

HB 1447

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A bill to be entitled
An act relating to boating safety; amending s. 322.051, F.S.; revising the conditions upon which the Department of Highway Safety and Motor Vehicles must include a certain symbol on identification cards; requiring the department to issue original, renewal, or replacement identification cards that include a certain symbol in certain circumstances; requiring that replacement identification cards be issued without charging a specified fee under certain circumstances; amending s. 322.08, F.S.; requiring that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a Florida boating safety identification card and, if so, that a copy of such card be submitted with the application; authorizing the Fish and Wildlife Conservation Commission to provide the department with certain information relating to the applicant; amending s. 322.14, F.S.; revising the conditions upon which the department must include a certain symbol on driver licenses; requiring the department to issue original, renewal, or replacement driver licenses with a certain symbol to applicants if certain conditions are met; requiring the department to include the symbol on such

26 licenses with no additional fee for the designation;
27 requiring the department to issue certain replacement
28 driver licenses without charging a specified fee;
29 amending s. 327.30, F.S.; revising the penalties for
30 persons operating a vessel involved in an accident
31 resulting in property damage or death of another
32 person who leave the scene of the accident under
33 certain circumstances; providing a mandatory minimum
34 sentence for a person who willfully commits such
35 violation resulting in the death of another while
36 boating under the influence (BUI); amending s. 327.33,
37 F.S.; defining the term "serious bodily injury";
38 providing increased criminal penalties for violations
39 of navigation rules under certain circumstances;
40 amending s. 327.35, F.S.; making technical changes;
41 requiring courts to order the mandatory placement of
42 ignition interlock devices upon certain vehicles and
43 vessels leased or owned and routinely operated by
44 certain persons under certain circumstances; requiring
45 that such devices be installed at the convicted
46 person's sole expense for specified time periods for
47 varying offenses; providing a mandatory minimum term
48 of imprisonment for a person convicted of BUI
49 manslaughter; revising substance abuse education,
50 evaluation, and treatment requirements for certain

51 persons; requiring an agency conducting a substance
52 abuse course to notify the court and department of an
53 offender's failure to report to or complete such
54 treatment or education and evaluation; providing
55 requirements for the department upon the receipt of
56 such notice; authorizing the department to temporarily
57 reinstate the driving privilege under certain
58 circumstances; requiring waivers before organizations
59 conducting substance abuse education and evaluation
60 begin providing such treatment; providing
61 authorization and documentation requirements for such
62 waivers; requiring such organizations to submit
63 specified quarterly reports to the department;
64 authorizing the court to order a defendant to pay a
65 fine under certain circumstances; providing
66 restrictions for the total period of probation and
67 incarceration; requiring a person convicted of certain
68 BUI violations to maintain an insurance policy that
69 meets certain requirements; providing criminal
70 penalties for failure to maintain such insurance
71 policy; making technical changes; amending s. 327.352,
72 F.S.; revising penalties for a person operating a
73 vessel who fails to submit to a lawful test of his or
74 her breath or urine; amending s. 327.395, F.S.;
75 requiring that all persons, rather than only persons

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76 born on or after a specified date, have specified
77 identification in their possession while operating a
78 vessel; revising the required components of the Fish
79 and Wildlife Conservation Commission's developed or
80 approved boating safety education course and temporary
81 certificate examination; amending s. 327.731, F.S.;
82 revising the mandatory education requirements for a
83 person convicted of certain violations; requiring the
84 commission to adopt rules; making technical changes;
85 amending s. 119.0712, F.S.; conforming a cross-
86 reference; amending s. 921.0022, F.S.; ranking
87 offenses on the offense severity ranking chart of the
88 Criminal Punishment Code; conforming provisions to
89 changes made by the act; reenacting s. 327.54(4),
90 F.S., relating to liveries, to incorporate the
91 amendment made to s. 327.395, F.S., in references
92 thereto; providing effective dates.

93
94 Be It Enacted by the Legislature of the State of Florida:

95
96 **Section 1. Effective October 1, 2027, paragraph (d) of**
97 **subsection (8) of section 322.051, Florida Statutes, is amended,**
98 **and paragraph (f) is added to that subsection, to read:**

99 322.051 Identification cards.—
100 (8)

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

- 105 1. Lifetime freshwater fishing license;
- 106 2. Lifetime saltwater fishing license;
- 107 3. Lifetime hunting license; or
- 108 4. Lifetime sportsman's license; ~~or~~
- 109 5. ~~Lifetime boater safety identification card.~~

110
111 A person may replace his or her identification card before its
112 expiration date with a card that includes his or her status as a
113 lifetime licensee ~~or boater safety cardholder~~ upon surrender of
114 his or her current identification card, payment of a \$2 fee to
115 be deposited into the Highway Safety Operating Trust Fund, and
116 presentation of the person's lifetime license ~~or card~~. If the
117 sole purpose of the replacement identification card is the
118 inclusion of the applicant's status as a lifetime licensee ~~or~~
119 ~~cardholder~~, the replacement identification card must be issued
120 without payment of the fee required in s. 322.21(1)(f)3.c.

121 (f) The department shall issue an original, renewal, or
122 replacement identification card, as applicable, which includes a
123 symbol representing a lifetime boater safety identification card
124 upon the applicant's presentation of his or her Florida boating
125 safety identification card or shall provide a receipt of

126 confirmation by the Fish and Wildlife Conservation Commission
127 that the applicant was issued a Florida boating safety
128 identification card. The department shall include the lifetime
129 boater safety identification card symbol on an original,
130 renewal, or replacement identification card with no additional
131 fee to the applicant for the designation. If the sole purpose of
132 a replacement identification card is the inclusion of the
133 applicant's status as a lifetime boater safety cardholder, the
134 replacement identification card must be issued without payment
135 of the fee required by s. 322.21(1)(f).

136 **Section 2. Effective October 1, 2027, present subsections**
137 **(5) through (10) of section 322.08, Florida Statutes, are**
138 **redesignated as subsections (6) through (11), respectively, and**
139 **a new subsection (5) is added to that section, to read:**

140 322.08 Application for license; requirements for license
141 and identification card forms.—

142 (5) Each such application must indicate whether the
143 applicant has obtained a Florida boating safety identification
144 card pursuant to s. 327.395, and, if so, a copy of such card
145 must be submitted with the application. For purposes of
146 administering this subsection, the Fish and Wildlife
147 Conservation Commission may provide to the department any record
148 documenting the applicant's completion of a boating safety
149 education course meeting the requirements of s. 327.395 or
150 issuance of a Florida boating safety identification card.

151 **Section 3. Effective October 1, 2027, paragraph (e) of**
152 **subsection (1) of section 322.14, Florida Statutes, is amended,**
153 **and paragraph (g) is added to that subsection, to read:**

154 322.14 Licenses issued to drivers.—

155 (1)

156 (e) The department shall include symbols representing the
157 following on a driver license upon the payment of an additional
158 \$1 fee by an applicant who meets the requirements of s. 322.08
159 and presents his or her:

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

165

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

176 322.21(1) (e) .

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

192 **Section 4. Paragraphs (a) and (b) of subsection (5) of**
193 **section 327.30, Florida Statutes, are amended to read:**

194 327.30 Collisions, accidents, and casualties.—

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

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201 under this section.

202 (a) A person who violates this subsection with respect to
203 an accident resulting in:

204 1. Property damage only, commits a misdemeanor of the
205 ~~first~~ second degree, punishable as provided in s. 775.082 or s.
206 775.083.

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

210 3. Serious bodily injury, commits a felony of the second
211 degree, punishable as provided in s. 775.082, s. 775.083, or s.
212 775.084.

213 4. The death of another person ~~or an unborn child~~, commits
214 a felony of the first degree, punishable as provided in s.
215 775.082, s. 775.083, or s. 775.084.

216 (b) A person who willfully commits a violation of
217 subparagraph (a)4. while boating under the influence as set
218 forth in 327.35(1) must be sentenced to a mandatory minimum term
219 of imprisonment of 4 years.

220 **Section 5. Subsection (1) and paragraph (a) of subsection
221 (3) of section 327.33, Florida Statutes, are amended to read:**

222 327.33 Reckless or careless operation of vessel.—

223 (1) It is unlawful to operate a vessel in a reckless
224 manner. A person who operates any vessel, or manipulates any
225 water skis, aquaplane, or similar device, in willful or wanton

226 disregard for the safety of persons or property at a speed or in
227 a manner as to endanger, or likely to endanger, life or limb, or
228 damage the property of, or injure a person commits ~~is guilty of~~
229 reckless operation of a vessel. Reckless operation of a vessel
230 includes, but is not limited to, a violation of s. 327.331(6).
231 Except as provided in subsection (2), if a person violates this
232 subsection and the violation:

233 (a) Does not result in an accident, the person commits a
234 misdemeanor of the second degree, punishable as provided in s.
235 775.082 or s. 775.083.

236 (b) Results in an accident that causes damage to the
237 property or person of another, the person commits a misdemeanor
238 of the first degree, punishable as provided in s. 775.082 or s.
239 775.083.

240 (c) Results in an accident that causes serious bodily
241 injury as defined in s. 316.192, the person commits a felony of
242 the third degree, punishable as provided in s. 775.082, s.
243 775.083, or s. 775.084. As used in this paragraph, the term
244 "serious bodily injury" means an injury to a person which
245 creates a serious personal disfigurement or protracted loss or
246 impairment of the function of a bodily member or organ.

247 (3) Each person operating a vessel upon the waters of this
248 state shall comply with the navigation rules.

249 (a) A person who violates a ~~the~~ navigation rule ~~rules~~ and
250 such ~~the~~ violation results in a boating accident causing serious

251 bodily injury as defined in s. 327.353 or death, but the
252 violation does not constitute reckless operation of a vessel,
253 commits a felony ~~misdemeanor~~ of the third ~~second~~ degree,
254 punishable as provided in s. 775.082 or s. 775.083.

255 **Section 6. Effective October 1, 2027, present subsection**
256 **(10) of section 327.35, Florida Statutes, is redesignated as**
257 **subsection (11), a new subsection (10) is added to that section,**
258 **and subsections (1) through (6) of that section are amended, to**
259 **read:**

260 327.35 Boating under the influence; penalties; "designated
261 drivers."—

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

266 (a) The person is under the influence of alcoholic
267 beverages, any chemical substance set forth in s. 877.111, or
268 any substance controlled under chapter 893, when affected to the
269 extent that the person's normal faculties are impaired.~~;~~

270 (b) The person has a blood-alcohol level of 0.08 or more
271 grams of alcohol per 100 milliliters of blood.~~;~~ ~~or~~

272 (c) The person has a breath-alcohol level of 0.08 or more
273 grams of alcohol per 210 liters of breath.

274 (2) (a) Except as provided in paragraph (b), subsection
275 (3), or subsection (4), a ~~any~~ person ~~who~~ is convicted of a

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276 violation of subsection (1) is subject to the following shall be
277 punished:

278 1. By A fine of:

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

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

283 2. By Imprisonment for:

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

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

286

287 The clerk shall remit the portion of a fine imposed in excess of
288 \$500 pursuant to sub-subparagraph 1.a. and the portion of a fine
289 imposed in excess of \$1,000 pursuant to sub-subparagraph 1.b.,
290 ~~shall be remitted by the clerk~~ to the Department of Revenue for
291 deposit into the General Revenue Fund.

292 (b)1. A ~~Any~~ person ~~who is~~ convicted of a third violation
293 of this section for an offense that occurs within 10 years after
294 a prior conviction for a violation of this section commits a
295 felony of the third degree, punishable as provided in s.
296 775.082, s. 775.083, or s. 775.084. In addition, if the
297 convicted person qualifies for a permanent or restricted
298 license, the court shall order the mandatory placement of an
299 ignition interlock device approved by the department in
300 accordance with s. 316.1938 upon all vehicles and vessels

301 individually or jointly leased or owned and routinely operated
302 by the convicted person. The ignition interlock device must be
303 installed at the convicted person's sole expense for not less
304 than 2 continuous years.

305 2. A ~~Any~~ person ~~who is~~ convicted of a third violation of
306 this section for an offense that occurs more than 10 years after
307 the date of a prior conviction for a violation of this section
308 ~~is subject to~~ ~~shall be punished by~~ a fine of not less than
309 \$2,000 or more than \$5,000 and by imprisonment for not more than
310 12 months. The clerk shall remit the portion of a fine imposed
311 in excess of \$2,500 pursuant to this subparagraph ~~shall be~~
312 ~~remitted by the clerk~~ to the Department of Revenue for deposit
313 into the General Revenue Fund. In addition, if the convicted
314 person qualifies for a permanent or restricted license, the
315 court shall order the mandatory placement of an ignition
316 interlock device approved by the department in accordance with
317 s. 316.1938 upon all vehicles and vessels individually or
318 jointly leased or owned and routinely operated by the convicted
319 person. The ignition interlock device must be installed at the
320 convicted person's sole expense for not less than 2 continuous
321 years.

322 3. Any person ~~who is~~ convicted of a fourth or subsequent
323 violation of this section, regardless of when any prior
324 conviction for a violation of this section occurred, commits a
325 felony of the third degree, punishable as provided in s.

326 775.082, s. 775.083, or s. 775.084.

327

328 However, the fine imposed for such fourth or subsequent
329 violation may not be less than \$2,000. The clerk shall remit the
330 portion of such fine imposed in excess of \$1,000 ~~shall be~~
331 ~~remitted by the clerk~~ to the Department of Revenue for deposit
332 into the General Revenue Fund. In addition to the penalties
333 specified in paragraph (a), the court may order the placement of
334 an ignition interlock device approved by the department in
335 accordance with s. 316.1938 upon all vehicles and vessels
336 individually or jointly leased or owned and routinely operated
337 by the convicted person if, at the time of the offense, the
338 person had a blood-alcohol level or breath-alcohol level of 0.08
339 or higher. The ignition interlock device must be installed at
340 the convicted person's sole expense for not less than 6
341 continuous months.

342 (3) (a) A Any person who:

343 1. Violates ~~Who is in violation of~~ subsection (1);
344 2. Who Operates a vessel; and
345 3. Who, By reason of such operation, causes or contributes
346 to causing:

347 a. Damage to the property or person of another commits a
348 misdemeanor of the first degree, punishable as provided in s.
349 775.082 or s. 775.083.

350 b. Serious bodily injury to another, as defined in s.

351 327.353, commits a felony of the third degree, punishable as
352 provided in s. 775.082, s. 775.083, or s. 775.084.

353 c. The death of a ~~any~~ human being, or an ~~any~~ unborn child as
354 defined in s. 775.021(5), commits BUI manslaughter, and commits:

355 (I) A felony of the second degree, punishable as provided
356 in s. 775.082, s. 775.083, or s. 775.084.

357 (II) A felony of the first degree, punishable as provided
358 in s. 775.082, s. 775.083, or s. 775.084, if:

359 (A) At the time of the accident, the person knew, or
360 should have known, that the accident occurred; and

361 (B) The person failed to give information and render aid
362 as required by s. 327.30.

363

364 A person convicted of BUI manslaughter must be sentenced to a
365 mandatory term of imprisonment of 4 years. Sub-subparagraph 3.c.
366 ~~This sub-sub-subparagraph~~ does not require that the person knew
367 that the accident resulted in injury or death.

368 (III) A felony of the first degree, punishable as provided
369 in s. 775.082, s. 775.083, or s. 775.084, if the person has a
370 prior conviction under this sub-subparagraph, s.

371 316.193(3)(c)3., s. 782.071, or s. 782.072.

372 (b) A person ~~who is~~ convicted of BUI manslaughter must
373 ~~shall~~ be sentenced to a mandatory minimum term of imprisonment
374 of 4 years.

375 (4) A ~~Any~~ person ~~who is~~ convicted of violating a violation

376 of subsection (1) and who has a blood-alcohol level or breath-
377 alcohol level of 0.15 or higher, or any person ~~who is~~ convicted
378 of violating a violation of subsection (1) and who at the time
379 of the offense was accompanied in the vessel by a person under
380 ~~the age of 18 years of age, is subject to shall be punished:~~

381 (a) By A fine of:

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

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

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

388 (b) By Imprisonment for:

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

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

391 (c) In addition to the penalties provided in paragraphs

392 (a) and (b), the mandatory placement of an ignition interlock
393 device as ordered by the court and approved by the department in
394 accordance with s. 316.1938 upon all vehicles and vessels that
395 are individually or jointly leased or owned and routinely
396 operated by the convicted person, when the convicted person
397 qualifies for a permanent or restricted license. The ignition
398 interlock device must be installed at the convicted person's
399 sole expense for not less than 6 continuous months for the first
400 offense and for not less than 2 continuous years for a second

401 offense.

402

403 The clerk shall remit the portion of a fine imposed in excess of
404 \$1,000 pursuant to subparagraph (a)1. and the portion of a fine
405 imposed in excess of \$2,000 pursuant to subparagraph (a)2. or
406 subparagraph (a)3. ~~shall be remitted by the clerk~~ to the
407 Department of Revenue for deposit into the General Revenue Fund.
408 For the purposes of this subsection, only the instant offense is
409 required to be a violation of subsection (1) by a person who has
410 a blood-alcohol level or breath-alcohol level of 0.15 or higher.

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

415 (a) The agency conducting the substance abuse course may
416 refer the offender to an authorized service provider for
417 substance abuse evaluation and treatment, which must include a
418 psychosocial evaluation of the offender, in addition to any
419 sentence or fine imposed under this section. If the agency
420 conducting the substance abuse course makes such a referral in
421 addition to any sentence or fine imposed under this section, the
422 completion of all such education, evaluation, and treatment is a
423 condition of reporting probation. The offender shall assume
424 reasonable costs for such education, evaluation, and treatment,
425 ~~with completion of all such education, evaluation, and treatment~~

426 being a condition of reporting probation. A referral to
427 treatment resulting from a psychosocial evaluation may not be
428 waived without a supporting independent psychosocial evaluation
429 conducted by an authorized substance abuse treatment provider
430 agency appointed by the court. The provider must be provided
431 access to the agency's substance abuse course's psychosocial
432 evaluation before the independent psychosocial evaluation is
433 conducted and with access to the original evaluation. The
434 offender shall bear the cost of this procedure. The court shall
435 review the results and recommendations of both evaluations
436 before determining the request for a waiver.

437 (b) If an offender is referred to treatment under this
438 subsection and he or she fails to report for or complete such
439 treatment or fails to complete the agency's substance abuse
440 education course and evaluation, the agency must notify the
441 court and the department of the failure. Upon receipt of the
442 notice, the department must cancel the offender's driving
443 privilege, notwithstanding the terms of the court order or any
444 suspension or revocation of the driving privilege. The
445 department may temporarily reinstate the driving privilege on a
446 restricted basis upon verification from the agency that the
447 offender is currently participating in treatment and that both
448 the substance abuse education course and evaluation requirement
449 have been completed. If the agency notifies the department of a
450 second failure to complete treatment, the department may

451 reinstate the driving privilege only after notice of completion
452 of treatment from the agency.

453 (c) An agency that conducts an offender's substance abuse
454 education and evaluation may not provide required substance
455 abuse treatment unless a waiver has been granted to that
456 organization by the department. A waiver may be granted only if
457 the department, in accordance with department rule, determines
458 that the service provider conducting the substance abuse
459 education and evaluation is the most appropriate service
460 provider and is licensed under chapter 397 or is exempt from
461 such licensure. Organizations authorized to provide services
462 under this section must submit quarterly statistical referral
463 reports to the department.

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

467 (6) With respect to a any person convicted of violating a
468 violation of subsection (1), regardless of any other penalty
469 imposed:

470 (a) For the first conviction, the court shall place the
471 defendant on probation for a period not to exceed 1 year and, as
472 a condition of such probation, shall order the defendant to
473 participate in public service or a community work project for a
474 minimum of 50 hours. The court must also, as a condition of
475 probation, order the impoundment or immobilization of the vessel

476 that was operated by or in the actual control of the defendant
477 or any one vehicle registered in the defendant's name at the
478 time of impoundment or immobilization, for a period of 10 days
479 or for the unexpired term of any lease or rental agreement that
480 expires within 10 days. The impoundment or immobilization may
481 ~~must~~ not occur concurrently with the incarceration of the
482 defendant. The impoundment or immobilization order may be
483 dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), ~~or~~
484 paragraph (g). The total period of probation and incarceration
485 may not exceed 1 year.

486 (b) For the second conviction for an offense that occurs
487 within a period of 5 years after the date of a prior conviction
488 for violation of this section, the court shall order
489 imprisonment for not less than 10 days. The court may order a
490 defendant to pay a fine of \$10 for each hour of public service
491 or community work otherwise required only if the court finds
492 that the residence or location of the defendant at the time
493 public service or community work is required or the defendant's
494 employment obligations would create an undue hardship for the
495 defendant. However, the total period of probation and
496 incarceration may not exceed 1 year. The court shall ~~must~~ also,
497 as a condition of probation, order the impoundment or
498 immobilization of the vessel that was operated by or in the
499 actual control of the defendant or any one vehicle registered in
500 the defendant's name at the time of impoundment or

501 immobilization, for a period of 10 30 days or for the unexpired
502 term of any lease or rental agreement that expires within 10 30
503 days. The impoundment or immobilization must not occur
504 concurrently with the incarceration of the defendant. The
505 impoundment or immobilization order may be dismissed in
506 accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph
507 (g). At least 48 hours of confinement must be consecutive.

508 (c) For the third or subsequent conviction for an offense
509 that occurs within a period of 10 years after the date of a
510 prior conviction for violation of this section, the court shall
511 order imprisonment for not less than 30 days. The court shall
512 ~~must~~ also, as a condition of probation, order the impoundment or
513 immobilization of the vessel that was operated by or in the
514 actual control of the defendant or any one vehicle registered in
515 the defendant's name at the time of impoundment or
516 immobilization, for a period of 90 days or for the unexpired
517 term of any lease or rental agreement that expires within 90
518 days. The impoundment or immobilization must not occur
519 concurrently with the incarceration of the defendant. The
520 impoundment or immobilization order may be dismissed in
521 accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph
522 (g). At least 48 hours of confinement must be consecutive.

523 (d) The court shall ~~must~~ at the time of sentencing the
524 defendant issue an order for the impoundment or immobilization
525 of a vessel. Within 7 business days after the date that the

526 court issues the order of impoundment, and once again 30
527 business days before the actual impoundment or immobilization of
528 the vessel, the clerk of the court must send notice by certified
529 mail, return receipt requested, to the registered owner of each
530 vessel, if the registered owner is a person other than the
531 defendant, and to each person of record claiming a lien against
532 the vessel.

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

545 (f) A person who owns but was not operating the vessel
546 when the offense occurred, and whose vessel was stolen or who
547 purchased the vessel after the offense was committed directly
548 from the defendant or the defendant's agent, may request an
549 evidentiary hearing to determine whether the impoundment or
550 immobilization should occur. If the court finds that either the

551 vessel was stolen or the purchase was made without knowledge of
552 the offense, that the purchaser had no relationship to the
553 defendant other than through the transaction, and that such
554 purchase would not circumvent the order and allow the defendant
555 continued access to the vessel, the order must be dismissed and
556 the owner of the vessel will incur no costs.

557 (g) All costs and fees for the impoundment or
558 immobilization, including the cost of notification, must be paid
559 by the owner of the vessel or, if the vessel is leased or
560 rented, by the person leasing or renting the vessel, unless the
561 impoundment or immobilization order is dismissed.

562 (h) The person who owns a vessel that is impounded or
563 immobilized under this paragraph, or a person who has a lien of
564 record against such a vessel and who has not requested a review
565 of the impoundment pursuant to paragraph (e) or paragraph (f),
566 may, within 10 days after the date that person has knowledge of
567 the location of the vessel, file a complaint in the county in
568 which the owner resides to determine whether the vessel was
569 wrongfully taken or withheld from the owner or lienholder. Upon
570 the filing of a complaint, the owner or lienholder may have the
571 vessel released by posting with the court a bond or other
572 adequate security equal to the amount of the costs and fees for
573 impoundment or immobilization, including towing or storage, to
574 ensure the payment of the costs and fees if the owner or
575 lienholder does not prevail. When the bond is posted and the fee

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576 is paid as set forth in s. 28.24, the clerk of the court shall
577 issue a certificate releasing the vessel. At the time of
578 release, after reasonable inspection, the owner or lienholder
579 must give a receipt to the towing or storage company indicating
580 any loss or damage to the vessel or to the contents of the
581 vessel.

582 (i) A defendant, in the court's discretion, may be
583 required to serve all or any portion of a term of imprisonment
584 to which the defendant has been sentenced pursuant to this
585 section in a residential alcoholism treatment program or a
586 residential drug abuse treatment program. Any time spent in such
587 a program must be credited by the court toward the term of
588 imprisonment.

589
590 For the purposes of this section, any conviction for a violation
591 of s. 316.193, a previous conviction for the violation of former
592 s. 316.1931, former s. 860.01, or former s. 316.028, or a
593 previous conviction outside this state for driving under the
594 influence, driving while intoxicated, driving with an unlawful
595 blood-alcohol level, driving with an unlawful breath-alcohol
596 level, or any other similar alcohol-related or drug-related
597 traffic offense, is also considered a previous conviction for
598 violation of this section.

599 (10) Notwithstanding any sentence or fine imposed by law
600 or the court, a person convicted of violating subsection (1) and

601 one or more additional criminal violations under this chapter,
602 whether arising from the same incident or from other incidents
603 occurring within the 12 months preceding the violation of
604 subsection (1), must maintain an insurance policy insuring
605 against loss from liability for bodily injury, death, and
606 property damage arising out of the ownership, maintenance, or
607 use of a vessel. Such insurance policy must contain limits of
608 not less than \$100,000 for bodily injury liability or death and
609 \$50,000 for property damage. A person who operates a vessel
610 without such insurance policy commits a misdemeanor of the
611 second degree, punishable as provided in s. 775.082 or s.
612 775.083.

613 **Section 7. Effective October 1, 2027, paragraph (a) of**
614 **subsection (1) of section 327.352, Florida Statutes, is amended**
615 **to read:**

616 327.352 Tests for alcohol, chemical substances, or
617 controlled substances; implied consent; refusal.—

618 (1) (a)1. The Legislature declares that the operation of a
619 vessel is a privilege that must be exercised in a reasonable
620 manner. In order to protect the public health and safety, it is
621 essential that a lawful and effective means of reducing the
622 incidence of boating while impaired or intoxicated be
623 established. Therefore, a person who accepts the privilege
624 extended by the laws of this state of operating a vessel within
625 this state is, by operating such vessel, deemed to have given

626 his or her consent to submit to an approved chemical test or
627 physical test including, but not limited to, an infrared light
628 test of his or her breath for the purpose of determining the
629 alcoholic content of his or her blood or breath if the person is
630 lawfully arrested for any offense allegedly committed while the
631 person was operating a vessel while under the influence of
632 alcoholic beverages. The chemical or physical breath test must
633 be incidental to a lawful arrest and administered at the request
634 of a law enforcement officer who has reasonable cause to believe
635 such person was operating the vessel within this state while
636 under the influence of alcoholic beverages. The administration
637 of a breath test does not preclude the administration of another
638 type of test. The person must ~~shall~~ be told that his or her
639 failure to submit to a ~~any~~ lawful test of his or her breath
640 under this chapter will result in a suspension of the person's
641 privilege to operate a vessel for a period of 1 year for a first
642 refusal or for a period of 18 months if his or her privilege to
643 operate a vessel has been previously suspended or if he or she
644 has been fined for a prior refusal to submit to a lawful test of
645 his or her breath, urine, or blood as required under this
646 chapter or chapter 316. The person must also be told a civil
647 penalty of \$500, and that if he or she refuses to submit to a
648 lawful test of his or her breath and he or she has been
649 previously fined under s. 327.35215 or his or her driving
650 privilege has been previously suspended for refusal to submit to

651 any lawful test of his or her breath, urine, or blood, under
652 this chapter or chapter 316, he or she commits a misdemeanor of
653 the first degree, punishable as provided in s. 775.082 or s.
654 775.083, in addition to any other penalties provided by law. The
655 refusal to submit to a chemical or physical breath test upon the
656 request of a law enforcement officer as provided in this section
657 is admissible into evidence in any criminal proceeding.

658 2. A person who accepts the privilege extended by the laws
659 of this state of operating a vessel within this state is, by
660 operating such vessel, deemed to have given his or her consent
661 to submit to a urine test for the purpose of detecting the
662 presence of chemical substances as set forth in s. 877.111 or
663 controlled substances if the person is lawfully arrested for any
664 offense allegedly committed while the person was operating a
665 vessel while under the influence of chemical substances or
666 controlled substances. The urine test must be incidental to a
667 lawful arrest and administered at a detention facility or any
668 other facility, mobile or otherwise, which is equipped to
669 administer such tests at the request of a law enforcement
670 officer who has reasonable cause to believe such person was
671 operating a vessel within this state while under the influence
672 of chemical substances or controlled substances. The urine test
673 must be administered at a detention facility or any other
674 facility, mobile or otherwise, which is equipped to administer
675 such test in a reasonable manner that will ensure the accuracy

676 of the specimen and maintain the privacy of the individual
677 involved. The administration of a urine test does not preclude
678 the administration of another type of test. The person must
679 ~~shall~~ be told that his or her failure to submit to a ~~a~~ any lawful
680 test of his or her urine under this chapter will result in
681 suspension of the person's privilege to operate a vessel for a
682 period of 1 year for the first refusal, or for a period of 18
683 months if his or her privilege to operate a vessel or to operate
684 a vehicle has been previously suspended under s. 327.35215 or
685 chapter 316. The person must also be told a civil penalty of
686 ~~\$500, and~~ that if he or she refuses to submit to a lawful test
687 of his or her urine and he or she has been previously fined
688 under s. 327.35215 or his or her driving privilege has been
689 previously suspended for refusal to submit to any lawful test of
690 his or her breath, urine, or blood, he or she commits a
691 misdemeanor of the first degree, punishable as provided in s.
692 775.082 or s. 775.083, in addition to any other penalties
693 provided by law. The refusal to submit to a urine test upon the
694 request of a law enforcement officer as provided in this section
695 is admissible into evidence in any criminal proceeding.

696 **Section 8. Subsections (1), (2), and (4) of section
697 327.395, Florida Statutes, are amended to read:**

698 327.395 Boating safety education.—

699 (1) Effective July 1, 2028, a person operating born on or
700 ~~after January 1, 1988, may not operate~~ a vessel powered by a

701 motor of 10 horsepower or greater must have ~~unless such person~~
702 ~~has~~ in his or her possession aboard the vessel the documents
703 required by subsection (2).

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

715 (a) Completed a commission-approved boating safety
716 education course that meets the minimum requirements established
717 by the National Association of State Boating Law
718 Administrators.~~;~~

719 (b) Passed a temporary certificate examination developed
720 or approved by the commission.~~;~~

721 (c) Obtained a valid International Certificate of
722 Competency.~~;~~~~or~~

723 (d) Completed a boating safety education course or
724 equivalency examination in another state, a United States
725 territory, or Canada which meets or exceeds the minimum

726 requirements established by the National Association of State
727 Boating Law Administrators.

728 (4) A commission-approved boating safety education course
729 or temporary certificate examination developed or approved by
730 the commission must include components regarding all of the
731 following:

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

734 (b) The danger associated with:

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

738 2. A passenger falling overboard.

739 3. Operating a vessel with a person in the water near the
740 vessel.

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

742 5. Leaving the vessel running when a passenger is boarding
743 or disembarking.

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

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

747 (d) Human trafficking awareness.

748
749 The commission must include the components under this subsection
750 in boating safety education campaigns and in educational

751 materials produced by the commission, as appropriate.

752 **Section 9. Subsections (1), (3), (4) and (5) of section**
753 **327.731, Florida Statutes, are amended to read:**

754 327.731 Mandatory education for violators.—

755 (1) A person convicted of a noncriminal infraction as
756 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y)
757 must do all of the following:

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

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

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

769 a. The boating laws of this state.
770 b. Causes and prevention of boating accidents.
771 c. The importance of wearing personal flotation devices.
772 d. The use of common sense and common courtesy while
773 operating a vessel.

774 e. How to operate a vessel defensively. a classroom or
775 online boating safety course that is approved by and meets the

776 ~~minimum standards established by commission rule;~~

777 (b) File with the commission within 90 days proof of
778 successful completion of the course.~~;~~ ~~and~~

779 (c) Refrain from operating a vessel until he or she has
780 filed proof of successful completion of the course with the
781 commission.

782 (3) As used in ~~For the purposes of~~ this section, the terms
783 "convicted" and "conviction" ~~mean~~ means a finding of guilt, or
784 the acceptance of a plea of guilty or nolo contendere,
785 regardless of whether ~~or not~~ adjudication was withheld or
786 whether imposition of sentence was withheld, deferred, or
787 suspended. A ~~Any~~ person who operates a vessel on the waters of
788 this state in violation of ~~the provisions of~~ this section
789 ~~commits is guilty of~~ a misdemeanor of the second degree,
790 punishable as provided in s. 775.082 or s. 775.083.

791 (4) The commission shall print on the reverse side of the
792 defendant's copy of the boating citation a notice of the
793 provisions of this section. Upon conviction, the clerk of the
794 court shall notify the defendant that it is unlawful for him or
795 her to operate any vessel until he or she has complied with this
796 section, but failure of the clerk of the court to provide such a
797 notice ~~is shall~~ not be a defense to a charge of unlawful
798 operation of a vessel under subsection (3).

799 (5) The commission shall:

800 (a) Maintain a program to ensure compliance with the

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801 mandatory boating safety education requirements under this
802 section. This program must:

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

805 2.(b) Send specific notices to each person subject to the
806 requirement for mandatory boating safety education.

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

808 **Section 10. Effective October 1, 2027, paragraph (c) of**
809 **subsection (2) of section 119.0712, Florida Statutes, is amended**
810 **to read:**

811 119.0712 Executive branch agency-specific exemptions from
812 inspection or copying of public records.—

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

814 (c) E-mail addresses collected by the Department of
815 Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s.
816 320.95(2), or s. 322.08(11) ~~s. 322.08(10)~~ are exempt from s.
817 119.07(1) and s. 24(a), Art. I of the State Constitution. This
818 exemption applies retroactively.

819 **Section 11. Paragraph (f) of subsection (3) of section**
820 **921.0022, Florida Statutes, is amended to read:**

821 921.0022 Criminal Punishment Code; offense severity
822 ranking chart.—

823 (3) OFFENSE SEVERITY RANKING CHART

824 (f) LEVEL 6

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	Florida Statute	Felony Degree	Description
826	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
827	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
828	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
829	327.30 (5) (a) 3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
830	<u>327.33 (3) (a)</u>	<u>3rd</u>	<u>Vessel accidents causing serious bodily injury or death but not reckless operation of a vessel.</u>
831			

	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
832	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
833	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
834	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
835	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
836	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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	784.021(1) (b)	3rd	Aggravated assault; intent to commit felony.
838	784.041	3rd	Felony battery; domestic battery by strangulation.
839	784.048 (3)	3rd	Aggravated stalking; credible threat.
840	784.048 (5)	3rd	Aggravated stalking of person under 16.
841	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
842	784.074(1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
843	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
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	784.081(2)	2nd	Aggravated assault on specified official or employee.
845	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
846	784.083(2)	2nd	Aggravated assault on code inspector.
847	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
848	787.025(2) (a)	3rd	Luring or enticing a child.
849	790.115(2) (d)	2nd	Discharging firearm or weapon on school property.
850	790.161(2)	2nd	Make, possess, or throw destructive device with

			intent to do bodily harm or damage property.
851			
	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
852			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
853			
	794.011(8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
854			
	794.05(1)	2nd	Unlawful sexual activity with specified minor.
855			
	800.04(5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but

			less than 16 years of age; offender less than 18 years.
856			
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
857			
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
858			
	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
859			
	810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
860			
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd

861			degree.
	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
862	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
863	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
864	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
865	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
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812.015(9)(e) 2nd Retail theft; committed with specified number of other persons and use of social media platform.

867 812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

868 817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

869 817.49(2)(b)2. 2nd Willful making of a false report of a crime resulting in death.

870 817.505(4)(b) 2nd Patient brokering; 10 or more patients.

871 817.5695(3)(b) 2nd Exploitation of person

			65 years of age or older, value \$10,000 or more, but less than \$50,000.
872	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
873	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
874	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
875	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
876	827.03(2)(c)	3rd	Abuse of a child.
877			

878	827.03(2) (d)	3rd	Neglect of a child.
879	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
880	828.126(3)	3rd	Sexual activities involving animals.
881	836.05	2nd	Threats; extortion.
882	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
883	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

884	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
885	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
886	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
887	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
888	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
889	944.35 (3) (a) 2.	3rd	Committing malicious

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battery upon or
inflicting cruel or
inhuman treatment on an
inmate or offender on
community supervision,
resulting in great
bodily harm.

890

944.40 2nd Escapes.

891

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

892

944.47(1)(a)5. 2nd Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

893

951.22(1)(i) 3rd Firearm or weapon
introduced into county
detention facility.

894

895 **Section 12. For the purpose of incorporating the amendment**
896 **made by this act to section 327.395, Florida Statutes, in**

897 **references thereto, subsection (4) of section 327.54, Florida**
898 **Statutes, is reenacted to read:**

899 327.54 Liveries; safety regulations; penalty.—

900 (4) A livery may not knowingly lease or rent a vessel to a
901 person who is required to comply with s. 327.395 unless such
902 person presents to the livery the documentation required by s.
903 327.395(2) for the operation of a vessel or meets the exemption
904 provided under s. 327.395(6)(f).

905 **Section 13.** Except as otherwise expressly provided in this
906 act, this act shall take effect July 1, 2026.