

HB 871

2016

1 A bill to be entitled
2 An act relating to Broward County; amending chapter
3 86-364, Laws of Florida, as amended; repealing a civil
4 penalty for an operator of a vessel exceeding the
5 speed limit in specified waterways; providing
6 applicability; repealing requirements for the erection
7 of waterway speed limit signs; providing an effective
8 date.

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

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12 Section 1. Chapter 86-364, Laws of Florida, as amended by
13 chapter 89-428, Laws of Florida, is amended to read:

14 Section 1. (1) The maximum speed limit on the New River
15 Canal and Florida Intracoastal Waterway in Broward County is 30
16 miles per hour, except in those areas posted "idle speed/no
17 wake" or "slow down/minimum wake."

18 ~~(2) Any person who operates a vessel in excess of the~~
19 ~~maximum speed limit is guilty of a noncriminal infraction,~~
20 ~~punishable by a civil penalty. The amount of the civil penalty~~
21 ~~shall be computed in accordance with provisions pertaining to~~
22 ~~penalties for unlawful speed under section 318.18(3), Florida~~
23 ~~Statutes.~~

24 (2)(3) The maximum allowable wake created by any vessel,
25 regardless of the speed or size of the vessel, is 15 inches in
26 vertical height, measured from the ambient tide level to the

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27 | crest of the vessel's wake at a distance not less than 25 feet
28 | from the vessel. For the purposes of this subsection, "wake"
29 | means all changes in the vertical level of the water's surface
30 | caused by the passage of a vessel including, but not limited to,
31 | a vessel's bow wave, stern wake, and propeller wash. This
32 | subsection does not authorize a vessel proceeding with a wake of
33 | 15 inches or less to travel at a speed in excess of "idle
34 | speed/no wake" or "slow down/minimum wake" when in such boating-
35 | restricted areas. Any person who violates this subsection is
36 | guilty of a misdemeanor of the second degree, punishable as
37 | provided in section 775.082 or section 775.083, Florida
38 | Statutes.

39 | ~~(3)~~(4) This section does not apply to any person operating
40 | a vessel as a participant in, or during officially sanctioned
41 | trial runs preceding or following, a lawfully permitted regatta
42 | or boat race or to any governmental officer or employee
43 | operating a law enforcement, U. S. Coast Guard, or fire or
44 | rescue vessel in the performance of his official duties.

45 | ~~(4)~~(5) For the purposes of enforcement of subsection (1),
46 | law enforcement officers may use aircraft, vessels, manual or
47 | electronic timing devices, or radar. If radar is used, the
48 | provisions of section 316.1906, Florida Statutes, must be
49 | complied with.

50 | ~~(5)~~(6) For the purposes of enforcement of subsection (2)
51 | ~~(3)~~, law enforcement officers may use mechanical, electronic, or
52 | photographic measuring devices.

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53 (6)~~(7)~~(a) A person may not operate any vessel on the New
54 River Canal or Florida Intracoastal Waterway in Broward County
55 in such a manner as to exceed a maximum sound level of 80 dB A
56 at a distance of 50 feet from the vessel.

57 (b) Any person who violates this subsection or refuses to
58 submit to a sound level test when requested to do so by a law
59 enforcement officer is guilty of a misdemeanor of the second
60 degree, punishable as provided in section 775.082 or section
61 775.083, Florida Statutes.

62 (7)~~(8)~~ An alleged violator of this section shall be issued
63 a uniform boating citation, as provided in section 327.74,
64 Florida Statutes. A finding of guilt for the violation of any
65 provision of this section, irrespective of the withholding of
66 adjudication or sentence, shall be considered as a conviction
67 for a violation of chapter 327, Florida Statutes, and the
68 provisions of section 327.731, Florida Statutes, shall apply.
69 The speed limit provisions of this section do not apply to
70 regulatory zones, idle speed/no wake zones, slow speed/minimum
71 wake zones, or manatee protection zones. The courts shall
72 forward one-half of all moneys received as fines or civil
73 penalties for violations of this chapter to the State Treasurer
74 for deposit to the Motorboat Revolving Trust Fund.

75 ~~Section 2. The Florida Marine Patrol shall designate where~~
76 ~~speed limit signs shall be located. The county shall bear the~~
77 ~~cost of providing such signs, and each incorporated area within~~
78 ~~the county shall bear the cost of erecting any signs to be~~

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79 ~~placed within its corporate boundaries. The speed limit~~
80 ~~provisions of this section shall not apply to regulatory zones,~~
81 ~~idle speed/no wake zones or manatee areas.~~

82 Section 2. This act shall take effect upon becoming a law.