



519372

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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04/16/2009 02:22 PM

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Senator Constantine moved the following:

Senate Amendment (with title amendment)

Delete lines 122 - 183

and insert:

service, 15 cents per square foot. If these facilities are located in an aquatic preserve, the rate shall be 30 cents per square foot.

2. The annual lease fees provided for in this paragraph shall be revised every 5 years beginning March 1, 2014, and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous 5-year period. Adjustments to the fees



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13 shall be to the nearest cent for the per-square-foot rates and
14 to the nearest \$25 for the minimums. Any increase or decrease
15 may not exceed 10 percent and may not have the effect of
16 lowering the fees below those established in the paragraph.

17 3. There shall be a late payment assessment for lease fees
18 or other charges due which are not paid within 30 days after the
19 due date. This assessment shall be computed at the rate of 12
20 percent per annum, calculated on a daily basis for every day the
21 payment is late.

22 4. For the purposes of this paragraph, the additional
23 charges provided in subparagraph b. shall not apply to existing
24 facilities in aquatic preserves that were excluded from the
25 additional rate in accordance with rule 18-21.011, Florida
26 Administrative Code.

27 (g) Government, research, or education facilities are
28 exempt from the annual lease fees in paragraph (f) except as
29 otherwise defined by rule.

30 (h) A community-based social club shall be classified as
31 "first-come, first-served" for the purposes of assessing fees
32 pursuant to this subsection if the club is designated as
33 qualified under s. 501(c)(7) by Title 26, subtitle A, chapter 1,
34 subchapter F, part 1, s. 501 of the United States Internal
35 Revenue Code. The club must be organized for pleasure,
36 recreation, and other similar nonprofitable purposes and
37 substantially all of its activities must be for these purposes,
38 and the club may not discriminate based on race, color,
39 religion, or handicap. The club may not convey to any member the
40 exclusive use of a club wet slip and all wet slips must be
41 available on a first-come, first-served basis to all members in



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42 a specific membership category. Any publications related to
43 membership and wet slip rental contracts must state that the wet
44 slips are available on a first-come, first-served basis to all
45 members in a specific membership category and that the club does
46 not discriminate based on race, color, religion, or handicap.
47 Upon the date the club is found to have conveyed, deeded, leased
48 long term, included an automatic renewal or conditions, or
49 issued in any form an exclusive right to use a wet slip, the
50 submerged land lease fee shall revert to the private rate
51 pursuant to this subsection and be subject to retroactive
52 private lease fees. The club shall provide recreational,
53 educational, or charitable activities at least once annually
54 which are open to the general public beginning within 365 days
55 after the lease anniversary date.

56 (i) The department shall provide a draft lease to the
57 applicant 14 days prior to the scheduled hearing before the
58 board of trustees. The applicant may waive this requirement.

59 (j) Rules adopted by the board of trustees must also
60 provide for:

61 1. The assessment of fines and penalties for violation of
62 lease conditions. Such fines or penalties shall be in addition
63 to those authorized pursuant to s. 253.04.

64 2. An exemption from the annual fees for:

65 a. Events that may require the installation and use of
66 temporary structures, including docks, moorings, pilings, and
67 access walkways on sovereign submerged lands solely for the
68 purposes of facilitating boat shows or boat displays in, or
69 adjacent to, established marinas or government-owned upland
70 property.



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71 b. First-come first-served facilities that have a
72 contractual arrangement with a county or municipality and can
73 demonstrate financial hardship to the Board of Trustees.

74 c. Those facilities that qualify for Consent by Rule or
75 Letter of Consent pursuant to rule 18-21, Florida Administrative
76 Code and shall also be exempt from paying application fees.

77
78 ===== T I T L E A M E N D M E N T =====

79 And the title is amended as follows:

80 Delete line 10

81 and insert:

82 rates; providing for exemptions; detailing minimum