

HB 703

2016

1 A bill to be entitled
 2 An act relating to vessels; amending s. 327.33, F.S.;
 3 revising provisions relating to reckless or careless
 4 operation of a vessel; amending s. 327.70, F.S.;
 5 deleting provisions authorizing law enforcement
 6 officers to inspect vessels; revising provisions
 7 relating to the authority of law enforcement officers
 8 to conduct certain investigations; providing an
 9 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. Subsections (1) and (2) of section 327.33,
 14 Florida Statutes, are amended to read:

15 327.33 Reckless or careless operation of vessel.—

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

27 as provided in s. 775.082 or s. 775.083.

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

41 Section 2. Subsections (1) and (4) of section 327.70,
 42 Florida Statutes, are amended to read:

43 327.70 Enforcement of this chapter and chapter 328.—

44 (1) This chapter and chapter 328 shall be enforced by the
 45 Division of Law Enforcement of the Fish and Wildlife
 46 Conservation Commission and its officers, the sheriffs of the
 47 various counties and their deputies, municipal police officers,
 48 and any other law enforcement officer as defined in s. 943.10,
 49 all of whom may order the removal of vessels deemed to be an
 50 interference or a hazard to public safety, and enforce the
 51 provisions of this chapter and chapter 328, ~~or cause any~~
 52 ~~inspections to be made of all vessels in accordance with this~~

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53 ~~chapter and chapter 328.~~

54 (4) The Fish and Wildlife Conservation Commission or any
55 other law enforcement agency may make any investigation
56 necessary to secure information required to carry out and
57 enforce the provisions of this chapter and chapter 328 if
58 probable cause exists.

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