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## 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 13, 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>Green</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable</u>
3.	_____	_____	<u>WM</u>	<u>Withdrawn</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

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### I. Summary:

The bill authorizes the Board of Trustees of the Internal Improvement Trust Fund to issue consents of use or leases to riparian landowners or event promoters for installation of temporary structures for special events for a period not to exceed 30 days, as long as the structures or activities do not damage natural resources and motorboat racing, high-speed contests or displays do not occur in areas known to be frequented by manatees.

The bill amends section 253.03, Florida Statutes.

### II. Present Situation:

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

Rule 18-21.004(3)(b), F.A.C., 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." There is no

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<sup>1</sup>It 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.

<sup>2</sup>The 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.

alternative permit or lease for temporary uses of submerged lands. Despite the temporary nature of special events, entities planning special events must obtain the approval of the upland riparian owner to comply with the rule. While the Board considers applications from event promoters on an ad hoc basis, it also carefully weighs any objections from adjacent riparian landowners. Currently, no provision exists requiring the Board to balance these objections with the interests of the public and the state.

It should be noted that the Department of Environmental Protection published proposed rules relating to special events in a recent Florida Administrative Weekly. The rules modify the definition of a special event and provide that applicants are not required to have title in the riparian lands. Also, the proposed rules require special events to occur at a specific site for a duration of greater than 24 hours, but less than 30 days.

### **III. Effect of Proposed Changes:**

The bill authorizes the Board to issue consents of use or leases to riparian landowners and event promoters to allow installation of temporary structures for the purpose of facilitating boat shows and displays in, or adjacent to, established marinas or government-owned upland property. Requires notification of riparian owners of adjacent uplands who are not seeking a consent or lease prior to approval by the Board. Provides the Board shall balance the interests of objecting riparian owners with interests of the public and the state when determining if a lease or consent should be issued over the objection of adjacent riparian owners. This section of the bill does not apply to structures for viewing motorboat racing, highspeed contests or displays in waters known to be frequented by manatees.

The bill provides a lease or consent shall not exceed 30 days. Allows leases or consents to contain appropriate requirements for removal of the temporary structures, including the posting of sufficient surety to guarantee removal. Prohibits any lease or consent for an event when the activities or structures will damage natural resources.

### **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:

Under the provisions of this bill, the Board may accept applications from event promoters and will still consider a riparian landowner's objections. However, the bill requires the Board to balance the interests of objecting landowners and the interests of the public and the state when determining whether to issue a consent or lease for an event.

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, has initiated rulemaking to address the authorization of special events on sovereignty submerged lands.

**VIII. Amendments:**

None.