

## DEFINITIONS FROM COMPREHENSIVE PLAN THAT MAY BE USEFUL

### General

**Channel** means a marked navigation channel, unless otherwise described or designated, and is not intended to mean an access or side channel unless otherwise designated for the purpose of regulation.

**Coastal Zone** - the area within the watershed of the Atlantic Ocean and the Indian River Lagoon system. It also includes the barrier islands, Merritt Island (a remnant barrier island) and that portion of the mainland which drains into the lagoon.

**Development** - the term "development" means the carrying out of any building activity, the renovation, rehabilitation or remodeling of any structure, the alteration of land, the dividing of land into three or more parcels, or the establishment of flag lots or access easements. The following activities or uses shall be taken for purposes of this Plan to involve "development" as defined:

1. A reconstruction or alteration of the size of a structure on the land.
2. A change in the intensity of use of land, such as the increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in S.161.021, Florida Statutes.
4. Commencement of drilling, except to obtain soil samples; mining; or excavating on a parcel of land.
5. Demolition of a structure
6. Clearing of land as an adjunct of construction.
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

**Dredging** means mechanical or other methods used to remove sovereign submerged land.

**Environmentally Sound** - not contrary to the continued viability of the natural environment or detrimental to public health, safety, and welfare.

**Estuarine Floodplain** - the area susceptible to being inundated by waters from the Indian River Lagoon System from a given storm event.

**Fishery Industry** - an industry which produces, harvests, processes, or markets food and other products from ocean or brackish waters.

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**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, Florida Statutes, as approximated on NOAA nautical charts. Waters lying landward of this line are to be included up to the shoreline, as defined under paragraph (14), above. Emergent aquatic vegetation shall include plants rooted in the ground that extend above the surface of the water.

**High Risk Vulnerability Zones** - those areas predicted to received sufficient flooding to require evacuation during a Category 1-2, or Category 3-5 storm, as determined by the East Central Florida Regional Planning Council. Please refer to Map 7.

**Hydrologic Basin** - the region or area that supplies a particular body of water or aquifer.

**Hydroperiod** - a means of expressing the average timing of water retention or flows through a specified area.

**Indian River Lagoon Program** - refers to the combined Indian River Lagoon Surface Water Improvements and Management Plan (SWIM) and National Estuary Programs.

**Isolated Wetlands** - wetlands which are not directly connected to open water, but exhibit the other characteristics of wetlands.

**Main Access Dock** means that walkway which connects a riparian owner's property to a terminal platform.

**Maintenance Dredging** means mechanical or other methods used to remove sovereign submerged land in existing channels where navigation by vessels presently occurs. For the purpose of this rule, requests to dredge previously dredged areas that have regained natural characteristics due to lack of use, lack of upkeep, or other factors or requests to change the design specification of previously dredged areas shall not be considered as maintenance dredging but shall be considered new dredging.

**Marina (general)** means all boating facilities with  $\geq 3$  wet and/or dry slips (consistent with current County definition). A marina is a facility or structure, which provides mooring, docking, anchorage, fueling repairs, launching, or other related services for watercraft. Private boat docks associated with single family dwellings are exempt from this category.

- **Residential Marina** - Community docks serving subdivisions, condominiums, duplexes, or other multi-family developments with between and including three (3) and thirty (30) slips. No fueling, or repair facilities shall be associated with these marinas.
- **Commercial/Recreational Marina** - Facilities with greater than thirty (30) slips, or those facilities with less than thirty slips which have fueling facilities, and/or which include utilities and services available for the general public, or facilities which provide docking for vessels of private, non-residential usage and which are not

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associated with a subdivision, condominium, duplex or other multi-family development. Permitted uses may include dockage, fueling facilities, repairs, utilities, custom recreational boat building and wastewater pump-out facilities, commercial sales and handling of fish and farmed/harvested seafood, along with similar services.

- **Industrial Marina** - Facilities serving largely commercial interests, including commercial boat building, ship repairs or construction, and commercial seafood harvesting and processing. Permitted uses may include fueling facilities, repairs and construction, boat production, ship repairs up to 100 feet or 100 tons, wastewater pump-out facilities, utilities, and commercial sales of fish and farmed/harvested seafood.

**Mean High Water Line** means the plane or local elevation of mean high water or high tides with the shore. Mean high water is the average height of the high waters over an approximate 19 year period (Section 18-2.003, F.A.C.)

**Minimize** - to reduce to the least quantity possible.

**Mooring** - a place or structure to which a vessel or aircraft can be moored.

**Mosquito Impoundment** - a body of water confined by a dam, dike, floodgate or other barrier for the purpose of controlling the reproduction of salt marsh mosquitoes.

**Natural Resources** - the actual and potential forms of wealth supplied by nature that possess a value and function within the natural systems and which are essential for the perpetuation of life.

**Natural System** - the complex network of natural resources in which no resource is capable of functioning independently of the other resources in the network.

**Natural Water Body** - occurring normally; a water system occurring in conformity with the ordinary course of nature; not originally created through man's activities, not artificial. May include those normally occurring water bodies which have been dredged or channelized.

**Non-point Source** - stormwater runoff which is not discharged through a pipe or other identified, specific conveyance mechanism.

**Offshore Emergent Vegetation** - aquatic or marine plants whose canopy continuously or frequently extends above water level.

**Onsite Sewage Disposal System** - any domestic sewage treatment and disposal facility, as defined by Florida Administrative Code Section 10D-6.42(29), including standard subsurface systems, gray-water systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on the land to which the owner or owners have the legal right to install a system.

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**Ordinary High Water Line** means the boundary between uplands and submerged lands beneath non-tidal navigable natural water bodies (Section 18-2.003, F.A.C.).

**Passive Recreation** - recreation uses are considered passive where very minimum alteration of vegetation, topography or other native feature is necessary, for the enjoyment of the site amenities. Activities which are considered passive include, but are not limited to, hiking, bicycling, nature observation, camping, non-motorized boating, rowing, swimming, picnicking, archaeological or historic preservation.

**Point Source** - a source, such as a pipe, from which stormwater or wastewater is discharged.

**Private Residential Single-family Dock** means a dock, which is used for private, recreational or leisure purposes for a single family residence, cottage or other such single dwelling unit.

**Public Access** - the ability of the public to physically reach, enter or use public sites, facilities and activities and shores.

**Public Interest** means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands or severance of materials from sovereignty lands, the board shall consider the ultimate project and purpose to be served by said use, sale, lease, or transfer of lands or materials.

**Public Navigation Project** means a project primarily for the purpose of navigation which is authorized and funded, by the United States Congress or by port authorities as defined in Section 315.02(2), F.S.

**Public Services** - the programs and employees determined necessary by local government to provide adequate operation and maintenance of public systems and facilities.

**Public Utilities** means those services, provided by persons requested by the Public Service Commission, or which are provided by rural cooperatives, municipalities, or other governmental agencies, including electricity, telephone, public water and wastewater services, and structures necessary for the provision of these, services.

**Recreation** - the pursuit of leisure time activities occurring in an indoor or outdoor setting.

**Redevelopment** - activities or projects in an area to eliminate and prevent the development or spread of slums and blight, or to provide affordable housing, whether for rent or sale, to low and moderate income households; or to generate renewed economic activity and development.

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**Regulatory Discharge** - discharges of water from canals in order to regulate the water level of lands within the drainage basin of the canal.

**Retention (surface water)** - a drainage technique that retards or detains runoff or discharge to enhance groundwater recharge and reduce erosion and surface water pollution, such as a retention basin, parking lot storage, porous pavement, dry well, or any combination thereof.

**Rights of Boaters, Fishermen, and Waterskiers (as they apply under 370.12(2)(j), F.S.)** means that boaters, fisherpersons and waterskiers 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.

**Runoff** - (aka surface runoff) the portion of precipitation or irrigation on an area that flows across the ground surface as sheet or stream flow to natural or manmade catchment basins without returning to the atmosphere nor infiltrating the soil to recharge groundwater.

**Shoreline** means the point where the water meets the land at any point in time.

**Solid Waste** - sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or, garbage, rubbish, refuse, derelict vessels, junk vehicles, and other discarded material, including solid, liquid, semisolid, and contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

**Sovereignty Lands** means those lands including, but not limited to: tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high water line, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and of which it has not since divested its title interest. For the purposes of this rule sovereignty lands shall include all submerged lands within the boundaries of the preserve, title to which is held by the Board.

**Spoil Islands** - dirt, rock, or waste material that has been removed from its prior location, often the bottoms of waterways, and deposited as emergent mounds.

**Surface Water** - water on the earth's surface exposed to the atmosphere as rivers, lakes, streams, and oceans.

**Terminal Platform** means that part of a dock or pier, including finger piers, that is connected to the access walkway, is located at the terminus of the facility, and is designed, to secure and load or unload a vessel or conduct other water dependent activities.

**Tributary** - a natural stream or other natural water body that flows, falls or empties into another water body. This definition is not to include non-point sources.

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***Turbidity*** - a thick, hazy condition of air or water due to the presence of suspended particulates or other pollutants.

***Turning Basin*** means the area of sovereign submerged land which is required to maneuver a vessel into or out of a facility.

***Water Dependent Uses*** - activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports and marinas; recreation; electrical generating facilities; or water supply.

***Water Enhanced Uses*** - activities which are not water dependent but whose value is increased due to location along the water. This increased value is not related to the increased property values of water-front property. Water enhanced uses include restaurants, some upland recreational areas and tourist attractions.

***Water Quality*** - a measure of the levels of pollutants occurring within a specified area of a waterbody.

***Water Related Uses*** - activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. These land uses include bait and tackle shops, and boat sales and rentals.

***Watershed*** - the region or area of land that drains water, sediment, and dissolved materials to a common outlet or body of water.

***Water's Edge Wetlands*** - wetlands which are a transitional area between dry land and open water.

***Wildlife Habitat*** - An area that provides an animal with food, water, and shelter and that also provides the spatial requirements that facilitate breeding, foraging, roosting, and resting.

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### Manatee Protection Plan (MPP) Specific

**Boating Facility** means a facility where boats are moored, or launched such as a dock, pier, marina, dry storage facility with launching capability, or a boat ramp which is contiguous to the waters of the state of Florida. For the purposes of this rule, boating facility shall be synonymous with marine facilities.

**Boating Facility Siting Plan** means a county-wide or locally based siting plan for determining the preferred locations for boating facility development based on an evaluation of water quality, flushing characteristics, natural resources, manatee protection needs, and recreation and economic demands.

#### **Boat Facility Siting Zones**

- **Zone A** - The Banana River basin south to Mathers Bridge, the Sykes Creek/Newfound Harbor basin north to the Lambert Drive bridge; that portion of the Indian River Lagoon between the NASA Causeway and the S.R. 528 Causeway; Mullet Creek (Sections 26, 35 & 36 of Township 29, Range 38); and that portion of the following tributaries lying west of the existing railroad bridges: St. Sebastian River, Turkey Creek, Crane Creek, and the Eau Gallie River.
- **Zone B** - The Barge Canal from the west shoreline of Merritt Island to the east shoreline of Merritt Island.
- **Zone C** - The Port Canaveral Harbor lying east of the S.R. 401 Bridge.
- **Zone D** - The remainder of the County not under federal jurisdiction and not included in boat facility siting zones A, B, or C.

**Caution Zone** means an area where manatees frequently inhabit on a somewhat regular basis and motorboat operators are advised to use caution so as not to strike a manatee.

**Existing Boating Facilities** - For the purpose of the Brevard County Manatee Protection Policies as found in the Coastal Element, existing boating facilities shall be defined as those facilities which have all active and required permits or those facilities that were in operation up to ten (10) years prior to the date of the final adoption of the Plan (01/16/03). All existing boating facilities shall be allowed to continue with the existing use and may renovate according to permitting guidelines, provided there is no change in facility size, including no increase in the number of wet or dry slips, unless the facility meets the expansion criteria as provided in the Brevard County Manatee Protection Plan. Boating facilities are generally defined as those structures or operations where boats are moored or launched, such as a dock (excluding single-family), pier, marina, dry storage facility with launching capability, or a boat ramp, which is contiguous to the waters of the state of Florida. For the purpose of this plan, boating facility shall be synonymous with “marina facility.”

**Existing Linear Shoreline** for the purpose of the Brevard County Manatee Protection Plan, means the high water line in tidally influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition shall not apply to shoreline artificially created through dredge or fill activities (such as boat basins or canals) after January 01, 1996. Such artificially created shoreline created after January 01, 1996 shall not

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be considered in the calculation of linear shoreline. Artificially created shoreline that was created prior to January 01, 1996 must have received the proper permitting authorization required at the time of construction. Man-made drainage ditches (such as mosquito control, flood control ditches or any non-navigable waterway) shall not qualify as linear shoreline, regardless of their date of construction. Linear shoreline shall be calculated using survey quality aerial photographs or by accurate field survey. The calculation of linear shoreline is based upon contiguous shoreline that is owned or legally controlled by the applicant. Exception to include non-contiguous shoreline within the sphere of influence of the proposed project will be considered if the federal, state, and local permitting agencies agree that inclusion of that shoreline will not result in significant adverse impacts to manatee or manatee habitat.

**Idle Speed** means the minimum speed that will maintain the steerageway of a motorboat.

**Idle Speed Zone** means an area where vessels may not be operated at greater than Idle Speed, as defined in 62N-22.002(2), F.A.C.

**Linear Shoreline** means the mean high water line in tidally influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition shall not apply to shorelines artificially created through dredge and fill activities (such as boat basins or canals) after October 24, 1989. Such artificially created shorelines created after October 24, 1989 must have received the proper permitting authorization required at that time. Man-made drainage ditches (such as mosquito control ditched) shall not qualify as linear shoreline regardless of their date of creation. Linear shoreline shall be calculated using survey quality aerial photographs or by field survey.

**Manatee Habitat Features** The following manatee habitat features are to be applied in Boat Facility Planning Zone D and shall be determined using the map series and data update schedule identified in Appendix 10.

**A. Each of the following increases the number of habitat features by 1.**

1. Seagrass - 5% or more seagrass present on the proposed project site is considered significant.
2. Manatee Abundance - Level 1 = 10 or more manatees observed/overflight within a 5 mile radius equals 1 point. Level 2 = 25 or more manatees observed/overflight within 5 mile radius equals 2 points. If more than one survey falls within the 5 mile radius, the number of manatees observed will be counted for each survey, divided by the number of overflights and then the normalized values will be summed.
3. Significant Manatee Mortality - Level 1 = the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County. A value greater than 0.05 is considered significant and is equal to 1 point. Level 2 = the number of watercraft mortalities within a 5 mile radius, divided by the total watercraft mortalities in Brevard in the last 5 years. A value greater than 0.10 is significant and is equal to 2 points.

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4. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve

### **B. Each of the following reduces the number of habitat features by 1.**

1. The proposed site is presently located in a year-round “Slow Speed” or “Idle speed” manatee zone as authorized by the Florida Manatee Sanctuary Act Chapter 62N-22 F.A.C., other Federal designation or local ordinance.
2. The proposed site is within 3 miles of Sebastian Inlet.

***Manatee Protection Plan*** means a comprehensive plan developed adopted and implemented by a county, local government, or port authority (pursuant to Chapter 315 F.S.), and approved by the Department of Environmental protection for the purpose of reducing manatee mortalities, protecting manatee habitat, promoting boating safety, and increasing public awareness.

***Maximum 25MPH Speed Zone*** means a controlled area within which a boat’s speed made good over the bottom measured in statute miles, shall not exceed 25 miles per hour. Although it is the intention of the Department to allow those vessels capable of attaining a planing configuration at 25 MPH to do so, this speed limit shall not be construed as authorizing any vessel to travel an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to subsection 327.33(3), F.S., by reason of:

- a) An elevated bow which restricts visibility, and/or
- b) An excessive wake which unreasonably or unnecessarily endangers other vessels or natural resources of the state.

***Maximum 30 MPH Speed Zone*** means a controlled area within which a boat’s speed made good over the bottom measured in statute miles, shall not exceed 30 miles per hour. Although it is the intention of the Department to allow those vessels capable of attaining a planing configuration at 30 MPH to do so, this speed limit shall not be construed as authorizing any vessel to travel an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to subsection 327.33(3), F.S., by reason of:

- a) An elevated bow which restricts visibility, and/or
- b) An excessive wake which unreasonably or unnecessarily endangers other vessels or natural resources of the state.

***Maximum 35 MPH Speed Zone*** means a controlled area within which a boat’s speed made good over the bottom measured in statute miles, shall not exceed 35 miles per hour.

***Motorboats Prohibited Zone*** means an area in which it is posted or it is apparent that because of the density of manatees or the condition of the area, motorboat activity shall be hazardous to the manatees and shall be prohibited.

***No Entry Zone*** means a limited area of critical importance as a safe haven for manatees to rest, feed, reproduce, give birth, nurse, or otherwise habituate undisturbed by human activity. No vessel of any kind, whether power-driven or non-motorized, as referenced in Section 1(b), Article VII, of the Florida Constitution, including every description of watercraft, barge, and

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airboat, shall be permitted within the designated area. No other vessel or floatation device, including but not limited to a seaplane, sailboard, surfboard, raft, or any other water toy or other like object intended for or capable of use as a means of transportation of the water, shall be permitted within the designated area, nor shall other human activities including but not limited to diving, snorkeling, swimming, fishing (except by pole from an adjacent bank or bridge), and the introduction by persons of food or other objects, that involves disturbance of these waters or the manatees so inhabiting them, be permitted within such a designated area, except as provided under 62N-22.003(5), F.A.C.

***One to One Hundred (1:100)*** means one powerboat slip for every one hundred feet of contiguous linear shoreline that is owned or controlled by the applicant. Exceptions include non-contiguous shoreline within the sphere of influence of the proposed project will be considered by the Department if it can be demonstrated that inclusion of that shoreline will no result in significant adverse impacts to manatees or manatee habitat. For the purpose of calculating powerboat slips, linear shoreline footage will be rounded up to the nearest increment of 100.

***Percent (%) Seagrass Coverage*** - Seagrass coverage shall be determined on a project site during the months of May through October. The percent coverage of seagrass is determined by counting short shoots in a one square meter (1m<sup>2</sup>) plot frame that has been evenly subdivided into one hundred square cells. The plot is placed every five meters (5m) along a minimum of three (3) transect lines perpendicular to the shoreline and extending to the end of the project site. The transect lines are to be evenly spaced along the project site shoreline with one transect located at the middle of the site and one at each end of the project site. Transects shall be no greater than fifty meters (50m) apart. If the project site is greater than one hundred meters (100m) in width, additional transects shall be added at a rate of one for every fifty meters (50m) of shoreline. If ten of the sample plot frames contain ten percent (10%) or more seagrass, then the final coverage for the site is greater than or equal to ten percent (10%). The project site is defined as that area within which boats will be docked. If the project site and the shoreline are not contiguous then the first plot frame shall be placed at the intersection of the project site and the transect line.

***Planing*** 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 planing.

***Powerboat*** Any vessel which is primarily propelled or powered by an internal combustion engine and which is used or is capable of being used as a means of navigation or transportation on water. Sailboats with auxiliary engines are not considered powerboats for the purpose of this plan. For the purpose of this plan powerboat and motorboat are synonymous.

***Seagrass Coverage (%)*** - Seagrass coverage shall be determined on a project site during the months of May through October. The percent coverage of seagrass is determined by counting short shoots in a one square meter (1m<sup>2</sup>) plot frame that has been evenly subdivided into one hundred square cells. The plot is placed every five meters (5m) along a minimum of three (3)

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transect lines perpendicular to the shoreline and extending to the end of the project site. The transect lines are to be evenly spaced along the project site shoreline with one transect located at the middle of the site and one at each end of the project site. Transects shall be no greater than fifty meters (50m) apart. If the project site is greater than one hundred meters (100m) in width, additional transects shall be added at a rate of one for every fifty meters (50m) of shoreline. If ten of the sample plot frames contain ten percent (10%) or more seagrass, then the final coverage for the site is greater than or equal to ten percent (10%). The project site is defined as that area within which boats will be docked. If the project site and the shoreline are not contiguous then the first plot frame shall be placed at the intersection of the project site and the transect line.

**Short Shoot** - The area between the rhizome (root) and the blade of a seagrass.

**Significant Adverse Impacts** means that within the sphere of influence of a proposed boating facility, death or injury to manatees or destruction of manatee habitat can be reasonably expected to occur as a result of the construction, expansion, or increase in powerboat densities and activities associated with boating facility.

**Significant Manatee Habitat Features** - each of the following five habitat features is considered significant as described.

1. Seagrass - 5% or more seagrass present on the proposed project site is considered significant.
2. Manatee Abundance - five (5) or more observations/overflight within a 5 mile radius of the site. If more than one survey falls within the 5-mile radius, the number of manatees observed will be counted for each survey, divided by the number of overflights and then the normalized values will be summed.
3. Significant Manatee Mortality - the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County, A value of 0.03 or larger is considered significant.
4. Manatee Freshwater Source/Calving/Cavorting/Feeding/Resting Area is within a 1/2 mile of the proposed site.
5. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve.

**Slip, Wet Slip, or Dry Slip** means an area within a boating facility which is intended for the mooring storage of a vessel.

**Slow Speed** means the speed at which a vessel proceeds when it is fully off plane and completely settled into the water. Vessels shall not be operated a speed that creates an excessive wake or other hazardous condition, which is unreasonably or unnecessarily, endangers other vessels under the existing circumstances. This requiring level of protection for the safety of vessels and vessel operators is also intended to provide adequate protection for manatees and is therefore adopted because of its familiarity to vessel operators. 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.

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A vessel is not proceeding at Slow Speed if it is:

1. On a plane;
2. in the process of coming off plane and settling into the water or coming up onto plane;
3. creating an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels.

A vessel is proceeding at Slow Speed if it is fully off plane and completely settled into the water and not creating an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels

***Slow Speed Zone*** means an area where vessels may not be operated at greater than Slow Speed, as defined above and in 62N-22.002(7), F.A.C.

***Wake*** means all change 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.