




## Memorandum

### Memorandum No 24-023

**Date:** February 2, 2024

**To:** Honorable Mayor, Vice Mayor, and Commissioners

**From:** Greg Chavarria, City Manager   
Greg Chavarria (Feb 5, 2024 05:45 EST)

**Re:** **Waterway Speed Zone Evaluation Process**

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On January 23<sup>rd</sup>, 2024, Public Hearing Item 24-0115 Dock Waiver at 3019 NE 20<sup>th</sup> Ct. was reviewed by the City Commission. The Applicant's narrative indicated that a proposed boat lift was necessary, among other reasons, to protect the owner's vessel from excessive boat wakes in the area. The Commission suggested staff investigate the process associated with a reduction of speed limits within City waterways.

The Florida Fish and Wildlife Conservation Commission (FWC) determines waterway speed limits. A review can be requested based upon specified criteria within Florida Statute 327.46 (Exhibit 1). The FWC's primary considerations are public safety and environmental impacts. FSS 327.33(2) (Exhibit 2) specifies vessel wake resulting from reasonable and prudent operation of a vessel, absent negligence, does not constitute damage or endangerment to property. The protection of homeowner assets is not among the speed zone review criteria.

If you have any further questions on this matter, please contact Andrew Cuba, Marine Facilities Manager, Parks and Recreation at [ACuba@fortlauderdale.gov](mailto:ACuba@fortlauderdale.gov) or 954-828-5236.

Attachments: Exhibit 1 – Title  
Exhibit 2 – Title

c: Anthony G. Fajardo, Assistant City Manager  
Susan Grant, Assistant City Manager  
Thomas J. Ansbro, City Attorney  
David Soloman, City Clerk  
Patrick Reilly, City Auditor  
Department Directors  
CMO Managers

**Section 327.46, Florida Statutes**  
**BOATING RESTRICTED AREAS**

327.46(1)

Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

**327.46(1)(a), FS**

The commission may establish boating-restricted areas by rule pursuant to chapter 120.

**327.46(1)(b), FS**

Municipalities and counties may establish the following boating-restricted areas by ordinance, **including**, within the portion of the ICW within their jurisdiction:

**327.46(1)(c), FS**

Municipalities and counties have the authority to establish by ordinance the following other boating-restricted areas **excluding** upon any portion of the ICW (to establish zone within the ICW under this subsection, a city or county must petition the State to enter Rule making):

**327.46(1)(b)1**

An ordinance establishing an idle speed, no wake boating restricted area, if the area is:

**327.46(1)(b)1a**

Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

**327.46(1)(b)1b**

Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

**327.46(1)(b)1c**

Inside or within 300 feet of any lock structure.

**327.46(1)(b)2**

An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is:

**327.46(1)(b)2a**

Within 300 feet of any bridge fender system.

**327.46(1)(b)2b**

Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

**327.46(1)(b)2c**

On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.

**327.46(1)(b)2d**

On a lake or pond of less than 10 acres in total surface area.

**327.46(1)(b)3**

An ordinance establishing a vessel-exclusion zone if the area is:

**327.46(1)(b)3a**

Designated as a public bathing beach or swim area.

**327.46(1)(b)3b**

Within 300 feet of a dam, spillway, or flood control structure.

**327.46(1)(c)1**

An ordinance establishing an idle speed, no wake boating-restricted area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

**327.46(1)(c)2**

An ordinance establishing a slow speed, minimum wake, or numerical speed limit boating-restricted area if the area is:

**327.46(1)(c)2a**

Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

**327.46(1)(c)2b**

Subject to unsafe levels of vessel traffic congestion.

**327.46(1)(c)2c**

Subject to hazardous water levels or currents, or containing other navigational hazards.

**327.46(1)(c)2d**

An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety.

**327.46(1)(c)3**

An ordinance establishing a vessel-exclusion zone if the area is reserved exclusively:

**327.46(1)(c)3a**

As a canoe trail or otherwise limited to vessels under oars or under sail.

**327.46(1)(c)3b**

For a particular activity and user group separation must be imposed to protect the safety of those participating in such activity.

## 2023 Florida Statutes

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Title XXIVVESSELS

Chapter 327VESSEL SAFETY

### SECTION 33Reckless or careless operation of vessel.

327.33 Reckless or careless operation of vessel.—

(1) It is unlawful to operate a vessel in a reckless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person is guilty of reckless operation of a vessel. Reckless operation of a vessel includes, but is not limited to, a violation of s. [327.331](#)(6). A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(2) A person who operates any vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed. The failure to operate a vessel in a manner described in this subsection constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel, absent negligence, does not constitute damage or endangerment to property. A person who violates this subsection commits a noncriminal violation as defined in s. [775.08](#).

(3) Each person operating a vessel upon the waters of this state shall comply with the navigation rules.

(a) A person who violates the navigation rules and the violation results in a boating accident causing serious bodily injury as defined in s. [327.353](#) or death, but the violation does not constitute reckless operation of a vessel, commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(b) A person who violates the navigation rules and the violation does not constitute reckless operation of a vessel commits a noncriminal violation as defined in s. [775.08](#), punishable as provided in s. [327.73](#).

(c) Law enforcement vessels may deviate from the navigational rules when such diversion is necessary to the performance of their duties and when such deviation may be safely accomplished.

(4) Unless otherwise provided in this chapter, the ascertainment of fault in vessel operations and boating accidents shall be determined according to the navigation rules.

History.—s. 1, ch. 59-400; s. 3, ch. 63-105; s. 1, ch. 65-361; s. 6, ch. 81-100; s. 6, ch. 84-188; s. 6, ch. 86-35; s. 2, ch. 88-133; s. 2, ch. 89-136; s. 45, ch. 91-224; s. 1, ch. 92-92; s. 6, ch. 2000-362; s. 1, ch. 2011-152; s. 1, ch. 2016-134; s. 4, ch. 2016-171.

Note.—Former s. 371.50.