

**REPORT TO BELLE ISLE CITY COUNCIL  
REGARDING REGULATION OF BOATING ACTIVITIES  
ON LAKE CONWAY CHAIN OF LAKES**

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## INTRODUCTION

Concerns have been raised regarding disruptive boating and related activities on the Lake Conway chain of lakes. There are various statutes limiting local government authority to regulate in this arena. The City Council tasked our office with performing a legal review of the matter to determine what types of regulations the City can adopt, and what alternatives exist to regulate boating activities on the Lake Conway chain of lakes.

This Report also discusses the authority of the Lake Conway Water Navigation Control District, which is composed of the Orange County Board of County Commissioners, to regulate boating activities.

## DISCUSSION

### 1) Regulation of Boating Activities: State Preemption

In 2009, the Florida Legislature amended the boating statutes (Ch. 327, Fla. Stats.) to place significant restrictions on local government authority to regulate boating and related activities.

The statutes provide as follows with respect to preemption of local regulation:

327.60 Local regulations; limitations.—

...

(2) This chapter and chapter 328 do not prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality may not enact, continue in effect, or enforce any ordinance or local regulation:

- (a) Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;
- (b) Relating to the design, manufacture, or installation of any marine sanitation device on any vessel, except as authorized in subsection (4);
- (c) Regulating any vessel upon the Florida Intracoastal Waterway;
- (d) Discriminating against personal watercraft;
- (e) Discriminating against airboats, for ordinances adopted after July 1, 2006, unless adopted by a two-thirds vote of the governing body enacting such ordinance;
- (f) Regulating the anchoring of vessels outside the marked boundaries of mooring fields permitted as provided in s. 327.40, except for:

- 1. Live-aboard vessels; and

2. Commercial vessels, excluding commercial fishing vessels;
  - (g) Regulating engine or exhaust noise, except as provided in s. 327.65; or
  - (h) That conflicts with any provisions of this chapter or any amendments thereto or rules adopted thereunder.
- (3) This section does not prohibit local governmental authorities from the enactment or enforcement of regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40.

In sum, the above statute preserves local government authority to adopt ordinances regulating boating activities except for matters falling within the preempted categories. Perhaps most relevant to the City's concerns is the above preemption of local regulation of engine and exhaust noise.

## 2) Speed Restrictions and Vessel-Exclusion Zones

In addition to the areas of state preemption outlined above, another statute strictly limits circumstances under which a local government can establish no-wake, minimum speed, and vessel-exclusion zones:

### 327.46 Boating-restricted areas.—

- (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.
  - (a) The commission [the FWC] may establish boating-restricted areas by rule pursuant to chapter 120.
  - (b) Municipalities and counties have the authority to establish the following boating-restricted areas by ordinance:
    1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is:
      - a. 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.
      - b. 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.

c. Inside or within 300 feet of any lock structure.

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

a. Within 300 feet of any bridge fender system.

b. 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.

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

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

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

a. Designated as a public bathing beach or swim area.

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

(c) Municipalities and counties have the authority to establish by ordinance the following other boating-restricted areas:

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.

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

a. 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.

b. Subject to unsafe levels of vessel traffic congestion.

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

d. 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.

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

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

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

Any of the ordinances adopted pursuant to this paragraph shall not take effect until the commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety pursuant to this paragraph. Any application for approval of an ordinance shall be reviewed and acted upon within 90 days after receipt of a completed application. Within 30 days after a municipality or county submits an application for approval to the commission, the commission shall advise the municipality or county as to what information, if any, is needed to deem the application complete. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The commission's action on the application shall be subject to review under chapter 120. The commission shall initiate rulemaking no later than January 1, 2010, to provide criteria and procedures for reviewing applications and procedures for providing for public notice and participation pursuant to this paragraph.

To sum up the above statute, local governments are subject to significant restrictions when it comes to restricting boating speed and establishing vessel-exclusion zones.

No-wake zones and minimum speed zones can be readily established for areas in close proximity to certain structures like boat ramps, hoists, bridges, dams, spillways, and other structures. Vessel-exclusion zones can be similarly established in areas in close proximity to swimming areas, dams, spillways, and flood control structures. Establishing the foregoing no-wake, minimum speed, and vessel-exclusion zones requires adoption of an ordinance and FWC permitting for placement of markers.

On the other hand, establishing speed restrictions and vessel-exclusion zones in areas other than those outlined above is subject to heightened review by FWC. FWC must review and approve any ordinance establishing such restrictions, in addition to granting marker permits. Further, FWC approval requires a local government to demonstrate by substantial competent evidence that the ordinance is necessary to protect public safety. It has been suggested that FWC is unlikely to approve these restrictions absent documentation of actual safety events. Generalized concerns about safety may not be enough.

### 3) **Protection of Vegetation**

Protection of vegetation is not one of the statutorily enumerated grounds for establishing no-wake zones, minimum speed zones, or vessel-exclusion zones. Therefore, it does not appear that the City may establish such zones for the purpose of protecting vegetation. See *Headley v. City of Miami*, 215 So. 3d 1 (Fla. 2017) (“[L]egislative direction as to how a thing shall be done is, in effect, a prohibition against it being done any other way.”).

However, it should be noted that protection of vegetation is not one of the enumerated items preempted to the state under Fla. Stat. 327.60. Therefore, the City could in theory adopt regulations penalizing the destruction of certain vegetation provided that such regulations do not regulate speed or establish vessel-exclusion zones.

Alternatively, the City could consider the use of information markers for protecting vegetation. Information markers are discussed in the next section and distinguished from regulatory markers.

We have reviewed the applicability of Fla. Stat. 327.46(1)(d), which establishes a limited exception whereby boating-restricted areas may be established for protection of seagrass in those lakes constituting Outstanding Florida Waters. The exception does not appear helpful to the City. Under Fla. Stat. 327.46(1)(d):

Owners of private submerged lands that are adjacent to Outstanding Florida Waters, as defined in s. 403.061(27), or an aquatic preserve established under ss. 258.39-258.399 may request that the commission establish boating-restricted areas solely to protect any seagrass and contiguous seagrass habitat within their private property boundaries from seagrass scarring due to propeller dredging. Owners making a request pursuant to this paragraph must demonstrate to the commission clear ownership of the submerged lands. The commission shall adopt rules to implement this paragraph, including, but not limited to, establishing an application process and criteria for meeting the requirements of this paragraph. Each approved boating-restricted area shall be established by commission rule. For marking boating-restricted zones established pursuant to this paragraph, owners of privately submerged lands shall apply to the commission for a uniform waterway marker permit in accordance with ss. 327.40 and 327.41, and shall be responsible for marking the boating-restricted zone in accordance with the terms of the permit.

It does not appear that the Conway lakes are on the list of Outstanding Florida Waters. Also, the exception is limited to situations where private applicants own the submerged lands. Further, it appears that such boating restricted areas can only be established within the privately owned areas, and only to protect seagrass from propeller dredging. Finally, the exception does not appear available to protect forms of aquatic vegetation other than seagrass. Therefore, the above exception appears to be of limited utility to the City.

#### **4) Regulatory vs. Information Markers**

A local government is required to obtain FWC approval before it may erect any regulatory marker upon a lake. Fla. Stat. 327.41(4). A “regulatory marker” means “a device used to alert the mariner to various regulatory matters such as horsepower, speed, wake, or entry restrictions.” F.A.C. 68D-23.103(1)(d).

On the other hand, a local government is not required to obtain FWC approval for the placement of “information markers.” Fla. Stat. 327.40(2)(b)2. An “information marker” means “a device external to a vessel intended to provide the mariner with information concerning matters other than dangers or obstructions to navigation, or regulatory matters.” F.A.C. 68D-23.103(1)(b).

Placement of information markers is thus a potential alternative approach for accomplishing City goals without the obstacle of FWC approval. The information contained in such markers, and even their mere presence, could encourage boaters to limit their speed and otherwise moderate their behavior, notwithstanding that such markers are purely informational in nature and unenforceable as regulations.

**5) Limiting Access to Lakes and Charging Fees:**

The approach has been suggested of limiting access to the lakes through the City's boat ramps to City residents as a way of cutting down on disruptive boating activities. This approach may be subject to legal challenge based on the "public trust doctrine," which provides that navigable waters and the land thereunder are "held by the state, by virtue of its sovereignty, in trust for all the people." Fla. Const. Art. X, Sec. 11. The Florida Attorney General's Office has held that the public trust doctrine prevents a city from limiting access to its public beaches to city residents. AGO 74-279.

The question has also arisen as to whether the City could charge fees for use of its ramps to access the lakes. We are aware of no legal principle that would prohibit such user fees, provided that all members of the public are treated the same. See AGO 74-279 (city could not discriminate against non-residents with respect to access to beaches).

**6) Regulation of Litter on Lakes**

Litter is not on the list of preempted matters under the boating statutes. See Fla. Stat. 327.60(2). Also, Florida's litter statute "does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management." Fla. Stat. 403.413(7). Therefore, it appears that the city may adopt ordinances regulating litter on lakes.

**7) Regulating Alcohol Consumption on Lakes**

It is apparently legal for boat drivers and occupants to drink alcohol, but boating under the influence is illegal. Fla. Stat. 327.35. The question here is whether the City could adopt an ordinance further limiting drinking alcohol during or related to boating and lake activities. We are aware of no statute or legal principle that would prevent the city from adopting such an ordinance.

Regulation of alcohol consumption does not appear in the list of preempted matters under the boating statutes. See Fla. Stat. 327.60(2). Also, the alcoholic beverage statutes only preempt local governments from prohibiting or regulating "those activities or business transactions of a licensee regulated by the Division of Alcoholic Beverages and Tobacco under the Beverage Law," and not the consumption of alcohol by individuals. Fla. Stat. 562.45(2)(c). See AGO 83-67 (county could adopt ordinance prohibiting alcoholic beverage consumption on semi-public parking lot).

**8) Diver Flags**

Fla. Stat. 327.331 places limitations on boating activities near divers and snorklers when a diver flag is displayed:

327.331 Divers; definitions; divers-down warning device required; obstruction to navigation of certain waters; penalty.—

(1) As used in this section:

(a) "Diver" means a person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

...

(2) All divers must prominently display a divers-down warning device in the area in which the diving occurs, other than when diving in an area customarily used for swimming only. A divers-down buoy may not be used or displayed onboard a vessel.

...

(6) A vessel other than a law-enforcement or rescue vessel that approaches within 100 feet of a divers-down warning device on a river, inlet, or navigation channel, or within 300 feet of a divers-down warning device on waters other than a river, inlet, or navigation channel, must proceed no faster than is necessary to maintain headway and steerageway.

We have been informed that snorklers are commonly present on Lake Conway, and that such snorklers do not always follow the statutory requirement that they place divers-down warning devices. It has been suggested that were such snorklers to follow the statute, it could positively influence boating behavior, since boats are required to operate at minimal speed within 300 feet of such devices.

Violation of the above statute constitutes a non-criminal infraction punishable in accordance with Fla. Stat. 327.73. Municipal law enforcement officers are authorized to enforce the statute. Fla. Stat. 327.70(1). Enforcement of the statute against both snorklers and boaters could positively affect boating behavior on the Lake Conway chain of lakes.

#### **9) Enforcement on State Lands:**

During our discussions with City staff, the question arose as to whether the City could enforce ordinances upon state-owned land where lake waters have receded. We are aware of no legal principle that would prevent such enforcement. Florida Attorney General Opinion 79-71 offers guidance. In that opinion, the Attorney General's Office held that a city could enact an ordinance regulating and restricting the manner of egress, ingress, boating, bathing, and fishing on a state-owned beach. The Attorney General's Office stated the following legal principles governing city regulation of state-owned lands:

The general principle of law applicable to this situation, subject to the below-discussed conditions and limitations, is that a municipality has civil and criminal jurisdiction over property within its corporate boundaries and may thus regulate and restrict certain activities reasonably calculated to protect the public health, safety, and welfare. *See* 64 C.J.S. *Municipal Corporations* s. 1816 (1950); *Carter v. Town of Palm Beach*, 237 So.2d 130 (Fla. 1970); *City of Miami Beach v. Texas Co.*, 194 So. 368 (Fla. 1940); *Metropolitan Dade County v. Pierce*, 236 So.2d 202 (3 D.C.A. Fla., 1970); and AGO's 077-139 and 060-139. This municipal power to regulate is subject to the state's paramount power to regulate and control the use of its sovereign lands. Any attempted regulation of state-owned property to the extent such regulation has been preempted by the state or is inconsistent with general law or with regulations adopted by the state would be invalid. *See* s. 166.021, F. S.; *City of Miami Beach v. Forte Towers, Inc.*, 305 So.2d 764 (Fla. 1974); and AGO's 078-141, 075-167, 074-286, and 073-463. A further limitation upon a municipality's power to regulate activities upon, and use of, state-owned property, and corollary to the requirement that



regulations and restrictions of certain activities must be in furtherance of public health, safety, and welfare, is that such regulation must not be in violation of constitutional protections afforded to the public for the use of, and access to, state sovereignty lands. This constitutionally derived protection is known as the public trust doctrine. *See McDowell v. Trustees of Internal Improvement Fund*, 90 So.2d 715 (Fla. 1956); *White v. Hughes*, 190 So. 446 (Fla. 1939); *Adams v. Elliott*, 174 So. 731 (Fla. 1937); and AGO 073-430.

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However, as it is stated in 64 C.J.S. *Municipal Corporations* s. 1818c, p. 301 (1950), "in order to be valid, the regulations adopted must be reasonable and nondiscriminatory, and they must tend to promote the public health, safety, morals, or general welfare." In *Carter v. Town of Palm Beach*, 237 So.2d 130 (Fla. 1970), the Florida Supreme Court held that a complete ban of all surfing within the municipal boundaries of the Town of Palm Beach was unconstitutional. The court in its holding concluded, at 131-132, that "[t]he Town of Palm Beach may regulate and control surfing and skinning in areas subject to its jurisdiction and may prohibit these activities at certain places along the beach. However, the complete prohibition of this sport from all the beach area is arbitrary and unreasonable."

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*See also Inglis v. Rymer*, 152 So. 4 (Fla. 1934) (holding that prohibition of skating rinks, an activity "not inherently injurious to the prevailing conception of public morals, nor a nuisance per se" [*id.* at 5], is unconstitutional); and AGO 073-430 (concluding that the Okaloosa Island Authority was "without authority to ban all swimming along the foreshore of the Gulf of Mexico . . ."). *See Moffett v. State*, 340 So.2d 1155 (Fla. 1976), and *Atlantic Beach v. Oosterhoudt*, 172 So. 687 (Fla. 1937), for examples of lawful regulation.

*See also* AGO 60-139 (city could enforce ordinance in state-owned park).

Based on the above, the City could adopt ordinances governing activities on state-owned land around and in the City's lakes provided that such ordinances 1) are not preempted by and do not conflict with any statute, 2) are reasonable and nondiscriminatory, and 3) tend to promote the public health, safety, morals, or general welfare.

#### **10) The Lake Conway Water and Navigation Control District**

In 1957 the Florida Legislature created by special act the Lake Conway Water Navigation Control District (the "Navigation Control District"), which is composed of the members of the Orange County Board of County Commissioners. Ch. 57-1643, Laws of Florida (the "Special Act"). The Special Act is codified in the Orange County Code at Chapter 33, Article II.

The Special Act grants the Navigation Control District broad authority including the following:

- "to make rules and regulations governing speed and operation of water craft plying the waters within said District";
- "to regulate and control the level of water within said District";
- "to build, erect, and maintain wells for the purpose of restoring, maintaining, lowering, and raising the water level of the lakes within said District";

- “to provide drainage of excess waters from the lakes within said District”;
- “to have authority to control, regulate and determine the water level of the lakes within said District”;
- “to provide for the levying of taxes within said District for the payment of costs and expenses”;
- “to issue bonds to obtain funds to carry out the purposes of this law”;
- “to build, erect and maintain, and repair navigable canals within said District”;
- “to provide for the punishment of violations of such rules and regulations”;
- “to provide regulations for the construction by private individuals or concerns of canals or ditches within the District”; and
- to require a permit for “any dredging, pumping of sand, extension of land, construction or extension of islands, creating obstructions in or under any of the waters of said District.”

As discussed, in 2009 the Florida Legislature placed a number of restrictions on local government authority to regulate boating. The question is whether and to what extent such restrictions apply to the Navigation Control District.

The two primary statutes limiting local government authority, Fla. Stats. 327.60 and 327.46, only reference municipalities and counties and do not mention special districts like the Navigation Control District. Further, courts have held that, “[w]here a general act and a special act conflict, the latter prevails.” *State ex rel. Johnson v. Vizzini*, 227 So. 2d 205, 207 (Fla. 1969). Therefore, the statutes arguably do not supersede the authority granted to the Navigation Control District by the Special Act.

The Navigation Control District would have to obtain FWC approval before erecting any regulatory marker on a lake. *See* Fla. Stat. 327.40(b)1. (“No person or municipality, county, or other governmental entity shall place any uniform waterway marker in, on, or over the waters or shores of the state without a permit from the division.”). FWC could point to such provision as evidence that the Legislature has preempted regulatory authority of not just municipalities and counties but special districts as well. However, the counter-argument is that FWC authority to approve marker permits of the Navigation Control District is limited to review of the technical specifications of the markers only (i.e. size, color, symbols, etc.) and not substantive matters like boating speed and operation, which arguably remain the purview of the District.

FWC could also argue that the 2009 boating statutory amendments override Navigation Control District authority based on the legal principle of implied preemption. A court may find implied preemption “where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Florida Legislature.” *GLA & Assocs. v. City of Boca Raton*, 855 So. 2d 278, 282 (Fla. 4<sup>th</sup> DCA 2003). However, implied preemption is disfavored by courts, which are “reluctant to preclude a local elected governing body from exercising its local powers by finding preemption by implication in the absence of an explicit legislative directive.” *Shands Teaching Hosp. & Clinics v. Mercury Ins. Co.*, 97 So. 3d 204 (Fla. 2012).

In sum, we are of the opinion that the District retains all authority granted to it by the Special Act, and that in the event of a conflict between FWC and District authority, District authority would prevail. We discussed our position with the Orange County attorney’s office. They informed us that one of their

previous attorneys, who is no longer employed in their office, had advised the County that 1) the District retains its authority under the Special Act except for authority to establish no-wake and minimum speed zones; and 2) the District must obtain FWC approval before placing any signage upon lakes.

For the reasons discussed in this section, we disagree with the previous County Attorney's first point, as we believe the District retains all authority granted to it by the Special Act, including the authority to regulate boating speed and operation. We agree with the second point since under the statutes all governmental entities are required to obtain FWC permitting before placing signage upon lakes. However, it is our opinion that FWC's review of such applications for signage would have to be limited to review of technical specifications of the signs and could not be denied based on their regulatory content.

We have been informed by the County that the District has never adopted any regulations governing boating activities. Were the District to adopt such regulations in the future, the question arises as to whether a District regulation or City ordinance would control in the event of a conflict. While the law is not entirely clear, it appears that the District's regulations would control. Typically, a special act of the legislature will control when in conflict with a general law. *State ex rel. Johnson v. Vizzini*, 227 So. 2d 205, 207 (Fla. 1969). The District derives its authority from the Special Act, whereas the City derives its authority in this arena from the general grant of home rule powers under the Florida Statutes and Constitution. This suggests that a District regulation would take precedence over a City ordinance. However, this would not prevent the City from adopting an ordinance imposing the same or more stringent restrictions than a District regulation. See *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1020 (Fla. 2d DCA 2005) ("the fact that an ordinance imposes additional requirements on a person or business is not evidence of a conflict."); *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008) ("[T]he test for conflict is whether in order to comply with one provision, a violation of the other is required.").

## SUMMARY

- The City has authority to regulate boating and related activities except where expressly preempted by Florida's boating statutes. The City is expressly preempted from and may not adopt regulations pertaining to: (1) equipment requirements and standards; (2) design, manufacture, or installation of marine sanitation devices (with exceptions); (3) vessels upon the Florida Intracoastal Waterway; (4) regulations discriminating against personal watercraft; (5) regulations discriminating against airboats; (6) regulation of vessels outside of mooring fields (with exceptions); or (7) regulating engine or exhaust noise.
- Subject to FWC permitting, the City may establish no-wake zones, minimum speed zones, and numerical speed limits in certain areas in close proximity to certain structures such as boat ramps, hoists, bridges, dams, spillways, and other structures. See Fla. Stat. 327.46.
- Subject to FWC permitting, the City may establish vessel-exclusion zones in areas in close proximity to swimming areas, dams, spillways, flood control structures, and areas exclusively reserved as canoe trails or for vessels using oars or sail.

- Establishing speed restrictions in areas not in close proximity to the above structures is subject to heightened scrutiny by FWC, requires FWC approval of the markers and ordinance, and requires the City to demonstrate through competent substantial evidence the existence of safety hazards.
- The City may not adopt speed restrictions or vessel-exclusion zones for the purposes of protecting vegetation. However, the City could in theory adopt regulations penalizing the destruction of vegetation. Alternatively, the City could use information markers to encourage the protection of vegetation.
- The City may regulate matters not preempted by the boating statutes or other statutes, including but not limited to (1) alcohol consumption, (2) litter, (3) use fees for city ramps, and (4) any other matter not preempted by Fla. Stat. 327.60 or other statute.
- The City may install information markers on lakes without approval of FWC. The presence of information markers could have the practical effect of causing boaters to slow down or otherwise moderate their behavior, notwithstanding that they are purely informational and not regulatory in nature.
- The Lake Conway Water Navigation Control District arguably retains broad authority to regulate boating activities on the Lake Conway chain of lakes. However, the District would need to be convinced of such and would need to adopt regulations enforceable by the City. It is possible that FWC could challenge the District's authority in court under such scenario.

