

By Senator Hutson

6-01248-16

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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 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,

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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~~
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.