
574 may, within 10 days after the date that person has knowledge of
575 the location of the vessel, file a complaint in the county in
576 which the owner resides to determine whether the vessel was
577 wrongfully taken or withheld from the owner or lienholder. Upon
578 the filing of a complaint, the owner or lienholder may have the
579 vessel released by posting with the court a bond or other
580 adequate security equal to the amount of the costs and fees for

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581 impoundment or immobilization, including towing or storage, to
582 ensure the payment of the costs and fees if the owner or
583 lienholder does not prevail. When the bond is posted and the fee
584 is paid as set forth in s. 28.24, the clerk of the court shall
585 issue a certificate releasing the vessel. At the time of
586 release, after reasonable inspection, the owner or lienholder
587 must give a receipt to the towing or storage company indicating
588 any loss or damage to the vessel or to the contents of the
589 vessel.

590 (i) A defendant, in the court's discretion, may be required
591 to serve all or any portion of a term of imprisonment to which
592 the defendant has been sentenced pursuant to this section in a
593 residential alcoholism treatment program or a residential drug
594 abuse treatment program. Any time spent in such a program must
595 be credited by the court toward the term of imprisonment.

596
597 For the purposes of this section, any conviction for a violation
598 of s. 316.193, a previous conviction for the violation of former
599 s. 316.1931, former s. 860.01, or former s. 316.028, or a
600 previous conviction outside this state for driving under the
601 influence, driving while intoxicated, driving with an unlawful
602 blood-alcohol level, driving with an unlawful breath-alcohol
603 level, or any other similar alcohol-related or drug-related
604 traffic offense, is also considered a previous conviction for
605 violation of this section.

606 (10) Notwithstanding any sentence or fine imposed by law or
607 the court, a person convicted of violating subsection (1) and
608 one or more additional criminal violations under this chapter,
609 whether arising from the same incident or incidents occurring

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610 within the preceding 12 months, must maintain an insurance
611 policy insuring against loss from liability for bodily injury,
612 death, and property damage arising out of the ownership,
613 maintenance, or use of a vessel. Such insurance policy must
614 contain limits of not less than \$100,000 for bodily injury
615 liability or death and \$50,000 for property damage. A person who
616 operates a vessel without such insurance policy commits a
617 misdemeanor of the second degree, punishable as provided in s.
618 775.082 or s. 775.083.

619 Section 7. Effective October 1, 2026, paragraph (a) of
620 subsection (1) of section 327.352, Florida Statutes, is amended
621 to read:

622 327.352 Tests for alcohol, chemical substances, or
623 controlled substances; implied consent; refusal.-

624 (1) (a) 1. The Legislature declares that the operation of a
625 vessel is a privilege that must be exercised in a reasonable
626 manner. In order to protect the public health and safety, it is
627 essential that a lawful and effective means of reducing the
628 incidence of boating while impaired or intoxicated be
629 established. Therefore, a person who accepts the privilege
630 extended by the laws of this state of operating a vessel within
631 this state is, by operating such vessel, deemed to have given
632 his or her consent to submit to an approved chemical test or
633 physical test including, but not limited to, an infrared light
634 test of his or her breath for the purpose of determining the
635 alcoholic content of his or her blood or breath if the person is
636 lawfully arrested for any offense allegedly committed while the
637 person was operating a vessel while under the influence of
638 alcoholic beverages. The chemical or physical breath test must

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639 be incidental to a lawful arrest and administered at the request
640 of a law enforcement officer who has reasonable cause to believe
641 such person was operating the vessel within this state while
642 under the influence of alcoholic beverages. The administration
643 of a breath test does not preclude the administration of another
644 type of test. The person must ~~shall~~ be told that his or her
645 failure to submit to a any lawful test of his or her breath
646 under this chapter will result in a suspension of the person's
647 privilege to operate a vessel for a period of 1 year for a first
648 refusal or for a period of 18 months if his or her privilege to
649 operate a vessel has been previously suspended or if he or she
650 has been fined for a prior refusal to submit to a lawful test of
651 his or her breath, urine, or blood as required under this
652 chapter or chapter 316. The person must also be told ~~civil~~
653 penalty of \$500, and that if he or she refuses to submit to a
654 lawful test of his or her breath and he or she has been
655 previously fined under s. 327.35215 or his or her driving
656 privilege has been previously suspended for refusal to submit to
657 any lawful test of his or her breath, urine, or blood, under
658 this chapter or chapter 316, he or she commits a misdemeanor of
659 the first degree, punishable as provided in s. 775.082 or s.
660 775.083, in addition to any other penalties provided by law. The
661 refusal to submit to a chemical or physical breath test upon the
662 request of a law enforcement officer as provided in this section
663 is admissible into evidence in any criminal proceeding.

664 2. A person who accepts the privilege extended by the laws
665 of this state of operating a vessel within this state is, by
666 operating such vessel, deemed to have given his or her consent
667 to submit to a urine test for the purpose of detecting the

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668 presence of chemical substances as set forth in s. 877.111 or
669 controlled substances if the person is lawfully arrested for any
670 offense allegedly committed while the person was operating a
671 vessel while under the influence of chemical substances or
672 controlled substances. The urine test must be incidental to a
673 lawful arrest and administered at a detention facility or any
674 other facility, mobile or otherwise, which is equipped to
675 administer such tests at the request of a law enforcement
676 officer who has reasonable cause to believe such person was
677 operating a vessel within this state while under the influence
678 of chemical substances or controlled substances. The urine test
679 must be administered at a detention facility or any other
680 facility, mobile or otherwise, which is equipped to administer
681 such test in a reasonable manner that will ensure the accuracy
682 of the specimen and maintain the privacy of the individual
683 involved. The administration of a urine test does not preclude
684 the administration of another type of test. The person must
685 ~~shall~~ be told that his or her failure to submit to a any lawful
686 test of his or her urine under this chapter will result in
687 suspension of the person's privilege to operate a vessel for a
688 period of 1 year for the first refusal, or for a period of 18
689 months if his or her privilege to operate a vessel or to operate
690 a vehicle has been previously suspended under s. 327.35215 or
691 chapter 316. The person must also be told a civil penalty of
692 \$500, and that if he or she refuses to submit to a lawful test
693 of his or her urine and he or she has been previously fined
694 under s. 327.35215 or his or her driving privilege has been
695 previously suspended for refusal to submit to any lawful test of
696 his or her breath, urine, or blood, he or she commits a

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697 misdemeanor of the first degree, punishable as provided in s.
 698 775.082 or s. 775.083, in addition to any other penalties
 699 provided by law. The refusal to submit to a urine test upon the
 700 request of a law enforcement officer as provided in this section
 701 is admissible into evidence in any criminal proceeding.

702 Section 8. Subsections (1), (2), and (4) of section
 703 327.395, Florida Statutes, are amended to read:

704 327.395 Boating safety education.—

705 (1) Effective July 1, 2027, a person operating ~~born on or~~
 706 ~~after January 1, 1988,~~ may not operate a vessel powered by a
 707 motor of 10 horsepower or greater must have ~~unless such person~~
 708 ~~has~~ in his or her possession aboard the vessel the documents
 709 required by subsection (2).

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

721 (a) Completed a commission-approved boating safety
 722 education course that meets the minimum requirements established
 723 by the National Association of State Boating Law
 724 Administrators.†

725 (b) Passed a temporary certificate examination developed or

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726 approved by the commission.~~†~~

727 (c) Obtained a valid International Certificate of
728 Competency.~~†~~~~or~~

729 (d) Completed a boating safety education course or
730 equivalency examination in another state, a United States
731 territory, or Canada which meets or exceeds the minimum
732 requirements established by the National Association of State
733 Boating Law Administrators.

734 (4) A commission-approved boating safety education course
735 or temporary certificate examination developed or approved by
736 the commission must include components regarding all of the
737 following:

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

740 (b) The danger associated with:

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

744 2. A passenger falling overboard.

745 3. Operating a vessel with a person in the water near the
746 vessel.

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

748 5. Leaving the vessel running when a passenger is boarding
749 or disembarking.

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

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

753 (d) Human trafficking awareness.

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755 The commission must include the components under this subsection
756 in boating safety education campaigns and in educational
757 materials produced by the commission, as appropriate.

758 Section 9. Section 327.731, Florida Statutes, is amended to
759 read:

760 327.731 Mandatory education for violators.—

761 (1) A person convicted of a criminal violation under this
762 chapter, convicted of a noncriminal infraction under this
763 chapter if the infraction resulted in a reportable boating
764 accident, or convicted of a ~~two~~ noncriminal infraction
765 ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
766 or and (s)-(y), the infractions occurring within a 12-month
767 ~~period,~~ must do all of the following:

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

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

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

779 a. The boating laws of this state.

780 b. Causes and prevention of boating accidents.

781 c. The importance of wearing personal flotation devices.

782 d. The use of common sense and common courtesy while
783 operating a vessel.

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784 e. How to operate a vessel defensively. ~~a classroom or~~
785 ~~online boating safety course that is approved by and meets the~~
786 ~~minimum standards established by commission rule.~~

787 (b) File with the commission within 90 days proof of
788 successful completion of the course.~~†~~

789 (c) Refrain from operating a vessel until he or she has
790 filed proof of successful completion of the course with the
791 commission.~~†~~ and

792 (d) Pay a fine of \$500. The clerk of the court shall remit
793 all fines assessed and collected under this paragraph to the
794 Department of Revenue to be deposited into the Marine Resources
795 Conservation Trust Fund to support law enforcement activities.

796 (2) As used in ~~For the purposes of~~ this section, the terms
797 "convicted" and "conviction" mean ~~means~~ a finding of guilt, or
798 the acceptance of a plea of guilty or nolo contendere,
799 regardless of whether ~~or not~~ adjudication was withheld or
800 whether imposition of sentence was withheld, deferred, or
801 suspended. A ~~Any~~ person who operates a vessel on the waters of
802 this state in violation of ~~the provisions of~~ this section
803 commits ~~is guilty of~~ a misdemeanor of the second degree,
804 punishable as provided in s. 775.082 or s. 775.083.

805 (3) The commission shall print on the reverse side of the
806 defendant's copy of the boating citation a notice of the
807 provisions of this section. Upon conviction, the clerk of the
808 court shall notify the defendant that it is unlawful for him or
809 her to operate any vessel until he or she has complied with this
810 section, but failure of the clerk of the court to provide such a
811 notice is ~~shall~~ not be a defense to a charge of unlawful
812 operation of a vessel under subsection (2).

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813 (4) The commission shall:

814 (a) Maintain a program to ensure compliance with the
815 mandatory boating safety education requirements under this
816 section. This program must:

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

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

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

822 Section 10. Section 782.072, Florida Statutes, is amended
823 to read:

824 782.072 Vessel homicide.—“Vessel homicide” is the killing
825 of a human being, or the killing of an unborn child by causing
826 injury to the mother, by the operation of a vessel as defined in
827 s. 327.02 by another in a reckless manner likely to cause the
828 death of, or great bodily harm to, another. As used in this
829 section, the term “unborn child” has the same meaning as in s.
830 775.021(5)(e). Vessel homicide is:

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

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

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

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

839

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

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842 Section 11. Effective October 1, 2026, paragraph (c) of
843 subsection (2) of section 119.0712, Florida Statutes, is amended
844 to read:

845 119.0712 Executive branch agency-specific exemptions from
846 inspection or copying of public records.—

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

848 (c) E-mail addresses collected by the Department of Highway
849 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
850 320.95(2), or s. 322.08(11) ~~s. 322.08(10)~~ are exempt from s.
851 119.07(1) and s. 24(a), Art. I of the State Constitution. This
852 exemption applies retroactively.

853 Section 12. Paragraph (a) of subsection (3) of section
854 327.70, Florida Statutes, is amended to read:

855 327.70 Enforcement of this chapter and chapter 328.—

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

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

862 2. Section 327.44, relating to interference with
863 navigation.

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

866 4. Section 327.53, relating to marine sanitation.

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

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

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

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

873 Section 13. Paragraph (o) of subsection (1) of section
874 327.73, Florida Statutes, is amended to read:

875 327.73 Noncriminal infractions.—

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

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

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

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

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

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

885 c. For a third or subsequent offense, up to a maximum of
886 \$1,500.

887

888 Any person cited for a violation of this subsection shall be
889 deemed to be charged with a noncriminal infraction, shall be
890 cited for such an infraction, and shall be cited to appear
891 before the county court. The civil penalty for any such
892 infraction is \$100, except as otherwise provided in this
893 section. Any person who fails to appear or otherwise properly
894 respond to a uniform boating citation, in addition to the charge
895 relating to the violation of the boating laws of this state,
896 must be charged with the offense of failing to respond to such
897 citation and, upon conviction, be guilty of a misdemeanor of the
898 second degree, punishable as provided in s. 775.082 or s.
899 775.083. A written warning to this effect shall be provided at

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900 the time such uniform boating citation is issued.

901 Section 14. For the purpose of incorporating the amendment
902 made by this act to section 327.395, Florida Statutes, in
903 references thereto, subsection (4) of section 327.54, Florida
904 Statutes, is reenacted to read:

905 327.54 Liveries; safety regulations; penalty.—

906 (4) A livery may not knowingly lease or rent a vessel to a
907 person who is required to comply with s. 327.395 unless such
908 person presents to the livery the documentation required by s.
909 327.395(2) for the operation of a vessel or meets the exemption
910 provided under s. 327.395(6)(f).

911 Section 15. Except as otherwise expressly provided in this
912 act, this act shall take effect July 1, 2025.