

Bill No. HB 415, 1st Eng.

Amendment No. ____ Barcode 361492

CHAMBER ACTION

Senate

House

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Senator Alexander moved the following amendment:

Senate Amendment (with title amendment)

Beginning on page 1, line 12, through page 2, line 36
delete those lines

and insert:

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

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

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

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

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

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

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1 placed pursuant to this paragraph must be properly maintained.
2 The appearance of markers placed by counties, municipalities,
3 or other governmental entities pursuant to this paragraph,
4 except for those markers intended to protect the public health
5 and safety, is not required to conform to the United States
6 Aids to Navigation System, 33 C.F.R. part 62, or any uniform
7 system of waterway markers adopted by the commission.
8 Notwithstanding this paragraph, counties, municipalities, and
9 other governmental entities shall comply with federal laws and
10 regulations when placing informational markers on federally
11 regulated waters.

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, lines 3-5,delete those lines

17

18 insert:

19 F.S.; providing for the appearance of any new
20 or replacement markers after December 31, 2003;
21 providing for the placement and appearance of
22 certain markers on waterways by specified
23 governmental entities; providing exceptions;

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