



966944

LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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04/16/2009 02:26 PM

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Senator Constantine moved the following:

Senate Amendment (with title amendment)

Delete lines 191 - 249

and insert:

(k) The Department of Environmental Protection in its capacity as staff to the Board of Trustees shall review and provide a report with recommendations, by February 1, 2010, to the Board of Trustees and the Legislature concerning the following:

1. The development of a method which allows for fees to be modified based on geographical price differentials.

2. Optional methods for determining the square footage for



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13 facilities that reflect those sovereignty lands that are
14 occupied by structures or slips but have additional areas under
15 lease that are needed for safe navigation or to protect the
16 structure.

17 3. Potential modifications to the definition of "first-
18 come, first-served" in order to account for those options that
19 seek to fulfill the intent of increasing public access.

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21 The recommendations shall be developed in conjunction with the
22 rulemaking efforts needed to implement changes to this
23 subsection.

24 (1)(e) Structures which are listed in or are eligible for
25 the National Register of Historic Places or the State Inventory
26 of Historic Places which are over the waters of the State of
27 Florida and which have a submerged land lease, or have been
28 grandfathered-in to use sovereignty submerged lands until
29 January 1, 1998, pursuant to rule 18-21.00405, Florida
30 Administrative Code, shall have the right to continue such
31 submerged land leases, regardless of the fact that the present
32 landholder is not an adjacent riparian landowner, so long as the
33 lessee maintains the structure in a good state of repair
34 consistent with the guidelines for listing. If the structure is
35 damaged or destroyed, the lessee shall be allowed to
36 reconstruct, so long as the reconstruction is consistent with
37 the integrity of the listed structure and does not increase the
38 footprint of the structure. If a structure so listed falls into
39 disrepair and the lessee is not willing to repair and maintain
40 it consistent with its listing, the state may cancel the
41 submerged lease and either repair and maintain the property or



42 require that the structure be removed from sovereignty submerged
43 lands.

44 (m)~~(d)~~ By January 1, 2001, the owners of habitable
45 structures built on or before May 1, 1999, located in
46 conservation areas 2 or 3, on district or state-owned lands, the
47 existence or use which will not impede the restoration of the
48 Everglades, whether pursuant to a submerged lease or not, must
49 provide written notification to the South Florida Water
50 Management District of their existence and location, including
51 an identification of the footprint of the structures. This
52 notification will grant the leaseholders an automatic 20-year
53 lease at a reasonable fee established by the district, or the
54 Department of Environmental Protection, as appropriate, to
55 expire on January 1, 2020. The district or Department of
56 Environmental Protection, as appropriate, may impose reasonable
57 conditions consistent with existing laws and rules. If the
58 structures are located on privately owned lands, the landowners
59 must provide the same notification required for a 20-year
60 permit. If the structures are located on state-owned lands, the
61 South Florida Water Management District shall submit this
62 notification to the Department of Environmental Protection on
63 the owner's behalf. At the expiration of this 20-year lease or
64 permit, the South Florida Water Management District or the
65 Department of Environmental Protection, as appropriate, shall
66 have the right to require that the leaseholder remove the
67 structures if the district determines that the structures or
68 their use are causing harm to the water or land resources of the
69 district, or to renew the lease agreement. The structure of any
70 owner who does not provide notification to the South Florida



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71 Water Management District as required under this subsection,
72 shall be considered illegal and subject to immediate removal.
73 Any structure built in any water conservation area after May 1,
74 1999, without necessary permits and leases from the South
75 Florida Water Management District, the Department of
76 Environmental Protection, or other local government, as
77 appropriate, shall be considered illegal and subject to removal.

78 (n)~~(e)~~ Failure to comply with the conditions contained in
79 any permit or lease agreement as described in paragraph (1) ~~(d)~~
80 makes the structure illegal and subject to removal. Any
81 structure built in any water conservation area on or after July
82 1, 2000, is also illegal and subject to immediate removal.

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84
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete line 11

88 and insert:

89 Compliance standards; providing for a report; amending s.

90 253.04, F.S.;