

By the Committees on Comprehensive Planning; Natural Resources; and Senator Alexander

316-2288-04

1                                   A bill to be entitled  
 2           An act relating to waterway markers; amending  
 3           s. 327.40, F.S.; providing for the appearance  
 4           of any new or replacement markers after  
 5           December 31, 2003; providing for the placement  
 6           and appearance of certain markers on waterways  
 7           by specified governmental entities; providing  
 8           exceptions; providing that the placement of  
 9           specified markers on state submerged lands does  
 10          not subject such lands to certain lease  
 11          requirements; providing an effective date.

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

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 15           Section 1. Section 327.40, Florida Statutes, is  
 16 amended, to read:

17           327.40 Uniform waterway markers for safety, ~~and~~  
 18 navigation, and information.--

19           (1) Waterways in Florida which need marking for safety  
 20 or navigation purposes shall be marked under the United States  
 21 Aids to Navigation System, 33 C.F.R. part 62. Until December  
 22 31, 2003, channel markers and obstruction markers conforming  
 23 to the Uniform State Waterway Marking System, 33 C.F.R.  
 24 subpart 66.10, may continue to be used on waters of this state  
 25 that are not navigable waters of the United States. After  
 26 December 31, 2003, any new or replacement markers must conform  
 27 to the United States Aids to Navigation System, 33 C.F.R. part  
 28 62.

29           (2)(a) Application for marking inland lakes and state  
 30 waters and any navigable waters under concurrent jurisdiction  
 31 of the Coast Guard and the division shall be made to the

1 division, accompanied by a map locating the approximate  
2 placement of markers, a list of the markers to be placed, a  
3 statement of the specification of the markers, a statement of  
4 the purpose of marking, and the names of persons responsible  
5 for the placement and upkeep of such markers. The division  
6 will assist the applicant to secure the proper permission from  
7 the Coast Guard where required, make such investigations as  
8 needed, and issue a permit. The division shall furnish the  
9 applicant with the information concerning the system adopted  
10 and the rules existing for placing and maintaining the  
11 markers. The division shall keep records of all approvals  
12 given and counsel with individuals, counties, municipalities,  
13 motorboat clubs, or other groups desiring to mark waterways  
14 for safety and navigation purposes in Florida.

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

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

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

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

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

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
18 COMMITTEE SUBSTITUTE FOR  
19 CS/SB 1404

20 The committee substitute requires any new or replacement  
21 markers, after December 31, 2003, to conform to the United  
22 States Aids to Navigation System, 33 C.F.R. part 62. It  
23 clarifies that permits are not required for certain  
24 informational markers. It specifies that informational markers  
25 placed by certain governmental entities and intended to  
26 protect the public health and safety must conform to the  
27 United States Aids to Navigation System, 33 C.F.R. part 62, or  
28 any uniform system of waterway markers adopted by the Fish and  
29 Wildlife Conservation Commission.  
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