

By the Committee on Criminal Justice; and Senator Martin

591-02127-25

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1                   A bill to be entitled  
2       An act relating to boating safety; providing a short  
3       title; amending s. 327.02, F.S.; revising the  
4       definition of the term "livery vessel"; amending s.  
5       327.30, F.S.; revising and providing penalties for  
6       vessel collisions, accidents, and casualties; amending  
7       s. 327.33, F.S.; revising and providing penalties for  
8       reckless or careless operation of a vessel; creating  
9       s. 327.35105, F.S.; requiring the suspension of driver  
10      licenses for boating under the influence and reckless  
11      or careless operation of a vessel; amending s. 327.54,  
12      F.S.; revising the definition of the term "livery";  
13      amending s. 782.072, F.S.; defining the term "unborn  
14      child"; revising the definition of the term "vessel  
15      homicide"; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19       Section 1. This act may be cited as "Lucy's Law."

20       Section 2. Subsection (24) of section 327.02, Florida  
21 Statutes, is amended to read:

22       327.02 Definitions.—As used in this chapter and in chapter  
23 328, unless the context clearly requires a different meaning,  
24 the term:

25       (24) "Livery vessel" means a vessel leased or, rented, ~~or~~  
26 ~~chartered to another for consideration.~~

27       Section 3. Subsection (5) of section 327.30, Florida  
28 Statutes, is amended to read:

29       327.30 Collisions, accidents, and casualties.—

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

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

39 1. Property damage only, the person commits a misdemeanor  
40 of the first degree, punishable as provided in s. 775.082 or s.  
41 775.083.

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

45 3. Serious bodily injury, the person commits a felony of  
46 the second degree, punishable as provided in s. 775.082, s.  
47 775.083, or s. 775.084.

48 4. The death of another person or an unborn child, the  
49 person commits a felony of the first degree, punishable as  
50 provided in s. 775.082, s. 775.083, or s. 775.084.

51 (b) If a person operating a vessel involved in an accident  
52 that results in the death of another person or an unborn child  
53 provides a false statement to an investigating law enforcement  
54 officer, the person personal injury commits a felony of the  
55 third degree, punishable as provided in s. 775.082 or s. 775.083  
56 s. 775.082, s. 775.083, or s. 775.084. Any person who violates  
57 this subsection with respect to an accident resulting in  
58 property damage only commits a misdemeanor of the second degree,

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59 ~~punishable as provided in s. 775.082 or s. 775.083.~~

60 Section 4. Subsection (2) of section 327.33, Florida  
61 Statutes, is amended to read:

62 327.33 Reckless or careless operation of vessel.—

63 (2) A person who operates any vessel upon the waters of  
64 this state shall operate the vessel in a reasonable and prudent  
65 manner, having regard for other waterborne traffic, posted speed  
66 and wake restrictions, and all other attendant circumstances so  
67 as not to endanger the life, limb, or property of another person  
68 ~~outside the vessel~~ or to endanger the life, limb, or property of  
69 another person due to vessel overloading or excessive speed. The  
70 failure to operate a vessel in a manner described in this  
71 subsection constitutes careless operation. However, vessel wake  
72 and shoreline wash resulting from the reasonable and prudent  
73 operation of a vessel, absent negligence, does not constitute  
74 damage or endangerment to property. If a person who violates  
75 this subsection and the violation:

76 (a) Does not result in an accident, the person commits a  
77 noncriminal violation as defined in s. 775.08.

78 (b) Results in an accident that does not cause serious  
79 bodily injury, the person commits a felony of the third degree,  
80 punishable as provided in s. 775.083 or s. 775.084.

81 (c) Results in an accident that causes serious bodily  
82 injury, the person commits a felony of the second degree,  
83 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

84 (d) Results in an accident that causes the death of another  
85 person or an unborn child, the person commits a felony of the  
86 first degree, punishable as provided in s. 775.082, s. 775.083,  
87 or s. 775.084.

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88 Section 5. Section 327.35105, Florida Statutes, is created  
89 to read:

90 327.35105 Additional penalty for boating under the  
91 influence or reckless or careless operation of vessel.—The  
92 driver license of a person who is convicted of a violation of s.  
93 327.33 or s. 327.35 must be suspended until all orders of the  
94 court have been satisfied.

95 Section 6. Paragraph (c) of subsection (1) of section  
96 327.54, Florida Statutes, is amended to read:

97 327.54 Liveries; safety regulations; penalty.—

98 (1) As used in this section, the term:

99 (c) "Livery" means a person who advertises and offers a  
100 livery vessel for use by another in exchange for any type of  
101 consideration when such person does not also provide or does not  
102 require the lessee or renter to provide as a condition of the  
103 rental or lease agreement a person licensed by the United States  
104 Coast Guard to serve as master of the vessel or to ~~with a~~  
105 captain, a crew, or any type of staff or personnel to operate,  
106 oversee, maintain, or manage the vessel. The owner of a vessel  
107 who does not advertise his or her vessel for use by another for  
108 consideration and who loans or offers his or her vessel for use  
109 to another known to him or her either for consideration or  
110 without consideration is not a livery. A public or private  
111 school or postsecondary institution located within this state is  
112 not a livery. A vessel rented or leased by a livery is a livery  
113 vessel as defined in s. 327.02.

114 Section 7. Section 782.072, Florida Statutes, is amended to  
115 read:

116 782.072 Vessel homicide.—

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117 (1) As used in this section, the term:

118 (a) "Unborn child" has the same meaning as in s.  
119 775.021(5)(e).

120 (b) "Vessel homicide" means ~~is~~ the killing of a human  
121 being, including the death of an unborn child caused by injury  
122 to the mother, by the operation of a vessel as defined in s.  
123 327.02 by another in a reckless manner likely to cause the death  
124 of, or great bodily harm to, another.

125 (2) Vessel homicide is:

126 (a)~~(1)~~ A felony of the second degree, punishable as  
127 provided in s. 775.082, s. 775.083, or s. 775.084.

128 (b)~~(2)~~ A felony of the first degree, punishable as provided  
129 in s. 775.082, s. 775.083, or s. 775.084, if:

130 1.~~(a)~~ At the time of the accident, the person knew, or  
131 should have known, that the accident occurred; and

132 2.~~(b)~~ The person failed to give information and render aid  
133 as required by s. 327.30(1).

134

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

137 Section 8. This act shall take effect July 1, 2025.