

By Senator Stewart

13-01531-20

20201786__

1 A bill to be entitled
2 An act relating to vessel safety; amending s. 327.33,
3 F.S.; prohibiting a vessel operator from endangering
4 the life, limb, or property of another person by
5 allowing passengers to ride on the bow of the vessel;
6 providing that careless operation includes causing
7 wake to law enforcement vessels under certain
8 circumstances; reenacting ss. 327.39(4) and
9 327.73(1)(h), F.S., relating to the regulation of
10 personal watercrafts and noncriminal infractions for
11 violating vessel laws of this state, respectively, to
12 incorporate the amendment made to s. 327.33, F.S., in
13 references thereto; providing an effective date.
14

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

16
17 Section 1. Subsection (2) of section 327.33, Florida
18 Statutes, is amended to read:

19 327.33 Reckless or careless operation of vessel.—

20 (2) A person who operates any vessel upon the waters of
21 this state shall operate the vessel in a reasonable and prudent
22 manner, having regard for other waterborne traffic, posted speed
23 and wake restrictions, and all other attendant circumstances so
24 as not to endanger the life, limb, or property of another person
25 outside the vessel or to endanger the life, limb, or property of
26 another person due to vessel overloading, allowing passengers to
27 ride on the bow of the vessel, or excessive speed. The failure
28 to operate a vessel in a manner described in this subsection
29 constitutes careless operation. Careless operation of a vessel

13-01531-20

20201786__

30 also includes causing vessel wake that affects a law enforcement
31 vessel that has stopped upon the waters of this state with its
32 emergency lights activated. However, vessel wake and shoreline
33 wash resulting from the reasonable and prudent operation of a
34 vessel, absent negligence, does not constitute damage or
35 endangerment to property. A person who violates this subsection
36 commits a noncriminal violation as defined in s. 775.08.

37 Section 2. For the purpose of incorporating the amendment
38 made by this act to section 327.33, Florida Statutes, in a
39 reference thereto, subsection (4) of section 327.39, Florida
40 Statutes, is reenacted to read:

41 327.39 Personal watercraft regulated.—

42 (4) A personal watercraft must at all times be operated in
43 a reasonable and prudent manner. Maneuvers which unreasonably or
44 unnecessarily endanger life, limb, or property, including, but
45 not limited to, weaving through congested vessel traffic,
46 jumping the wake of another vessel unreasonably or unnecessarily
47 close to such other vessel or when visibility around such other
48 vessel is obstructed, and swerving at the last possible moment
49 to avoid collision shall constitute reckless operation of a
50 vessel, as provided in s. 327.33(1). Any person operating a
51 personal watercraft must comply with the provisions of s.
52 327.33.

53 Section 3. For the purpose of incorporating the amendment
54 made by this act to section 327.33, Florida Statutes, in a
55 reference thereto, paragraph (h) of subsection (1) of section
56 327.73, Florida Statutes, is reenacted to read:

57 327.73 Noncriminal infractions.—

58 (1) Violations of the following provisions of the vessel

13-01531-20

20201786__

59 laws of this state are noncriminal infractions:

60 (h) Section 327.33(2), relating to careless operation.

61
62 Any person cited for a violation of any provision of this
63 subsection shall be deemed to be charged with a noncriminal
64 infraction, shall be cited for such an infraction, and shall be
65 cited to appear before the county court. The civil penalty for
66 any such infraction is \$50, except as otherwise provided in this
67 section. Any person who fails to appear or otherwise properly
68 respond to a uniform boating citation shall, in addition to the
69 charge relating to the violation of the boating laws of this
70 state, be charged with the offense of failing to respond to such
71 citation and, upon conviction, be guilty of a misdemeanor of the
72 second degree, punishable as provided in s. 775.082 or s.
73 775.083. A written warning to this effect shall be provided at
74 the time such uniform boating citation is issued.

75 Section 4. This act shall take effect July 1, 2020.