

By the Committees on Transportation; and Criminal Justice; and
Senator Martin

596-02312-25

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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. 327.731, F.S.; requiring a person
14 convicted of a certain criminal violation or certain
15 noncriminal infractions within a specified period to
16 complete a boater safety education course; amending s.
17 782.072, F.S.; defining the term "unborn child";
18 revising the definition of the term "vessel homicide";
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. This act may be cited as "Lucy's Law."

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

26 327.02 Definitions.—As used in this chapter and in chapter
27 328, unless the context clearly requires a different meaning,
28 the term:

29 (24) "Livery vessel" means a leased or rented vessel

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30 ~~leased, rented, or chartered to another for consideration.~~

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

33 327.30 Collisions, accidents, and casualties.—

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

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

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

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

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

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

55 (b) If a person operating a vessel involved in an accident
56 that results in the death of another person or an unborn child
57 provides a false statement to an investigating law enforcement
58 officer, the person ~~personal injury~~ commits a felony of the

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59 third degree, punishable as provided in s. 775.082 or s. 775.083
60 ~~s. 775.082, s. 775.083, or s. 775.084. Any person who violates~~
61 ~~this subsection with respect to an accident resulting in~~
62 ~~property damage only commits a misdemeanor of the second degree,~~
63 ~~punishable as provided in s. 775.082 or s. 775.083.~~

64 Section 4. Subsection (1) of section 327.33, Florida
65 Statutes, is amended to read:

66 327.33 Reckless or careless operation of vessel.—

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

76 (a) Does not result in an accident, the person commits a
77 misdemeanor of the first degree, punishable as provided in s.
78 775.082 or s. 775.083.

79 (b) Results in an accident that does not cause serious
80 bodily injury, the person commits a felony of the third degree,
81 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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88 or s. 775.084.

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

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

96 Section 6. Paragraph (c) of subsection (1) of section
97 327.54, Florida Statutes, is amended to read:

98 327.54 Liveries; safety regulations; penalty.—

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

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

115 Section 7. Present subsections (2), (3), and (4) of section
116 327.731, Florida Statutes, are redesignated as subsections (3),

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117 (4), and (5), respectively, a new subsection (2) is added to
118 that section, and subsection (1) and present subsection (3) of
119 that section are amended, to read:

120 327.731 Mandatory education for violators.—

121 (1) A person convicted of a criminal violation under this
122 chapter, convicted of a noncriminal infraction under this
123 chapter if the infraction resulted in a reportable boating
124 accident, or convicted of a two noncriminal infractions
125 infraction as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
126 and (s)-(y), ~~the infractions occurring within a 12-month period,~~
127 must:

128 (a) Enroll in, attend, and successfully complete, at his or
129 her own expense, a classroom or online boating safety course
130 that is approved by and meets the minimum standards established
131 by commission rule;

132 (b) File with the commission within 90 days proof of
133 successful completion of the course; and

134 (c) Refrain from operating a vessel until he or she has
135 filed proof of successful completion of the course with the
136 commission; ~~and~~

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

141 (2) A person convicted of a criminal violation under this
142 chapter, convicted of a noncriminal infraction under this
143 chapter if the infraction resulted in a reportable boating
144 accident, or convicted of two noncriminal infractions as
145 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),

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146 occurring within a 12-month period, must pay a fine of \$500 and
 147 complete a boater safety education course that meets the
 148 requirements of s. 327.395. The clerk of the court shall remit
 149 all fines assessed and collected under this subsection to the
 150 Department of Revenue to be deposited into the Marine Resources
 151 Conservation Trust Fund to support law enforcement activities.

152 (4)~~(3)~~ The commission shall print on the reverse side of
 153 the defendant's copy of the boating citation a notice of the
 154 provisions of this section. Upon conviction, the clerk of the
 155 court shall notify the defendant that it is unlawful for him or
 156 her to operate any vessel until he or she has complied with this
 157 section, but failure of the clerk of the court to provide such a
 158 notice shall not be a defense to a charge of unlawful operation
 159 of a vessel under subsection (3) ~~(2)~~.

160 Section 8. Section 782.072, Florida Statutes, is amended to
 161 read:

162 782.072 Vessel homicide.—

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

164 (a) "Unborn child" has the same meaning as in s.
 165 775.021(5)(e).

166 (b) "Vessel homicide" means ~~is~~ the killing of a human
 167 being, including the death of an unborn child caused by injury
 168 to the mother, by the operation of a vessel as defined in s.
 169 327.02 by another in a reckless manner likely to cause the death
 170 of, or great bodily harm to, another.

171 (2) Vessel homicide is:

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

174 (b)~~(2)~~ A felony of the first degree, punishable as provided

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175 in s. 775.082, s. 775.083, or s. 775.084, if:

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

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

180

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

183 Section 9. This act shall take effect July 1, 2025.