

CHAPTER 2016-253

House Bill No. 871

An act relating to Broward County; amending chapter 86-364, Laws of Florida, as amended; repealing a civil penalty for an operator of a vessel exceeding the speed limit in specified waterways; providing applicability; repealing requirements for the erection of waterway speed limit signs; providing an effective date.

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

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

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

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

~~(2)(3)~~ The maximum allowable wake created by any vessel, regardless of the speed or size of the vessel, is 15 inches in vertical height, measured from the ambient tide level to the crest of the vessel’s wake at a distance not less than 25 feet from the vessel. For the purposes of this subsection, “wake” means all changes in the vertical level of the water’s surface caused by the passage of a vessel including, but not limited to, a vessel’s bow wave, stern wake, and propeller wash. This subsection does not authorize a vessel proceeding with a wake of 15 inches or less to travel at a speed in excess of “idle speed/no wake” or “slow down/minimum wake” when in such boating-restricted areas. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

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

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

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

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

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

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

~~Section 2. The Florida Marine Patrol shall designate where speed limit signs shall be located. The county shall bear the cost of providing such signs, and each incorporated area within the county shall bear the cost of erecting any signs to be placed within its corporate boundaries. The speed limit provisions of this section shall not apply to regulatory zones, idle speed/no wake zones or manatee areas.~~

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

Approved by the Governor March 25, 2016.

Filed in Office Secretary of State March 25, 2016.