

By Senator Detert

28-00365-13

20131470__

1 A bill to be entitled

2 An act relating to state lands; amending s. 253.03,
3 F.S.; requiring rules adopted by the Board of Trustees
4 of the Internal Improvement Trust Fund relating to
5 certain uses of sovereignty submerged lands to address
6 specific issues; providing that a facility that does
7 not comply with the rules is not eligible for a
8 surcharge waiver; amending s. 253.0345, F.S.; allowing
9 trustees to issue consents of use or leases to special
10 event promoters or boat show owners; providing that
11 certain consents of use or leases may be issued for
12 events to be held over 10 consecutive years; providing
13 for the adoption of rules; amending s. 403.814, F.S.;
14 requiring the Department of Environmental Protection
15 to issue general permits for certain special events;
16 providing requirements for such permits; requiring an
17 annual survey to ensure that lease boundaries have not
18 been violated; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Present subsections (9) through (16) of section
23 253.03, Florida Statutes, are renumbered as subsections (10)
24 through (17), respectively, and a new subsection (9) is added to
25 that section, to read:

26 253.03 Board of trustees to administer state lands; lands
27 enumerated.—

28 (9) Rules adopted by the Board of Trustees of the Internal
29 Improvement Trust Fund relating to the uses of sovereignty

28-00365-13

20131470

30 submerged lands, except as provided in s. 253.51, ss. 253.67-
31 253.75, and s. 311.09(1), must provide, at a minimum, that:

32 (a) The annual lease fee for standard term leases is 6
33 percent of the annual gross dockage income for marinas with 90
34 percent or more slips open to the public on a first-come, first-
35 served basis. When calculating gross dockage income the
36 department may not include pass-through fees, such as fees for
37 utility services.

38 (b) A discount of 30 percent applies to the annual lease
39 fee for all marinas with at least 90 percent of the slips
40 available for rent to the public on a first-come, first-served
41 basis. To receive the discount, dockage rate sheet publications
42 and dockage advertising for the marina must clearly state that
43 slips are open to the public on a first-come, first-served
44 basis.

45 (c) A discount of 10 percent applies to the annual lease
46 fee for any facility that is designated by the department as a
47 "Clean Marina," "Clean Boatyard," or "Clean Marine Retailer" in
48 the Clean Marina Program and that:

- 49 1. Actively maintains that designation;
- 50 2. Remains in good standing in the program;
- 51 3. Remains in compliance with the terms of its lease; and
- 52 4. Does not change its use during the term of the lease.

53
54 A facility that does not comply with the conditions of the
55 program or that is in arrears on its lease fees is not eligible
56 for the discount for the next annual billing period.

57 (d) Extended-term lease surcharges are waived for any
58 facility that is designated by the department as a "Clean

28-00365-13

20131470__

59 Marina," "Clean Boatyard," or "Clean Marine Retailer" in the
60 Clean Marina Program and that:

- 61 1. Actively maintains that designation;
- 62 2. Is available to the public on a first-come, first-served
63 basis;
- 64 3. Remains in good standing in program;
- 65 4. Remains in compliance with all terms of its lease; and
- 66 5. Does not change its use during the term of the lease.

67
68 A facility that does not comply with such conditions is not
69 eligible for the surcharge waiver for the next billing period.

70 (e) The rules apply to any water-dependent facility
71 operated on state-owned submerged land that keeps open to the
72 general public at least 90 percent of slips that are over the
73 state-owned submerged land. The slips must be open to the
74 general public without qualifying requirements, such as club
75 membership, stock ownership, or equity interest, and have a
76 rental term that does not exceed 1 year, with no automatic
77 renewal rights or conditions. For purposes of this section, all
78 other leases are considered private.

79 Section 2. Section 253.0345, Florida Statutes, is amended
80 to read:

81 253.0345 Special events; submerged land leases.—

82 (1) The trustees are authorized to issue consents of use or
83 leases to riparian landowners, special ~~and~~ event promoters, or
84 boat show owners to allow the installation of temporary
85 structures, including docks, moorings, pilings and access
86 walkways, on sovereign submerged lands solely for the purpose of
87 facilitating boat shows and displays in, or adjacent to,

28-00365-13

20131470__

88 established marinas or government owned upland property.
89 Riparian owners of adjacent uplands who are not seeking a lease
90 or consent of use must ~~shall~~ be notified by certified mail of
91 any request for such a lease or consent of use before ~~prior to~~
92 approval by the trustees. The trustees shall balance the
93 interests of any objecting riparian owners with the economic
94 interests of the public and the state as a factor in determining
95 if a lease or consent of use should be executed over the
96 objection of adjacent riparian owners. This section does ~~shall~~
97 not apply to structures for viewing motorboat racing, high-speed
98 motorboat contests or high-speed displays in waters where
99 manatees are known to frequent.

100 (2) Any special event provided for in subsection (1) may
101 ~~shall~~ be held for a period of up to ~~not to exceed~~ 30 days, but a
102 consent of use or lease may be issued for events to be held over
103 a period of 10 consecutive years. The lease or consent of use
104 may also contain appropriate requirements for removal of the
105 temporary structures, including the posting of sufficient surety
106 to guarantee appropriate funds for removal of the structures
107 should the promoter or riparian owner fail to do so within the
108 time specified in the agreement.

109 (3) Nothing in this section may ~~shall~~ be construed to allow
110 any lease or consent of use that would result in harm to the
111 natural resources of the area as a result of the structures or
112 the activities of the special events agreed to.

113 (4) The Board of Trustees of the Internal Improvement Trust
114 Fund may adopt rules to administer this section, which include
115 rules providing for an exemption from the annual fees for
116 special events.

28-00365-13

20131470__

117 Section 3. Subsection (13) is added to section 403.814,
118 Florida Statutes, to read:

119 403.814 General permits; delegation.—

120 (13) The department shall issue general permits for special
121 events as defined in s. 253.0345. The permits must be for a
122 period that runs concurrently with the consent of use or lease
123 issued pursuant to that section. No more than two seagrass
124 studies may be required by a general permit, one conducted
125 before issuance of the permit and the other conducted at the
126 time the permit expires. General permits must also allow for the
127 movement of temporary structures within the footprint of the
128 lease area. A survey of the lease or consent area is required at
129 the time of application for a 10-year standard lease or consent
130 of use and general permit. An area of up to 25 percent of a
131 previous lease or consent of use area must be issued as part of
132 the general permit, lease, or consent of use to allow for
133 economic expansion of the special event during the 10-year term.
134 An annual survey of the distances of all structures from the
135 boundaries of the lease or consent of use area must be conducted
136 to ensure that the lease boundaries have not been violated.

137 Section 4. This act shall take effect July 1, 2013.