

By Senator Fasano

11-00356-10

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1 A bill to be entitled

2 An act relating to the lease of submerged lands;
3 amending s. 253.71, F.S.; deleting the per-acre
4 surcharge imposed on each lease; prohibiting the
5 imposition of rental fees or other charges for the
6 lease of submerged lands used for residential docks,
7 piers, and wetslips; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (2) of section 253.71, Florida
12 Statutes, is amended to read:

13 253.71 The lease contract.—When the board has determined
14 that the proposed lease is not incompatible with the public
15 interest and that the applicant has demonstrated his or her
16 capacity to perform the operations upon which the application is
17 based, it may proceed to consummate a lease contract having the
18 following features in addition to others deemed desirable by the
19 board:

20 (2) RENTAL FEES.—

21 (a) The lease contract must ~~shall~~ specify the ~~such~~ amount
22 of rental per acre of leased bottom ~~as may be~~ agreed to by the
23 parties and must ~~shall~~ take the form of fixed rental to be paid
24 throughout the term of the lease. ~~Beginning January 1, 1990, a~~
25 ~~surcharge of \$5 per acre, or any fraction of an acre, per annum~~
26 ~~shall be levied upon each lease according to the guidelines set~~
27 ~~forth in s. 597.010(7). Beginning January 1, 2001, the surcharge~~
28 ~~shall be increased to \$10 per acre, or any fraction of an acre,~~
29 ~~per annum.~~

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30 (b) All leases must ~~shall~~ stipulate for the payment of the
31 initial term's first year's annual rental within 30 days after
32 ~~of~~ the date of execution of the lease instrument, and payment of
33 the annual rental fee for all succeeding years throughout the
34 term of the lease on or before the anniversary date. Failure of
35 the lessee to pay such rent within 30 days after ~~of~~ such date
36 constitutes ~~shall constitute~~ ground for cancellation of the
37 lease and forfeiture to the state of all works, improvements,
38 and animal and plant life in and upon the leased land and water
39 column.

40 (c) A rental fee or other charges may not be imposed on the
41 use of submerged lands for private residential docks, piers, or
42 wetlands that are used exclusively for noncommercial purposes.

43 Section 2. This act shall take effect July 1, 2010.