

By Senator Gruters

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1 A bill to be entitled
2 An act relating to the installation of waterway
3 markers; amending s. 327.40, F.S.; revising the
4 application requirements for marking certain waters of
5 this state; requiring all waterway markers to be
6 affixed to certain structures or buoys beginning on a
7 specified date; requiring state and local governmental
8 entities to conform to such requirements by a
9 specified date; making technical changes; reenacting
10 ss. 327.4108(2)(a) and 403.813(1)(k), F.S., relating
11 to the anchoring of vessels in anchoring limitation
12 areas and to permits issued at district centers,
13 respectively, to incorporate the amendments made to s.
14 327.40, F.S., in references thereto; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 327.40, Florida Statutes, is amended to
20 read:

21 327.40 Uniform waterway markers; installation
22 requirements.—

23 (1) Waters of this state shall be marked only in conformity
24 with the United States Aids to Navigation System, 33 C.F.R. part
25 62.

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

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30 placement of markers, a list of the markers to be placed, a
31 statement of the specification of the markers and the structure
32 or buoy to which the markers will be attached, a statement of
33 the purpose of marking, and the names of persons responsible for
34 the placement and upkeep of such markers and structures. The
35 division shall do all of the following:

36 1. will Assist the applicant to secure the proper
37 permission from the Coast Guard where required, make such
38 investigations as needed, and issue a permit.

39 2. The division shall Furnish the applicant with the
40 information concerning the system adopted and the rules existing
41 for placing and maintaining the markers.

42 3. The division shall Keep records of all approvals given
43 and counsel with individuals, counties, municipalities,
44 motorboat clubs, or other groups desiring to mark waterways for
45 safety and navigation purposes in Florida.

46 (b)1. A ~~No~~ person or municipality, county, or other
47 governmental entity may not shall place any uniform waterway
48 marker in, on, or over the waters or shores of this ~~the~~ state
49 without a permit from the division.

50 2. The placement of information 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.

54 (3) All waterway markers, including waterway markers
55 permitted on or after July 1, 2023, pursuant to this section and
56 information markers placed by counties, municipalities, or other
57 governmental entities, must be affixed to a plastic breakaway
58 structure or a floating buoy. A state or local governmental

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59 entity may not affix a waterway marker to a steel beam or wood
60 piling. Any state or local governmental entity waterway marker
61 affixed to a steel beam or wood piling before July 1, 2023, must
62 be replaced with a waterway marker affixed to a plastic
63 breakaway structure or floating buoy by January 1, 2024.

64 (4)~~(e)~~ The commission is authorized to adopt rules pursuant
65 to chapter 120 to implement this section.

66 (5)~~(3)~~ The placement under this section or s. 327.41 of any
67 uniform waterway marker on state submerged lands does not
68 subject such lands to the lease requirements of chapter 253.

69 Section 2. For the purpose of incorporating the amendment
70 made by this act to section 327.40, Florida Statutes, in a
71 reference thereto, paragraph (a) of subsection (2) of section
72 327.4108, Florida Statutes, is reenacted to read:

73 327.4108 Anchoring of vessels in anchoring limitation
74 areas.—

75 (2) (a) Notwithstanding s. 327.60(2)(f), a county, except
76 for Monroe County, may establish, in accordance with this
77 subsection, an anchoring limitation area adjacent to urban areas
78 that have residential docking facilities and significant
79 recreational boating traffic. The aggregate total of anchoring
80 limitation areas in a county may not exceed 10 percent of the
81 county's delineated navigable-in-fact waterways. As used in this
82 subsection, the term "navigable-in-fact waterways" means
83 waterways that are navigable in their natural or unimproved
84 condition over which useful commerce or public recreation of a
85 substantial and permanent character is or may be conducted in
86 the customary mode of trade and travel on water. The term does
87 not include lakes or streams that are theoretically navigable;

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88 have a potential for navigability; or are temporary, precarious,
89 and unprofitable, but the term does include lakes or streams
90 that have practical usefulness to the public as highways for
91 transportation. Each anchoring limitation area must meet all of
92 the following requirements:

93 1. Be less than 100 acres in size. For purposes of this
94 subsection, the calculated size of the anchoring limitation area
95 does not include any portion of the marked channel of the
96 Florida Intracoastal Waterway contiguous to the anchoring
97 limitation area;

98 2. Not include any mooring field or marina; and

99 3. Be clearly marked with all of the following:

100 a. Signs that provide reasonable notice to boaters
101 identifying the duration of time beyond which anchoring is
102 limited and identifying the county ordinance by which the
103 anchoring limitation area was created.

104 b. Buoys. The county that has created an anchoring
105 limitation area shall install and maintain buoys marking the
106 boundary of the anchoring limitation area.

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108 The signs and buoys must be permitted and installed in
109 accordance with ss. 327.40 and 327.41 and commission rule.

110 Section 3. For the purpose of incorporating the amendment
111 made by this act to section 327.40, Florida Statutes, in a
112 reference thereto, paragraph (k) of subsection (1) of section
113 403.813, Florida Statutes, is reenacted to read:

114 403.813 Permits issued at district centers; exceptions.—

115 (1) A permit is not required under this chapter, chapter
116 373, chapter 61-691, Laws of Florida, or chapter 25214 or

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117 chapter 25270, 1949, Laws of Florida, and a local government may
118 not require a person claiming this exception to provide further
119 department verification, for activities associated with the
120 following types of projects; however, except as otherwise
121 provided in this subsection, this subsection does not relieve an
122 applicant from any requirement to obtain permission to use or
123 occupy lands owned by the Board of Trustees of the Internal
124 Improvement Trust Fund or a water management district in its
125 governmental or proprietary capacity or from complying with
126 applicable local pollution control programs authorized under
127 this chapter or other requirements of county and municipal
128 governments:

129 (k) The installation of aids to navigation and buoys
130 associated with such aids, provided the devices are marked
131 pursuant to s. 327.40.

132 Section 4. This act shall take effect July 1, 2023.