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HB 871

2016 Legislature

1  
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.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
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.