

STORAGE NAME: h4039z.wrm  
DATE: June 15, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
WATER & RESOURCE MANAGEMENT  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 4039  
**RELATING TO:** State Lands/Special Events  
**SPONSOR(S):** Representative Sanderson  
**COMPANION BILL(S):** CS/SB 2346 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) WATER AND RESOURCE MANAGEMENT YEAS 10 NAYS 0
- (2)
- (3)
- (4)
- (5)

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I. FINAL ACTION STATUS:

HB 4039, as amended, passed the Senate by a vote of 38-0 on April 27, 1998. The House concurred in the amendment and adopted the bill, for a second time, by a vote of 114-0 on April 30, 1998. The governor allowed the bill to become law without his signature on May 30, 1998. It has been designated Chapter 98-339, Laws of Florida.

II. SUMMARY:

HB 4039 provides for special event agreements to be authorized by the Board of Trustees of the Internal Improvement Trust Fund (the Trustees). These agreements would be for boat shows and displays in, or adjacent to, established marinas or government-owned upland property. The duration of these special events shall be no longer than 30 days.

The intent of the Legislature, as given in HB 4039, is that an individual applying for a special event agreement does not have to be a riparian upland owner for a submerged land lease or any other mechanism for approval of the use of submerged lands. The Trustees are to balance the riparian rights of the upland owners and the economic interests of the public and the state. HB 4039 specifies that this special consent of use shall not be allowed to harm natural resources in the area where the temporary structures would be placed.

This bill shall take effect upon becoming a law.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Due to the current restrictions, it is difficult for an entity planning to conduct a special event (such as a boat show, exhibition, movie production, boat race, etc.) to obtain a permit or lease allowing the use of submerged lands for that event. Section 18-21.004(3)(b), Florida Administrative Code, states, "Applications for activities on sovereignty lands riparian to uplands can only be made by and approved for the upland riparian owner, their legally authorized agent, or persons with sufficient title interest in uplands for the intended purpose." There is no alternative permit or lease for temporary uses of the submerged lands. Because most special events last only a short time and therefore require only temporary use of the land, the entity conducting the event usually does not meet the riparian upland owner requirement. In that situation, the approval of the riparian upland owners must be obtained, and a single individual may block the event by withholding approval.

B. EFFECT OF PROPOSED CHANGES:

HB 4039 places no limitation on who can apply for use of sovereignty submerged lands for pilings, docks and other structures to be used by boat shows or displays in or adjacent to marinas or government owned upland property. The bill provides for special event agreements to be authorized by the Trustees for a period not to exceed 30 days. The applicants for these agreements need not be riparian upland owners to apply for a submerged land lease or any mechanism for the use of submerged lands. In cases where a riparian upland owner has refused to consent to the use of submerged lands, the applicant for a special event agreement may appeal to the Trustees. The Trustees shall balance the riparian rights of the upland owners and the economic interests of the public and the state.

The provisions of HB 4039 do not apply to structures for viewing motorboat races, high-speed motorboat contests, or high-speed displays in waters frequented by manatees. Additionally, the special event can not harm the natural resources of the waters.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

HB 4039 creates section 253.0345, Florida Statutes.

**E. SECTION-BY-SECTION RESEARCH:**

Section 1: Provides that a temporary special event agreement for the use of submerged lands issued by the Board of Trustees of the Internal Improvement Trust Fund is required for certain special events. Provides conditions and duration of the agreement.

Section 2: Provides that the act shall take effect upon becoming a law.

**IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

- 1. Non-recurring Effects:

N/A

- 2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Indeterminate.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate.

2. Direct Private Sector Benefits:

Indeterminate.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

There are four leases in DEP records for special events that generate an average of \$14,283.36 annually. Because there are so few requests from non-riparian upland property owners for special events, no substantial increase in revenue or expenditures is expected.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of HB 4039 because the bill does not require cities or counties to expend funds, or to take actions which require the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of local governments.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the state tax shared with counties and municipalities.

VI. COMMENTS:

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 24, 1998, the Committee on Water and Resource Management adopted by voice vote a strike-everything-after-the-enacting-clause amendment to HB 4039. The major provisions were:

- Authorized the Board of Trustees to issue consents of use or leases to riparian landowners and event promoters to allow the installation of temporary structures for special events. The riparian owners of adjacent uplands not seeking a lease or consent of use, have to be notified prior to trustees' approval.
- Exempted structures for viewing motorboat racing, high speed motorboat contests or high speed displays in waters where manatees are known to frequent.
- Limited consents of use or leases are to be for a period not to exceed 30 days.

The committee then adopted the bill by a vote of 10-0, and at the sponsor's request, did not incorporate the amendment. The House approved the bill and the amendment on April 16, 1998, by a vote of 116-0. On April 27, 1998, the Senate passed the bill 38-0 after adopting an amendment to clarify that the special events eligible for the temporary use permit were boat shows or displays in or adjacent to marinas or government-owned uplands. On April 30, 1998, the House concurred in the Senate amendment and passed the bill by a vote of 114-0.

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VIII. SIGNATURES:

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