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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

04/16/2009 02:21 PM

Senator Constantine moved the following:

Senate Amendment

Delete lines 55 - 104
and insert:
lands, except those uses provided in s. 253.51 and ss. 253.67-
253.75 and s. 311.09(1), shall provide at a minimum, for the
following:

(a) A standard lease term of at least 10 years.

(b) An extended-term lease not to exceed 25 years, where
the use of the sovereignty submerged lands and the associated
existing or proposed structures on sovereignty submerged lands
have or will have an expected life, or amortization period,



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13 equal to or greater than the requested lease term. Such
14 extended-term leases shall be limited to those facilities that
15 provide exclusive access to public waters by the general public
16 on a first-come, first-served basis; that are constructed,
17 operated, or maintained by a governmental entity or funded by
18 government-secured bonds having a term greater than or equal to
19 the requested lease term; or for which the applicant
20 demonstrates the existence of an extreme hardship that is unique
21 to the applicant if such hardship is not self-imposed or the
22 result of any law, ordinance, rule, or regulation.

23 (c) For purposes of this section, the term "first-come,
24 first-served" means any water-dependent facility operated on
25 state-owned submerged land, the services of which are open to
26 the general public by at least 90 percent of all slips over the
27 state-owned submerged land, with no qualifying requirements such
28 as club membership, stock ownership, or equity interest, with no
29 longer than 1-year rental terms, and with no automatic renewal
30 rights or conditions. For purposes of this section, all other
31 leases are considered private.

32 (d) A nonrefundable application fee of \$250 for a private
33 residential single-family dock or pier. All other facilities
34 shall remit an application fee of \$500 unless a different fee is
35 specifically provided for in general law.

36 (e) New private leases, expansions of private leases, and
37 lease conversions from a first-come, first-served basis to
38 private use shall be assessed a one-time premium or qualify for
39 a waiver of payment in accordance with rule 18-21, Florida
40 Administrative Code. The one-time premium shall be 10 percent of
41 the applicant's projected retail price or the current market



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42 price, whichever is greater, to an end user for the use of the
43 slips within the leased area. For applicants proposing to rent
44 or lease the slips, or proposing to provide the slips to members
45 at a below-market rate, the one-time premium shall be based on
46 the current market price. The projected pricing shall be
47 provided by the applicant and must be itemized by slip. All
48 prices provided shall be reviewed by the department and verified
49 with market data as reflective of the market prior to approval.

50 1. An appraisal report is required if the department is
51 unable to verify with market data and accept the applicant's
52 pricing documentation. The appraisal report conditions shall
53 assume that the income to the lease area is at market rates. If
54 an

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