

1 A bill to be entitled
2 An act relating to boating safety; amending s.
3 322.051, F.S.; revising the conditions upon which the
4 Department of Highway Safety and Motor Vehicles must
5 include a certain symbol on identification cards;
6 requiring the department to issue original, renewal,
7 or replacement identification cards that include a
8 certain symbol in certain circumstances; requiring
9 that replacement identification cards be issued
10 without charging a specified fee under certain
11 circumstances; amending s. 322.08, F.S.; requiring
12 that applications for original, renewal, or
13 replacement driver licenses or identification cards
14 indicate whether the applicant has obtained a Florida
15 boating safety identification card and, if so, that a
16 copy of such card be submitted with the application;
17 authorizing the Fish and Wildlife Conservation
18 Commission to provide the department with certain
19 information relating to the applicant; amending s.
20 322.14, F.S.; revising the conditions upon which the
21 department must include a certain symbol on driver
22 licenses; requiring the department to issue original,
23 renewal, or replacement driver licenses with a certain
24 symbol to applicants if certain conditions are met;
25 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

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

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

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

322.051 Identification cards.—

(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

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

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

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

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

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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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under this section.

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

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

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

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

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

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

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

327.33 Reckless or careless operation of vessel.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. ~~By~~ A fine of:

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

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

2. ~~By~~ Imprisonment for:

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

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

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

(b)1. A ~~Any~~ person ~~who is~~ convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, if the convicted person qualifies for a permanent or restricted license, the court shall order the mandatory placement of an ignition interlock device approved by the department in 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.

775.082, s. 775.083, or s. 775.084.

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

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

1. Violates ~~Who is in violation of~~ subsection (1);
2. ~~Who~~ Operates a vessel; and
3. ~~Who~~, By reason of such operation, causes or contributes to causing:
 - a. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
 - b. Serious bodily injury to another, as defined in s.

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

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

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

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

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

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

A person convicted of BUI manslaughter must be sentenced to a mandatory term of imprisonment of 4 years. Sub-subparagraph 3.c.

~~This sub-sub-subparagraph~~ does not require that the person knew that the accident resulted in injury or death.

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

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

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

(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

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

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

(d) The court shall ~~must~~ at the time of sentencing the defendant issue an order for the impoundment or immobilization 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

327.395 Boating safety education.—

(1) Effective July 1, 2028, a person operating ~~born on or~~ 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

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

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

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

(b) The danger associated with:

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

2. A passenger falling overboard.

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

4. Starting a vessel with the engine in gear.

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

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

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

(d) Human trafficking awareness.

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

materials produced by the commission, as appropriate.

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

327.731 Mandatory education for violators.—

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

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

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

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

a. The boating laws of this state.

b. Causes and prevention of boating accidents.

c. The importance of wearing personal flotation devices.

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

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

~~minimum standards established by commission rule.~~

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

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

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

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

(5) The commission shall:

(a) Maintain a program to ensure compliance with the

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

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

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

(b) Adopt rules necessary to implement this section.

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

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(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</u> <u>causing serious bodily</u> <u>injury or death but</u> <u>not reckless operation</u> <u>of a vessel.</u> |
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| 832 | 400.9935 (4) (c) | 2nd | Operating a clinic, or offering services requiring licensure, without a license. |
| 833 | 499.0051 (2) | 2nd | Knowing forgery of transaction history, transaction information, or transaction statement. |
| 834 | 499.0051 (3) | 2nd | Knowing purchase or receipt of prescription drug from unauthorized person. |
| 835 | 499.0051 (4) | 2nd | Knowing sale or transfer of prescription drug to unauthorized person. |
| 836 | 775.0875 (1) | 3rd | Taking firearm from law enforcement officer. |
| 837 | 784.021 (1) (a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |

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| 838 | 784.021 (1) (b) | 3rd | Aggravated assault; intent to commit felony. |
| 839 | 784.041 | 3rd | Felony battery; domestic battery by strangulation. |
| 840 | 784.048 (3) | 3rd | Aggravated stalking; credible threat. |
| 841 | 784.048 (5) | 3rd | Aggravated stalking of person under 16. |
| 842 | 784.07 (2) (c) | 2nd | Aggravated assault on law enforcement officer. |
| 843 | 784.074 (1) (b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 844 | 784.08 (2) (b) | 2nd | Aggravated assault on a person 65 years of age or older. |

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| 845 | 784.081 (2) | 2nd | Aggravated assault on specified official or employee. |
| 846 | 784.082 (2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 847 | 784.083 (2) | 2nd | Aggravated assault on code inspector. |
| 848 | 787.02 (2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 849 | 787.025 (2) (a) | 3rd | Luring or enticing a child. |
| 850 | 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property. |
| | 790.161 (2) | 2nd | Make, possess, or throw destructive device with |

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| 851 | | | intent to do bodily harm or damage property. |
| | 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 |

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| 856 | | | less than 16 years of age; offender less than 18 years. |
| | 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 |

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degree.

812.014 (2) (c) 5.

3rd Grand theft; third
degree; firearm.

812.014 (6)

2nd Theft; property stolen
\$3,000 or more; coordination
of others.

812.015 (9) (a)

2nd Retail theft; property
stolen \$750 or more;
second or subsequent
conviction.

812.015 (9) (b)

2nd Retail theft; aggregated
property stolen within
120 days is \$3,000 or
more; coordination of
others.

812.015 (9) (d)

2nd Retail theft;
multiple thefts
within specified
period.

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| 867 | 812.015 (9) (e) | 2nd | Retail theft; committed with specified number of other persons and use of social media platform. |
| 868 | 812.13 (2) (c) | 2nd | Robbery, no firearm or other weapon (strong- arm robbery). |
| 869 | 817.4821 (5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |
| 870 | 817.49 (2) (b) 2. | 2nd | Willful making of a false report of a crime resulting in death. |
| 871 | 817.505 (4) (b) | 2nd | Patient brokering; 10 or more patients. |
| | 817.5695 (3) (b) | 2nd | Exploitation of person |

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| 872 | | | 65 years of age or older, value \$10,000 or more, but less than \$50,000. |
| | 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 | | | |

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

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| 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.

944.40 2nd Escapes.

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|--------|-----|---|
| 944.46 | 3rd | Harboring, concealing, aiding escaped prisoners. |
|--------|-----|---|

944.47(1)(a)5.

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

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

Section 12. For the purpose of incorporating the amendment 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.