

By Senator Gruters

22-00111-24

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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 that all waterway markers 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 a  
15          declaration of important state interest; providing an  
16          effective date.

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

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

22           327.40 Uniform waterway markers; installation  
23           requirements.—

24           (1) Waters of this state shall be marked only in conformity  
25           with the United States Aids to Navigation System, 33 C.F.R. part  
26           62.

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

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

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

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

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

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

51 2. The placement of information markers by counties,  
52 municipalities, or other governmental entities on inland lakes  
53 and their associated canals are exempt from permitting under  
54 this section.

55 (3) All waterway markers, including waterway markers  
56 permitted on or after July 1, 2024, pursuant to this section and  
57 information markers placed by counties, municipalities, or other  
58 governmental entities, must be affixed to a plastic breakaway

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59 structure or a floating buoy. A state or local governmental  
60 entity may not affix a waterway marker to a steel beam or wood  
61 piling. Any state or local governmental entity waterway marker  
62 affixed to a steel beam or wood piling before July 1, 2024, must  
63 be replaced with a waterway marker affixed to a plastic  
64 breakaway structure or floating buoy by January 1, 2025.

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

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

70 Section 2. For the purpose of incorporating the amendments  
71 made by this act to section 327.40, Florida Statutes, in a  
72 reference thereto, paragraph (a) of subsection (2) of section  
73 327.4108, Florida Statutes, is reenacted to read:

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

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

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88 not include lakes or streams that are theoretically navigable;  
89 have a potential for navigability; or are temporary, precarious,  
90 and unprofitable, but the term does include lakes or streams  
91 that have practical usefulness to the public as highways for  
92 transportation. Each anchoring limitation area must meet all of  
93 the following requirements:

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

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

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

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

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

108

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

111 Section 3. For the purpose of incorporating the amendments  
112 made by this act to section 327.40, Florida Statutes, in a  
113 reference thereto, paragraph (k) of subsection (1) of section  
114 403.813, Florida Statutes, is reenacted to read:

115 403.813 Permits issued at district centers; exceptions.—

116 (1) A permit is not required under this chapter, chapter

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117 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
118 chapter 25270, 1949, Laws of Florida, and a local government may  
119 not require a person claiming this exception to provide further  
120 department verification, for activities associated with the  
121 following types of projects; however, except as otherwise  
122 provided in this subsection, this subsection does not relieve an  
123 applicant from any requirement to obtain permission to use or  
124 occupy lands owned by the Board of Trustees of the Internal  
125 Improvement Trust Fund or a water management district in its  
126 governmental or proprietary capacity or from complying with  
127 applicable local pollution control programs authorized under  
128 this chapter or other requirements of county and municipal  
129 governments:

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

133 Section 4. The Legislature determines and declares that the  
134 amendments made by this act to s. 327.40, Florida Statutes,  
135 fulfill an important state interest.

136 Section 5. This act shall take effect July 1, 2024.