

By Senator Alexander

17-792-04

See HB

1 A bill to be entitled
2 An act relating to waterway markers; amending
3 s. 327.40, F.S.; providing for the placement of
4 certain markers on waterways by specified
5 governmental entities; providing that the
6 placement of specified markers on state
7 submerged lands does not subject such lands to
8 certain lease requirements; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 327.40, Florida Statutes, is
14 amended to read:15 327.40 Uniform waterway markers for safety, ~~and~~
16 navigation, and information.--17 (1) Waterways in Florida which need marking for safety
18 or navigation purposes shall be marked under the United States
19 Aids to Navigation System, 33 C.F.R. part 62. Until December
20 31, 2003, channel markers and obstruction markers conforming
21 to the Uniform State Waterway Marking System, 33 C.F.R.
22 subpart 66.10, may continue to be used on waters of this state
23 that are not navigable waters of the United States.24 (2)(a) Application for marking inland lakes and state
25 waters and any navigable waters under concurrent jurisdiction
26 of the Coast Guard and the division shall be made to the
27 division, accompanied by a map locating the approximate
28 placement of markers, a list of the markers to be placed, a
29 statement of the specification of the markers, a statement of
30 the purpose of marking, and the names of persons responsible
31 for the placement and upkeep of such markers. The division

1 will assist the applicant to secure the proper permission from
2 the Coast Guard where required, make such investigations as
3 needed, and issue a permit. The division shall furnish the
4 applicant with the information concerning the system adopted
5 and the rules existing for placing and maintaining the
6 markers. The division shall keep records of all approvals
7 given and counsel with individuals, counties, municipalities,
8 motorboat clubs, or other groups desiring to mark waterways
9 for safety and navigation purposes in Florida.

10 (b) No person or municipality, county, or other
11 governmental entity shall place any safety or navigation
12 markers in, on, or over the waters or shores of the state
13 without a permit from the division.

14 (c) The placement of informational markers, including,
15 but not limited to, markers indicating end of boat ramp, no
16 swimming, swimming area, lake name, trash receptacle, public
17 health notice, underwater hazard, canal, regulatory,
18 emergency, and special event markers by counties,
19 municipalities, or other governmental entities on inland lakes
20 and their associated canals are exempt from permitting under
21 this section. These markers, excluding swimming area and
22 special event markers, may be no more than 50 feet from the
23 normal shoreline.

24 ~~(c) The commission is authorized to adopt rules~~
25 ~~pursuant to chapter 120 to implement this section.~~

26 (3) The placement of any safety or navigation marker
27 or any marker specified in paragraph (2)(c) on state submerged
28 lands under this section does not subject such lands to the
29 lease requirements of chapter 253.

30 (4) The commission is authorized to adopt rules
31 pursuant to chapter 120 to implement this section.

1 Section 2. This act shall take effect upon becoming a
2 law.
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