

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General
Government

BILL: SB 1162

INTRODUCER: Senators Leek and Brodeur

SUBJECT: Water Access Facilities

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1162 provides that facilities designated as Clean Marine Manufacturers will be eligible for a discount on sovereignty submerged land leases and a waiver of extended-term lease surcharges.

The bill also authorizes the use of funds from the Florida Fish and Wildlife Conservation Commission's (FWC) grant programs that are funded by the Fuel Tax Collection Trust Fund to be awarded for the construction and maintenance of parking for boat-hauling vehicles and trailers.

The bill has no impact on state resources or expenditures.

The bill has an effective date of July 1, 2025.

II. Present Situation:

Lease of Sovereignty Submerged Lands by Boating Facilities

Sovereignty submerged lands are owned by the state and include, but are not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line¹ that lay beneath navigable fresh water or tidally influenced waters.² Title to sovereignty submerged lands is vested in the Board of Trustees of the Internal Improvement Trust Fund,³

¹ The mean high water line is the intersection of the local elevation of mean high water with the shore. Mean high water is calculated by taking the average height of high tides over a 19-year period. The mean high water line along the shore of land immediately bordering navigable waters is the boundary between the foreshore owned by the State of Florida and the uplands, which may be privately owned. Chapter 18-21.003(38)-(39), Fla. Admin. Code.

² Chapter 18-21.003(67), Fla. Admin. Code.

³ The Board of Trustees of the Internal Improvement Trust Fund is comprised of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. Section 352.02(1), F.S.

which is authorized to administer all state-owned lands, including by leasing sovereignty submerged lands.⁴

The Board of Trustees is authorized in statute to lease sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers.⁵ A marina, boatyard, or marine retailer designated by the Department of Environmental Protection (DEP) as a Clean Marina, Clean Boatyard, or Clean Marine Retailer under the Clean Marina Program may be eligible for a ten percent discount on its annual fee for a sovereign submerged lands lease if the facility:

- Actively maintains designation under the program,
- Complies with the terms of the lease, and
- Does not change use during the terms of the lease.⁶

The facility may also be eligible for a waiver of its extended-term lease surcharges if the facility:

- Actively maintains designation under the program,
- Complies with the terms of the lease,
- Does not change use during the terms of the lease, and
- Is available to the public on a first-come, first-served basis.⁷

If the facility is in arrears on lease fees or does not comply with the eligibility requirements for a waiver of the extended-term lease surcharges, the facility will not be eligible for the discount or waiver until arrears have been paid and compliance with the program has been met.⁸

An extended-term lease is available for up to 25-year terms.⁹ A one-time surcharge will be added to the extended-term lease fee for most extended-term leases.¹⁰

Clean Marina Program

The Clean Marina Program is a voluntary designation program that incentivizes marinas,¹¹ boatyards,¹² and marine retailers¹³ to incorporate best management practices in their operations.¹⁴

⁴ Section 253.03(1), (6), and (7), F.S. The Florida Constitution allows for the private use of portions of sovereignty submerged lands, but only when not contrary to the public interest. FLA. CONST. art. X, s. 11.

⁵ Section 253.0346, F.S.

⁶ Section 253.0346(3), F.S.

⁷ *Id.* “First-come, first served” means that the facility operates on state-owned submerged land for which there is no club membership, stock ownership, equity interest, or other qualifying requirement and rental terms do not exceed 12 months and do not include automatic renewal rights or conditions. Section 253.0346(1), F.S.

⁸ Section 253.0346(3)(c), F.S.

⁹ Chapter 18-21.008(2), Fla. Admin. Code.

¹⁰ Chapter 18-21.011(1)(b), Fla. Admin. Code.

¹¹ A marina is a docking facility with ten or more boat slips or a docking facility that provides marine supplies or services required for boating, including but not limited to: dry storage, boat repair, gas, oil, boat sales, boat testing, shellfish or finfish harvesting or distribution, or facilities associated with certain other boating-related commercial establishments. DEP, *Clean Marina Program*, <https://floridadep.gov/rcp/clean-marina/content/clean-marina-program> (last visited March 4, 2025).

¹² A boatyard is a facility that provides a repair or refinishing site for hull, mechanical, or electrical work on vessels. *Id.*

¹³ A marine retailer sells new or used boats and provides services like onsite or offsite repairs or refinishing for hull, mechanical, or electrical work. *Id.*

¹⁴ DEP, *Florida Clean Marina Best Management Practices*, 2 (2020), available at https://floridadep.gov/sites/default/files/2020_Florida_Clean_Marina_Best_Management_Practices.pdf. (last visited March 21, 2025).

These best management practices address issues like sensitive habitats, invasive species, waste management, stormwater control, water and air pollution, spill prevention, and emergency preparedness.¹⁵

The program also provides compliance assistance and education on storm readiness through the Clean and Resilience Program.¹⁶ In order to obtain the designation of Clean Marina, Clean Boatyard, and Clean Marine Retailer, facilities must meet all DEP regulatory requirements and implement at least 60 percent of the best management practices.¹⁷

Fuel Tax Collection Trust Fund

The FWC is authorized to develop and administer competitive grant programs funded with money transferred pursuant to the Fuel Tax Collection Trust Fund requirements.¹⁸ These grants may be awarded for:

- The construction and maintenance of publicly owned boat ramps, piers, and docks;
- Boater education;
- Deployment of manatee technical avoidance technology; and
- Economic development initiatives that promote boating in the state.¹⁹

The Fuel Tax Collection Trust Fund requires an annual disbursement of \$2.5 million to the FWC's State Game Trust Fund for recreational boating activities and freshwater fisheries management and research.²⁰ Of those funds, a minimum of \$1.25 million must be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local boating-related activities.²¹ The remaining \$1.25 million may be used for recreational boating activities and freshwater fisheries management and research.²²

III. Effect of Proposed Changes:

Section 1 amends s. 253.0346, F.S., concerning the lease of sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers. The bill provides that a facility designated as a Clean Marine Manufacturer under the Clean Marina Program will be eligible for a ten percent discount on its annual lease of sovereignty submerged lands, as well as a waiver of its extended-term lease surcharge, if it meets certain criteria. Facilities designated as Clean Marinas, Clean Boatyards, or Clean Marine Retailers are already eligible under current law.

Section 2 amends s. 327.47, F.S., which authorizes the FWC to develop and administer competitive grants programs funded by the Fuel Tax Collection Trust Fund. The bill provides

¹⁵ See DEP, *Florida Clean Marina Best Management Practices*; DEP, *Clean Marina Program*.

¹⁶ DEP, *Clean Marina Program*.

¹⁷ *Id.*

¹⁸ Section 327.47, F.S.

¹⁹ *Id.*

²⁰ Section 206.606(1)(b), F.S.

²¹ *Id.*

²² *Id.*

that, in addition to what is currently authorized, grants may be awarded for the construction and maintenance of publicly owned parking for boat-hauling vehicles and trailers.

Section 3 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 253.0346 and 327.47.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
