

**STORAGE NAME:** h4039a.wrm

**DATE:** March 25, 1998

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

**BILL #:** HB 4039

**RELATING TO:** State Lands

**SPONSOR(S):** Representative Sanderson

**COMPANION BILL(S):** 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. 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 special events which have the purpose of generating revenue, require the temporary installation of structures such as docks, usually occur at a specific site, last longer than 24 hours but less than 60 days, and usually occur on a recurring basis.

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.

This bill shall take effect upon becoming a law.

II. 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 special events. The bill provides for special event agreements to be authorized by the Trustees. These agreements would be applicable to any special event which has the purpose of generating revenue, requires the temporary installation of structures including docks, mooring pilings, and access walkways, usually occurs at a specific site, lasts longer than 24 hours but less than 60 days, and usually occurs on a recurring basis. 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.

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:

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- 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 special event agreement for the use of submerged lands issued by the Board of Trustees of the Internal Improvement Trust Fund is required for special events that generate revenue or income and require the temporary installation structures, usually occur at a specific site for more than 24 hours and less than 60 days, and usually occur on a recurring basis. Also provides the Legislative intent that an applicant for a special event agreement does not have to be a riparian upland owner to apply for the agreement.

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

III. 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:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

There are 4 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.

IV. 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.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 24, 1998, the Committee on Water and Resource Management adopted by voice vote an amendment to HB 4039. The major provisions of this amendment were:

- Remove from the bill all of the language between the enacting clause and the provision for an effective date.
- Authorize 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 who are not seeking a lease or consent of use, are to be notified prior to approval by the trustees.
- Exempt structures for viewing motorboat racing, high speed motorboat contests or high speed displays in waters where manatees are known to frequent.
- Limit consents of use or leases to a period not to exceed 30 days.

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VII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

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