

1 A bill to be entitled
 2 An act relating to submerged lands; creating s. 253.0346,
 3 F.S.; authorizing the Board of Trustees of the Internal
 4 Improvement Trust Fund to lease sovereign submerged lands
 5 for private residential use; defining "private residential
 6 use"; providing for the term of the lease, rental fees,
 7 lease assignability, disposition of improvements, and
 8 construction of the act; providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Section 253.0346, Florida Statutes, is created
 13 to read:

14 253.0346 Lease of submerged lands for private residential
 15 use.-

16 (1) AUTHORITY.-To the extent that it is not contrary to
 17 the public interest, and subject to any limitations and
 18 requirements under this chapter, the Board of Trustees of the
 19 Internal Improvement Trust Fund may lease and authorize the use
 20 of sovereign submerged lands to which it has title to
 21 individuals or private entities for private residential use.

22 (2) DEFINITION.-As used in this section, the term "private
 23 residential use" means a use for private, recreational, or
 24 leisure purposes for a single-family residence, cottage, or
 25 other such single dwelling unit, or a noncommercial multifamily
 26 development, including condominiums under chapter 718,
 27 cooperatives under chapter 719, and homeowners' associations
 28 under chapter 720, including resident-owned mobile home parks

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29 where the owners of such dwelling units own an undivided
30 interest in the common areas or properties associated with the
31 dwelling units or an interest in a not-for-profit entity that
32 owns and operates the common areas or properties for the use and
33 benefit of the owners and occupants.

34 (3) TERM.—The maximum initial term of a lease shall be 10
35 years. The lease is renewable for successive terms of up to 10
36 years upon agreement of the parties.

37 (4) RENTAL FEES.—The lease contract for private
38 residential use of submerged lands must specify the amount of
39 rental per acre of leased bottom land as agreed to by the
40 parties and must take the form of fixed rental to be paid
41 throughout the term of the lease. A surcharge of \$10 per acre,
42 or any fraction of an acre, per annum shall be levied upon each
43 lease according to the guidelines set forth in s. 597.010(7).
44 Notwithstanding any other provision of law, private residential
45 use is exempt from all lease charges, which include, but are not
46 limited to, all fees, taxes, or surcharges including fees upon
47 transfer of fee simple or beneficial ownership in units in
48 multifamily residential developments engaged in private
49 residential use, as follows:

50 (a) As to single-family residences, cottages, or other
51 such single-family dwelling units that have a dock that is
52 designed to moor up to two boats, or docks that have mooring for
53 up to four boats located on property lines between two upland
54 single-family residences where the dock is shared by both upland
55 single-family residences, a lease charge does not apply to
56 submerged land that has an area less than or equal to 10 times

57 the riparian waterfront frontage of the affected water body of
 58 the applicant, or the square footage attendant to providing a
 59 single dock in accordance with the criteria for private
 60 residential single-family docks, whichever is greater.

61 (b) As to private residential use for multifamily
 62 developments that have docks that are designed to moor no more
 63 boats than the number of units within the multifamily
 64 development, a lease charge does not apply to submerged land
 65 that has an area less than or equal to 10 times the riparian
 66 waterfront frontage of the affected water body of the applicant
 67 times the number of units in the multifamily development.

68 (5) ASSIGNABILITY.—Leases granted under this section may
 69 not allow the leasing or assignment of the right to use to:

70 (a) Absent any other legally binding agreements or
 71 otherwise specified by association documents, an individual or
 72 entity that is not an owner or occupant of a multifamily
 73 development;

74 (b) An individual using the submerged land for commercial
 75 activities such as food service or a marina that has private or
 76 public members who are not also owners or occupants of the
 77 multifamily development; or

78 (c) The public for any fee-based service, other than
 79 maintenance fees or assessments due from unit owners or
 80 occupants.

81 (6) DISPOSITION OF IMPROVEMENTS.—The lease contract must
 82 stipulate the disposition of any improvements or assets upon the
 83 leased lands and waters.

84 (7) CONSTRUCTION.—This section does not authorize any

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85 | lease or consent of use which would result in harm to the
86 | natural resources of the area as a result of any structures
87 | built or activities conducted on the submerged lands.

88 | Section 2. This act shall take effect July 1, 2011.