

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 7, 1998 Revised: _____

Subject: State Lands/Special Events

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Lombardi</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable/CS</u>
2.	<u> </u>	<u> </u>	<u>NR</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>WM</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This committee substitute will allow any entity to apply for special events to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) whether or not they are riparian upland property owners and as long as the event customarily occurs at a specific site for a period of more than 24 hours but less than 60 days.

This act takes effect upon becoming law.

This bill amends section 253.03, Florida Statutes.

II. Present Situation:

The Board of Trustees exists to ensure that lands held in trust are used for the benefit of the people and the state pursuant to s. 7,¹ Art. II, and s. 11,² Art. X of the State Constitution. Pursuant to s. 253.03, F.S., the Governor and Cabinet, sitting as the Board of Trustees, are responsible for the administration and management of state-owned lands.

Applications for special events (i.e., boat shows, exhibitions, movie productions, boat races, etc.) currently cannot be accepted by the Board of Trustees because no one else but upland riparian

¹It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provisions shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise.

²The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all people. Sale of such lands may be authorized by law, but only when in the public interest. Private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.

owners can apply. Section 18-21.004(3)(b), Florida Administrative Code, states, “Application for activities on sovereignty lands riparian to uplands can only be made by and approved for the upland riparian owner, their legally authorized agent, or persons with sufficient title interest in uplands for the intended purpose.” Consequently, because of the temporary nature of the events, entities planning special events must obtain the approval of the upland riparian owner to comply with the rule. There is no alternative permit or lease for temporary uses of submerged lands.

III. Effect of Proposed Changes:

The committee substitute provides that special events of a specific nature and duration (not to exceed 30 days), held on submerged lands by the lessee, will now require a special event agreement. The applicant for this special event agreement does not have to be an upland riparian owner to apply to the Board of Trustees for a submerged land lease for use of the submerged lands. Any applicant for a special event agreement who does not have the consent of the upland riparian owner may appeal to the Board of Trustees and the board shall in turn balance the riparian rights of the upland owners and the economic interest of the public. Riparian owners of adjacent uplands not seeking a lease or consent of use shall be notified by certified mail regarding individuals who request leases or consent from the Board of Trustees.

The bill also specifies that no lease or consent of use will be permitted if it results in harm to the natural resources of the area.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Undeterminable at this time.

C. Government Sector Impact:

There are currently four leases in Department of Environmental Protection records for special events that generate approximately \$14,000 per year. Based upon the small number of requests from non-riparian upland property owners for special events received over the years, it is not anticipated that there will be any substantial increase of revenue or expenditure with this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Environmental Protection, as directed by the Board of Trustees of the Internal Improvement Trust Fund, has initiated rulemaking to address the authorization of special events on sovereignty submerged lands.

VIII. Amendments:

None.