

By the Committees on Fiscal Policy; and Environmental Preservation and Conservation; and Senator Hutson

594-04101-16

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1 A bill to be entitled

2 An act relating to vessels; amending s. 327.33, F.S.;
3 revising provisions relating to careless operation of
4 a vessel; amending s. 327.70, F.S.; requiring the
5 issuance and use of a safety inspection decal under
6 certain circumstances; prohibiting law enforcement
7 officers from stopping a vessel for a specified
8 purpose under certain circumstances; providing an
9 exception; providing an effective date.

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

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

15 327.33 Reckless or careless operation of vessel.—

16 (2) A Any person who operates any ~~operating~~ a vessel upon
17 the waters of this state shall operate the vessel in a
18 reasonable and prudent manner, having regard for other
19 waterborne traffic, posted speed and wake restrictions, and all
20 other attendant circumstances so as not to endanger the life,
21 limb, or property of another any person outside the vessel or
22 endanger the life, limb, or property of any person due to vessel
23 overloading or excessive speed. The failure to operate a vessel
24 in a manner described in this subsection constitutes careless
25 operation. However, vessel wake and shoreline wash resulting
26 from the reasonable and prudent operation of a vessel ~~shall,~~
27 absent negligence, does not constitute damage or endangerment to
28 property. A Any person who violates the provisions of this
29 subsection commits a noncriminal violation as defined in s.
30 775.08.

31 Section 2. Subsections (2), (3), and (4) of section 327.70,

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32 Florida Statutes, are amended to read:

33 327.70 Enforcement of this chapter and chapter 328.—

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

47 (b) Law enforcement officers may not stop a vessel solely
48 for the purpose of inspecting safety equipment carriage
49 requirements when the vessel properly displays a valid safety
50 inspection decal, created or approved by the Division of Law
51 Enforcement of the Fish and Wildlife Conservation Commission,
52 except when there is reasonable suspicion that a violation of a
53 safety equipment carriage or use requirement has occurred or is
54 occurring. This subsection does not restrict a law enforcement
55 officer from stopping a vessel for any other lawful purpose.

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

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

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61 2. Section 327.44, relating to interference with
62 navigation.

63 3. Section 327.50(2), relating to required lights and
64 shapes.

65 4. Section 327.53, relating to marine sanitation.

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

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

68 (b) Citations issued to livery vessels under this
69 subsection shall be the responsibility of the lessee of the
70 vessel if the livery has included a warning of this
71 responsibility as a part of the rental agreement and has
72 provided to the agency issuing the citation the name, address,
73 and date of birth of the lessee when requested by that agency.
74 The livery is not responsible for the payment of citations if
75 the livery provides the required warning and lessee information.

76 (4)~~(3)~~ Such officers shall have the power and duty to issue
77 such orders and to make such investigations, reports, and
78 arrests in connection with any violation of the provisions of
79 this chapter and chapter 328 as are necessary to effectuate the
80 intent and purpose of this chapter and chapter 328.

81 (5)~~(4)~~ The Fish and Wildlife Conservation Commission or any
82 other law enforcement agency may make any investigation
83 necessary to secure information required to carry out and
84 enforce the provisions of this chapter and chapter 328.

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