

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
 2 Subcommittee

3 Representative Workman offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1) and (2) of section 327.33,
 8 Florida Statutes, are amended to read:

9 327.33 Reckless or careless operation of vessel.—

10 (1) It is unlawful to operate a vessel in a reckless
 11 manner. A person is guilty of reckless operation of a vessel who
 12 operates any vessel, or manipulates any water skis, aquaplane,
 13 or similar device, in willful or wanton disregard for the safety
 14 of persons or property at a speed or in a manner as to endanger,
 15 or likely to endanger, life or limb, or damage the property of,
 16 or injure any person. Reckless operation of a vessel includes,
 17 but is not limited to, a violation of s. 327.331(6). Any person

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18 who violates a provision of this subsection commits a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083.

21 (2) A Any person who operates any ~~operating~~ a vessel upon
22 the waters of this state shall operate the vessel in a
23 reasonable and prudent manner, having regard for other
24 waterborne traffic, posted speed and wake restrictions, and all
25 other attendant circumstances so as not to endanger the life,
26 limb, or property of another any person outside the vessel or
27 endanger the life, limb, or property of any person due to vessel
28 overloading or excessive speed. The failure to operate a vessel
29 in a manner described in this subsection constitutes careless
30 operation. However, vessel wake and shoreline wash resulting
31 from the reasonable and prudent operation of a vessel ~~shall~~,
32 absent negligence, does not constitute damage or endangerment to
33 property. A Any person who violates the provisions of this
34 subsection commits a noncriminal violation as defined in s.
35 775.08.

36
37 Section 2. Subsections (2), (3), and (4) of section
38 327.70, Florida Statutes, are amended to read:

39 327.70 Enforcement of this chapter and chapter 328.-

40 (2) (a) The operator of a vessel, upon demonstrated
41 compliance with safety equipment carriage and use requirements
42 as provided in this chapter during a safety inspection initiated
43 by a law enforcement officer, shall be issued a safety

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44 inspection decal signifying such compliance. The safety
45 inspection decal, if displayed, must be located within 6 inches
46 of the inspected vessel's properly displayed vessel registration
47 decal and shall signify that the vessel is deemed to have met
48 safety equipment carriage and use requirements as provided in
49 this chapter at the time and location of inspection. For non-
50 motorized vessels which are not required to be registered, the
51 safety inspection decal, if displayed, must be located on the
52 forward half of the port side of the vessel above the waterline.

53 (b) Law enforcement officers may not stop a vessel solely
54 for the purpose of inspecting safety equipment carriage
55 requirements when the vessel properly displays a valid safety
56 inspection decal, created or approved by the Division of Law
57 Enforcement of the Fish and Wildlife Conservation Commission,
58 except when there is reasonable suspicion that a violation of a
59 safety equipment carriage or use requirement has occurred or is
60 occurring. Nothing herein is intended to restrict vessel stops
61 for any other unlawful purpose.

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

- 66 1. Section 327.33(3) (b), relating to navigation rules.
67 2. Section 327.44, relating to interference with
68 navigation.

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69 3. Section 327.50(2), relating to required lights and
70 shapes.

71 4. Section 327.53, relating to marine sanitation.

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

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

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

82 ~~(4)(3)~~ Such officers shall have the power and duty to
83 issue such orders and to make such investigations, reports, and
84 arrests in connection with any violation of the provisions of
85 this chapter and chapter 328 as are necessary to effectuate the
86 intent and purpose of this chapter and chapter 328.

87 ~~(5)(4)~~ The Fish and Wildlife Conservation Commission or
88 any other law enforcement agency may make any investigation
89 necessary to secure information required to carry out and
90 enforce the provisions of this chapter and chapter 328.

91 Section 3. This act shall take effect July 1, 2016.
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94 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 703 (2016)

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95 Remove everything before the enacting clause and insert:
96 An act relating to vessels; amending s. 327.33, F.S.; revising
97 provisions relating to careless operation of a vessel; amending
98 s. 327.70, F.S.; authorizing the issuance and use of a safety
99 inspection decal; providing exception; providing an effective
100 date.