

By Senator Fasano

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

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

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

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

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

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

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

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

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

50 (a) As to single-family residences, cottages, or other such
51 single-family dwelling units that have a dock that is designed
52 to moor up to two boats, or docks that have mooring for up to
53 four boats located on property lines between two upland single-
54 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

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

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