

ENROLLED

HB 0331

2005 Legislature

1 A bill to be entitled

2 An act relating to inland lakes and canals; amending s.
3 327.40, F.S.; exempting from permitting requirements the
4 placement of informational markers on inland lakes and
5 associated canals by counties, municipalities, or other
6 governmental entities; providing requirements for
7 placement of such markers; specifying that placement of
8 informational markers on state submerged lands does not
9 subject such lands to specified lease requirements;
10 providing an effective date.

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

13
14 Section 1. Section 327.40, Florida Statutes, is amended to
15 read:

16 327.40 Uniform waterway markers for safety and navigation;
17 informational markers.--

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

25 (2) (a) Application for marking inland lakes and state
26 waters and any navigable waters under concurrent jurisdiction of
27 the Coast Guard and the division shall be made to the division,
28 accompanied by a map locating the approximate placement of
29 markers, a list of the markers to be placed, a statement of the

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30 specification of the markers, a statement of the purpose of
31 marking, and the names of persons responsible for the placement
32 and upkeep of such markers. The division will assist the
33 applicant to secure the proper permission from the Coast Guard
34 where required, make such investigations as needed, and issue a
35 permit. The division shall furnish the applicant with the
36 information concerning the system adopted and the rules existing
37 for placing and maintaining the markers. The division shall keep
38 records of all approvals given and counsel with individuals,
39 counties, municipalities, motorboat clubs, or other groups
40 desiring to mark waterways for safety and navigation purposes in
41 Florida.

42 (b)1. No person or municipality, county, or other
43 governmental entity shall place any safety or navigation markers
44 in, on, or over the waters or shores of the state without a
45 permit from the division.

46 2. The placement of informational markers, including, but
47 not limited to, markers indicating end of boat ramp, no
48 swimming, swimming area, lake name, trash receptacle, public
49 health notice, or underwater hazard and canal, regulatory,
50 emergency, and special event markers, by counties,
51 municipalities, or other governmental entities on inland lakes
52 and their associated canals are exempt from permitting under
53 this section. Such markers, excluding swimming area and special
54 event markers, may be no more than 50 feet from the normal
55 shoreline.

56 (c) The commission is authorized to adopt rules pursuant
57 to chapter 120 to implement this section.

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58 (3) The placement of any safety or navigation marker or
59 any informational marker under subparagraph (2)(b)2. on state
60 submerged lands under this section does not subject such lands
61 to the lease requirements of chapter 253.

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