

## House Bill No. 331

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

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

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

327.40 Uniform waterway markers for safety and navigation; informational markers.—

(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.

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

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

2. The placement of informational markers, including, but not limited to, markers indicating end of boat ramp, no swimming, swimming area, lake name, trash receptacle, public health notice, or underwater hazard and canal, regulatory, emergency, and special event markers, by counties, municipalities, or other governmental entities on inland lakes and their associated canals are exempt from permitting under this section. Such markers,

excluding swimming area and special event markers, may be no more than 50 feet from the normal shoreline.

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

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

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

Approved by the Governor June 13, 2005.

Filed in Office Secretary of State June 13, 2005.