

68C-22.002 Definitions.

When used in these rules, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

(1) "Idle Speed" and "Idle Speed No Wake" may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

(2) "Miles" means statute miles.

(3) "Motorboats prohibited zone" as used in Chapter 68C-22, F.A.C., is synonymous with the definition of the "no power-driven vessels" zone defined in paragraph 68D-23.103(2)(d), F.A.C., and means that all vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area unless the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.

(4) "Slow Speed" and "Slow Speed Minimum Wake" may be used interchangeably and mean that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, there is no specific numerical speed assigned to Slow Speed. A vessel that is:

(a) Operating on plane is not proceeding at this speed;

(b) In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed;

(c) Operating at a speed that creates an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed;

(d) Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

(5) "Maximum 25 MPH Speed Zone" means a controlled area within which a vessel's speed made good over the bottom, measured in statute miles, shall not exceed twenty-five (25) miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planning configuration at twenty-five (25) MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake or other hazardous condition that endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

(6) "Maximum 30 MPH Speed Zone" means a controlled area within which a vessel's speed made good over the bottom, measured in statute miles, shall not exceed thirty (30) miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planning configuration at thirty (30) MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake or other hazardous condition that endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

(7) "Maximum 35 MPH Speed Zone" means a controlled area within which a vessel's speed made good over the bottom, measured in statute miles, shall not exceed thirty-five (35) miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planning configuration at thirty-five (35) MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake or other hazardous condition that endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

(8) "Shoreline" means the point where the water meets the land at any point in time.

(9) "General Contour of the Shoreline" means a line defined as the most waterward of the outside edge of emergent aquatic vegetation, if present, or a line of Mean Low Water as defined in Chapter 177, Part II, F.S., as approximated on NOAA nautical

charts. Waters lying landward of this line are to be included up to the shoreline, as defined under subsection (8), above. Emergent aquatic vegetation shall include plants rooted in the ground that extend above the surface of the water.

(10) “Channel” means a navigation route that is marked by aids to navigation that have been authorized by permits issued by all required state and federal authorities.

(11) “No Entry Zone” or “No Entry Area” means a controlled area where all vessels and all persons, either in vessels or swimming, diving, wading, or fishing (except from an adjacent bank or bridge when using poles or lines which are not equipped with a fishing line retrieval mechanism, e.g., a cane pole) are prohibited from entering.

(12) “Authorized Resident” means any person owning a fee or leasehold interest in real property or a boating facility immediately adjacent to a motorboats prohibited zone or a no entry zone.

(13) “Rights of Fishers, Boaters, and Water Skiers” (as they apply under Section 379.2431(2)(k), F.S.), means that fishers, boaters, and water skiers have the right to use the waters of the State of Florida for recreational or commercial purposes in a manner consistent with all applicable federal, state and local laws and regulations. Such laws and regulations include, but are not limited to, those governing the operation and safety of vessels on the water to promote public safety, environmental/natural resource protection, and/or responsible use of the waters of the State.

(14) “Undue Interference” with the rights of fishers, boaters, and water skiers (as it applies under Section 379.2431(2)(k), F.S.) occurs:

(a) If the Commission regulates boat speeds generally throughout the waters of the state; or

(b) If the Commission establishes regulations that encompass a larger geographic area or time frame than is warranted; set speed limits that are more restrictive than are warranted; encompass an area where the Commission has not determined that restrictions are necessary to protect manatees or manatee habitat pursuant to paragraph 68C-22.001(2)(a), F.A.C.; or fail to provide limited lanes or corridors providing for reasonable motorboat speeds, as called for in paragraph 68C-22.001(2)(b), F.A.C.

(15) “Planning” means riding on or near the water’s surface as a result of the hydrodynamic forces on a vessel’s hull, sponsons, foils or other surfaces. A vessel is considered “on plane” when it is being operated at or above the speed necessary to keep the vessel planning.

(16) “Wake” means all changes in the vertical height of the water’s surface caused by the passage of a vessel including, but not limited to, a vessel’s bow wave, stern wave, and propeller wash.

(17) “Harassment” means any intentional or negligent act or omission which creates the likelihood of causing an injury to a manatee by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, breeding, feeding or sheltering. The intentional provision of any type of food to manatees not in captivity shall be considered harassment under this definition, unless authorized by a valid federal or state permit.

(18) “Maximum 20 MPH Speed Zone” means a controlled area within which a vessel’s speed made good over the bottom, measured in statute miles, shall not exceed twenty (20) miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at twenty (20) MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake or other hazardous condition that endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

Specific Authority 379.2431(2) FS. Law Implemented 379.2431(2) FS. History—New 3-19-79, Amended 11-23-83, Formerly 16N-22.02, Amended 12-30-86, 12-24-90, 12-25-91, 6-16-93, 9-9-93, Formerly 16N-22.002, Amended 5-31-95, 6-25-96, 5-12-98, Formerly 62N-22.002, Amended 12-23-03.