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CS/HB 703, Engrossed 1

2016 Legislature

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 2 An act relating to vessels; amending s. 327.33, F.S.,
 3 relating to the reckless or careless operation of a
 4 vessel; providing that vessel overloading or excessive
 5 speed constitutes careless operation of a vessel;
 6 amending s. 327.70, F.S.; providing for issuance and
 7 display of vessel safety inspection decals;
 8 prohibiting law enforcement officers from stopping
 9 certain vessels solely to inspect for compliance with
 10 specified safety requirements; providing an exception;
 11 providing applicability; providing an effective date.

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

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

17 327.33 Reckless or careless operation of vessel.—

18 (1) It is unlawful to operate a vessel in a reckless
 19 manner. A person ~~is guilty of reckless operation of a vessel~~ who
 20 operates any vessel, or manipulates any water skis, aquaplane,
 21 or similar device, in willful or wanton disregard for the safety
 22 of persons or property at a speed or in a manner as to endanger,
 23 or likely to endanger, life or limb, or damage the property of,
 24 or injure a any person is guilty of reckless operation of a
 25 vessel. Reckless operation of a vessel includes, but is not
 26 limited to, a violation of s. 327.331(6). A ~~Any~~ person who



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27 | violates a ~~provision~~ of this subsection commits a misdemeanor of
 28 | the first degree, punishable as provided in s. 775.082 or s.
 29 | 775.083.

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

45 | Section 2. Subsections (2), (3), and (4) of section
 46 | 327.70, Florida Statutes, are renumbered as subsections (3),
 47 | (4), and (5), respectively, and a new subsection (2) is added to
 48 | that section to read:

49 | 327.70 Enforcement of this chapter and chapter 328.—

50 | (2) (a) Upon demonstrated compliance with the safety
 51 | equipment carriage and use requirements of this chapter during a
 52 | safety inspection initiated by a law enforcement officer, the



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53 operator of a vessel shall be issued a safety inspection decal
54 signifying that the vessel is deemed to have met the safety
55 equipment carriage and use requirements of this chapter at the
56 time and location of such inspection. The safety inspection
57 decal, if displayed, must be located within 6 inches of the
58 inspected vessel's properly displayed vessel registration decal.
59 For nonmotorized vessels that are not required to be registered,
60 the safety inspection decal, if displayed, must be located above
61 the waterline on the forward half of the port side of the
62 vessel.

63 (b) If a vessel properly displays a valid safety
64 inspection decal created or approved by the division, a law
65 enforcement officer may not stop the vessel for the sole purpose
66 of inspecting the vessel for compliance with the safety
67 equipment carriage and use requirements of this chapter unless
68 there is reasonable suspicion that a violation of a safety
69 equipment carriage or use requirement has occurred or is
70 occurring. This subsection does not restrict a law enforcement
71 officer from stopping a vessel for any other lawful purpose.

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