



588856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
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The Committee on Environmental Preservation and Conservation (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 327.33, Florida Statutes, is amended to read:

327.33 Reckless or careless operation of vessel.—

(2) A Any person who operates any ~~operating a~~ vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other



588856

11 waterborne traffic, posted speed and wake restrictions, and all  
12 other attendant circumstances so as not to endanger the life,  
13 limb, or property of another any person outside the vessel or  
14 endanger the life, limb, or property of any person due to vessel  
15 overloading or excessive speed. The failure to operate a vessel  
16 in a manner described in this subsection constitutes careless  
17 operation. However, vessel wake and shoreline wash resulting  
18 from the reasonable and prudent operation of a vessel ~~shall,~~  
19 absent negligence, does not constitute damage or endangerment to  
20 property. A Any person who violates the provisions of this  
21 subsection commits a noncriminal violation as defined in s.  
22 775.08.

23 Section 2. Subsections (2), (3), and (4) of section 327.70,  
24 Florida Statutes, are amended to read:

25 327.70 Enforcement of this chapter and chapter 328.—

26 (2) (a) The operator of a vessel, upon demonstrated  
27 compliance with safety equipment carriage and use requirements  
28 as provided in this chapter during a safety inspection initiated  
29 by a law enforcement officer, shall be issued a safety  
30 inspection decal signifying such compliance. The safety  
31 inspection decal, if displayed, must be located within 6 inches  
32 of the inspected vessel's properly displayed vessel registration  
33 decal and shall signify that the vessel is deemed to have met  
34 safety equipment carriage and use requirements as provided in  
35 this chapter at the time and location of inspection. For non-  
36 motorized vessels which are not required to be registered, the  
37 safety inspection decal, if displayed, must be located on the  
38 forward half of the port side of the vessel above the waterline.

39 (b) Law enforcement officers may not stop a vessel solely



588856

40 for the purpose of inspecting safety equipment carriage  
41 requirements when the vessel properly displays a valid safety  
42 inspection decal, created or approved by the Division of Law  
43 Enforcement of the Fish and Wildlife Conservation Commission,  
44 except when there is reasonable suspicion that a violation of a  
45 safety equipment carriage or use requirement has occurred or is  
46 occurring. Nothing herein is intended to restrict vessel stops  
47 for any other unlawful purpose.

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

52 1. Section 327.33(3)(b), relating to navigation rules.

53 2. Section 327.44, relating to interference with  
54 navigation.

55 3. Section 327.50(2), relating to required lights and  
56 shapes.

57 4. Section 327.53, relating to marine sanitation.

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

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

60 (b) Citations issued to livery vessels under this  
61 subsection shall be the responsibility of the lessee of the  
62 vessel if the livery has included a warning of this  
63 responsibility as a part of the rental agreement and has  
64 provided to the agency issuing the citation the name, address,  
65 and date of birth of the lessee when requested by that agency.  
66 The livery is not responsible for the payment of citations if  
67 the livery provides the required warning and lessee information.

68 (4) ~~(3)~~ Such officers shall have the power and duty to issue



588856

69 such orders and to make such investigations, reports, and  
70 arrests in connection with any violation of the provisions of  
71 this chapter and chapter 328 as are necessary to effectuate the  
72 intent and purpose of this chapter and chapter 328.

73 ~~(5)~~(4) The Fish and Wildlife Conservation Commission or any  
74 other law enforcement agency may make any investigation  
75 necessary to secure information required to carry out and  
76 enforce the provisions of this chapter and chapter 328.

77 Section 3. This act shall take effect July 1, 2016.

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79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete everything before the enacting clause  
82 and insert:

83 A bill to be entitled  
84 An act relating to vessels; amending s. 327.33, F.S.;  
85 revising provisions relating to careless operation of  
86 a vessel; amending s. 327.70, F.S.; requiring the  
87 issuance and use of a safety inspection decal under  
88 certain circumstances; prohibiting law enforcement  
89 officers from stopping a vessel for a specified  
90 purpose under certain circumstances; providing an  
91 exception; providing an effective date.