

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

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| BILL #: | CS/HB 703 | FINAL HOUSE FLOOR ACTION: | |
| SPONSOR(S): | Highway and Waterway Safety Subcommittee; Workman and others | 104 Y's | 13 N's |
| COMPANION BILLS: | CS/CS/SB 1454 | GOVERNOR'S ACTION: Approved | |

SUMMARY ANALYSIS

CS/HB 703 passed the House on February 24, 2016, and subsequently passed the Senate on March 9, 2016.

It is unlawful to operate a vessel in a careless manner. A person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of any person. The failure to operate a vessel in this manner constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property. Any person in violation commits a noncriminal violation.

The bill revises the offense of careless operation of a vessel to pertain to operating a vessel so as not to endanger the life, limb, or property of *another person outside the vessel* or endanger the life, limb, or property of another person due to vessel *overloading* or *excessive speed*. A person in violation commits a noncriminal violation.

The bill also provides that the operator of a vessel, upon demonstrated compliance with safety equipment carriage and use requirements during a safety inspection initiated by a law enforcement officer, shall be issued a safety inspection decal signifying such compliance. The safety inspection decal, if displayed, must be located within 6 inches of the inspected vessel's properly displayed vessel registration decal and shall signify that the vessel has met the safety equipment carriage and use requirements at the time and location of the inspection. For non-motorized vessels which are not required to be registered, the safety inspection decal, if displayed, must be located on the forward half of the port side of the vessel above the waterline.

The bill further provides that law enforcement officers may not stop a vessel solely to inspect safety equipment carriage requirements when the vessel properly displays a valid safety inspection decal, created or approved by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, except when there is reasonable suspicion that a violation of a safety equipment carriage or use requirements has occurred or is occurring. Nothing in this bill is intended to restrict vessel stops for any other lawful purpose.

The bill may have a negative, but insignificant impact on state funds.

The bill was approved by the Governor on March 25, 2016, ch. 2016-134, L.O.F., and will become effective on July 1, 2016.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Careless Operation of a Vessel

Section 327.33(2), F.S., provides that any person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of any person. The failure to operate a vessel in this manner constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property. Any person who violates the provisions of this subsection commits a noncriminal violation.¹

Enforcement

Section 327.70(1), F.S., provides that this chapter and Chapter 328 shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officer, all of whom may order the removal of vessels deemed to be an interference or a hazard to public safety, enforce the provisions of Chapters 327 – 328, Laws of Florida, or cause any inspections to be made of all vessels in accordance with Chapters 327 and 328, Laws of Florida.

The FWC or any other law enforcement agency may make any investigation necessary to secure information required to carry out and enforce the provisions of Chapter 327 and 328, Laws of Florida.²

Effect of the Bill

Revising Careless Operation of a Vessel (Section 1)

The bill amends s. 327.33(2), F.S., revising the offense of careless operation of a vessel to pertain to operating a vessel so as not to endanger the life, limb, or property of *another person outside the vessel* or endanger the life, limb, or property of another person due to vessel *overloading or excessive speed*. A person in violation commits a noncriminal violation.

Vessel Inspections (Section 2)

The bill amends s. 327.70, F.S., providing that the operator of a vessel, upon demonstrated compliance with safety equipment carriage and use requirements during a safety inspection initiated by a law enforcement officer, shall be issued a safety inspection decal signifying such compliance. The safety inspection decal, if displayed, must be located within 6 inches of the inspected vessel's properly displayed vessel registration decal and shall signify that the vessel has met the safety equipment carriage and use requirements at the time and location of the inspection. For non-motorized vessels which are not required to be registered, the safety inspection decal, if displayed, must be located on the forward half of the port side of the vessel above the waterline.

The bill also provides that law enforcement officers may not stop a vessel solely to inspect safety equipment carriage requirements when the vessel properly displays a valid safety inspection decal, created or approved by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, except when there is reasonable suspicion that a violation of a safety equipment carriage or use requirements has occurred or is occurring. Nothing in this bill is intended to restrict vessel stops for any other lawful purpose.

¹ s. 327.33(2), F.S.

² s. 327.70(4), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill may have an insignificant, but indeterminate impact on FWC with the issuance of safety inspection decals.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None