

HB 1121

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1 A bill to be entitled
2 An act relating to the City of Fort Lauderdale,
3 Broward County; providing definitions; designating a
4 watersports activity area in the city and providing
5 boundaries; prohibiting the anchorage of vessels in
6 designated watersports activity areas; providing that
7 such offense is a noncriminal infraction; establishing
8 civil penalties for such offenses; authorizing the
9 City of Fort Lauderdale to enforce this act; providing
10 an effective date.

11
12 WHEREAS, section 327.46, Florida Statutes, authorizes the
13 creation of a boating-restricted area for any purpose necessary
14 to protect the safety of the public if such restrictions are
15 based on vessel traffic congestion or other navigational
16 hazards, and

17 WHEREAS, a boating-restricted area may include vessel-
18 exclusion zones if the area is reserved for a particular
19 activity and user group separation must be imposed for the
20 protection and safety of those participating in such activity,
21 and

22 WHEREAS, the City of Fort Lauderdale, pursuant to section
23 327.46, Florida Statutes, has created a watersports activity
24 area within a limited area in Middle River, bounded on the south
25 by the intersection of Middle River and the Intracoastal

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26 Waterway and bounded on the north by N.E. 21st Court, all within
27 the corporate limits of the City of Fort Lauderdale, and

28 WHEREAS, within this watersports activity area, vessels not
29 exceeding 21 feet in length with a single engine may engage in
30 watersports activities involving the towing of persons on a pair
31 of waterskis, slalom waterski, inner-tube, inflated tube, knee-
32 board, wake-board, or similar devices designed and intended to
33 be towed behind a vessel, and

34 WHEREAS, the combination of congested vessel traffic and a
35 pattern of slow speed/minimum wake and idle speed/no wake zones
36 through the City of Fort Lauderdale means very few areas are
37 suitable for watersports activities, leaving the restricted area
38 of Middle River as one of the only remaining areas of the city
39 where watersports activities are appropriate, and

40 WHEREAS, chapter 327, Florida Statutes, provides that
41 activities that will impede or disturb navigation or create a
42 safety hazard are prohibited, and

43 WHEREAS, the congregation of anchored vessels within the
44 watersports activity area in Middle River impedes and disturbs
45 the navigational freedoms of, and creates a safety hazard for,
46 vessels lawfully engaged in watersports activities in such area,
47 and

48 WHEREAS, for the safety of the public, anchoring vessels in
49 this boating-restricted area should be prohibited, and

50 WHEREAS, section 327.44(2), Florida Statutes, provides that
51 "No person shall anchor, operate, or permit to be anchored,

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52 | except in case of emergency, or operated a vessel or carry on
 53 | any prohibited activity in a manner which shall unreasonably or
 54 | unnecessarily constitute a navigational hazard or interfere with
 55 | another vessel. Anchoring under bridges or in or adjacent to
 56 | heavily traveled channels shall constitute interference if
 57 | unreasonable under the prevailing circumstances," and

58 | WHEREAS, the City of Fort Lauderdale is committed to
 59 | creating a safe environment in Middle River to encourage
 60 | watersports activities and to preserve the river's rich history
 61 | of being a watersports activity destination, NOW, THEREFORE,

62 |
 63 | Be It Enacted by the Legislature of the State of Florida:

64 |
 65 | Section 1. As used in this act, the term:

66 | (1) "Idle speed/no wake zone" means a boating-restricted
 67 | area established to protect the safety of the public. In an idle
 68 | speed/no wake zone, a vessel is prohibited from proceeding at a
 69 | speed greater than the minimum speed necessary to maintain
 70 | steerageway.

71 | (2) "Slow speed/minimum wake zone" means a boating-
 72 | restricted area established to protect the safety of the public.
 73 | In a slow speed/minimum wake zone, a vessel must be fully off
 74 | plane and completely settled into the water and may not proceed
 75 | at a speed greater than the speed that is reasonable and prudent
 76 | to avoid the creation of excessive wake or other hazardous
 77 | conditions under the existing circumstances. A vessel that is:

78 (a) Operating on a plane is not proceeding at slow
79 speed/minimum wake.

80 (b) In the process of coming off plane and settling into
81 the water or coming up onto plane is not proceeding at slow
82 speed/minimum wake.

83 (c) Operating at a speed that creates a wake which
84 unreasonably or unnecessarily endangers other vessels is not
85 proceeding at slow speed/minimum wake.

86 (d) Completely off plane and which has fully settled into
87 the water and is proceeding without wake or with minimum wake is
88 proceeding at slow speed/minimum wake.

89 (3) "Waterski" means a single or pair of skis used in
90 planing over water while being towed by a vessel.

91 (4) "Waterskiing" means the recreational activity of
92 planing or jumping on waterskis while being towed by a vessel.
93 The term includes planing or jumping while upon an inner-tube,
94 inflated tube, knee board, wake board, or upon a similar device
95 designed and intended for being towed behind a vessel and upon
96 which a person or persons may be towed, all while being towed
97 behind a vessel.

98 (5) "Watersports activity area" means a boating-restricted
99 area in which activities involving vessels, not exceeding 21
100 feet in length, as set forth on the State of Florida vessel
101 registration, and powered by a single engine only, where such
102 vessels are engaged in the towing of a person or persons, on a
103 pair of waterskis, slalom waterski, inner-tube, inflated tube,

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104 knee-board, wake board, or upon a similar device designed and
105 intended to be towed behind a vessel and upon which a person or
106 persons may be towed. A vessel engaged in watersports activities
107 may not simultaneously tow more than two sets of waterskis,
108 inner-tubes, or similar devices as set forth above. Vessels
109 engaged in watersports activities shall proceed at a speed and
110 course consistent with the safety of the person or persons being
111 towed, but under no circumstances may the vessel proceed at a
112 speed greater than 35 miles per hour. To enhance the safety of
113 the vessels and persons engaged in watersports activities, as
114 well as the safety of all vessels and persons within a
115 watersports activity designated area as provided in this act,
116 all vessels not lawfully engaged in watersports activities shall
117 proceed in accordance with idle speed/no wake zone or slow
118 speed/minimum wake zone limitations within the applicable
119 boating restricted area.

120 Section 2. The following area has been designated,
121 pursuant to s. 327.46(1)(b) and (c), Florida Statutes, as a
122 watersports activity area in the City of Fort Lauderdale in
123 which single-engine vessels, not exceeding 21 feet, as set forth
124 on the State of Florida vessel registration, may engage in
125 watersports activities, and all other vessels not lawfully
126 engaged in watersports activities must operate in according with
127 the idle speed/no wake zone or slow speed/minimum wake zone
128 limitations within the applicable boating-restricted area: the
129 area of Middle River bounded on the North by N.E. 21st Court and

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130 bounded on the South by the intersection of Middle River and the
131 Intracoastal Waterway, except those areas designated idle
132 speed/no wake zones.

133 Section 3. An owner, or one who operates, as defined in s.
134 327.02(30) and (31), Florida Statutes, a vessel, as defined in
135 s. 327.02(43), Florida Statutes, may not anchor within the
136 watersports activity area defined in section 2 designated by the
137 City of Fort Lauderdale pursuant to s. 327.46(1)(b) and (c),
138 Florida Statutes.

139 Section 4. A person cited for a violation of this act
140 commits a noncriminal civil infraction pursuant to s. 162.21,
141 Florida Statutes, punishable by payment of a civil penalty of:

142 (1) Fifty dollars for a first offense.

143 (2) One hundred dollars for a second offense.

144 (3) Two hundred fifty dollars for a third or subsequent
145 offense.

146 Section 5. The City of Fort Lauderdale is authorized to
147 enforce this act upon adoption of an ordinance making a
148 violation of section 3 a civil infraction, enforceable by a
149 special magistrate under City of Fort Lauderdale Code Chapter
150 11, "Code Enforcement," Article IV, "Citation Violation Notice
151 Procedures." The authority granted to the City of Fort
152 Lauderdale under this act shall be cumulative to entities
153 currently authorized to enforce this act.

154 Section 6. This act shall take effect upon becoming a law.