

By the Committee on Natural Resources; and Senator Alexander

312-2038-04

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 an exemption  
6           with regard to appearance of said markers;  
7           providing that the placement of specified  
8           markers on state submerged lands does not  
9           subject such lands to certain lease  
10          requirements; providing an effective date.

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

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14           Section 1. Paragraph (c) of subsection (2) of section  
15 327.40, Florida Statutes, is redesignated as subsection (4), a  
16 new paragraph (c) is added to subsection (2), and subsection  
17 (3) of said section is amended, to read:

18           327.40 Uniform waterway markers for safety, ~~and~~  
19 navigation, and information.--

20           (2)

21           (c) The placement of informational markers, including,  
22 but not limited to, end of boat ramp, no swimming, swimming  
23 area, lake name, trash receptacle, public health notice,  
24 underwater hazard, canal, regulatory, emergency, and special  
25 event markers by counties, municipalities, or other  
26 governmental entities in, on, or over the waters or shores of  
27 landlocked inland lakes and their associated canals is exempt  
28 from permitting under this section. These markers, with the  
29 exception of swimming area and special event markers, must be  
30 placed 50 feet or less from the normal shoreline. The  
31 appearance of markers placed by counties, municipalities, or

1 other governmental entities pursuant to this paragraph is not  
2 required to conform to the United States Aids to Navigation  
3 System, 33 C.F.R. part 62, or any uniform system of waterway  
4 markers adopted by the commission. Notwithstanding the  
5 exemption created by this paragraph, counties, municipalities,  
6 and other governmental entities shall comply with federal laws  
7 and regulations when placing informational markers on  
8 federally regulated waters.

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

13 (4)(c) The commission is authorized to adopt rules  
14 pursuant to chapter 120 to implement this section.

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

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 Senate Bill 1404

21 The committee substitute clarifies that the placement of  
22 certain information markers on landlocked inland lakes and  
23 their associated canals is exempt from certain permitting  
24 requirements. Further, the appearance of such markers need not  
25 conform to the provisions contained in the U.S. Aids to  
26 Navigation System, 33 C.F.R. part 62, or any uniform system of  
27 waterway markers adopted by the Fish and Wildlife Conservation  
28 Commission. Notwithstanding this exemption, counties,  
29 municipalities, and other governmentnal entities shall comply  
30 with federal laws and regulations when placing informational  
31 markers on federally regulated waters.