



Inspections & Compliance

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Sovereign Submerged Lands

ARTICLE X THE FLORIDA CONSTITUTION

SECTION 11. Sovereignty lands.—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 the 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.



Authority

- **Chapter 253 Florida Statutes: Board of trustees to administer state lands**
- **Trust Fund shall be deemed to be:**
 - (a) All swamp and overflowed lands held by the state or which may hereafter inure to the state;**
 - (b) All lands owned by the state by right of its sovereignty;**
 - (c) All internal improvement lands proper;**
 - (d) All tidal lands;**
 - (e) All lands covered by shallow waters of the ocean or gulf, or bays or lagoons thereof, and all lands owned by the state covered by fresh water**



Authority

- **18-21.002 Scope and Effective Date.**
- **(1) These rules are to implement the administrative and management responsibilities of the Board, the Department of Environmental Protection and the Department of Agriculture and Consumer Services regarding sovereignty submerged lands. Responsibility for environmental permitting of activities and water quality protection on sovereignty and other lands is vested with the Department of Environmental Protection.**



Definitions (18-21.003)

“Activity” means any use of sovereignty lands which requires board approval for letter of consent, lease, easement, sale, or transfer of interest in such sovereignty lands or materials. Activity includes, but is not limited to, the construction of docks, piers, boat ramps, board walks, mooring pilings, dredging of channels, filling, removal of logs, sand, silt, clay, gravel or shell, and the removal or planting of vegetation on sovereignty lands.

“Lease” means an interest in sovereignty lands designated by a contract creating a landlord-tenant relationship between the board as landlord and the applicant as tenant whereby the board grants and transfers to the applicant the exclusive use, possession, and control of certain specified sovereignty lands for a determinate number of years, with conditions attached, at a definite fixed rental.

“Multi-slip docking facility” means any marina or dock designed to moor three or more vessels.



Definitions (18-21.003)

- “Preempted area” means the area of sovereignty submerged lands from which any traditional public uses have been or will be excluded by an activity, such as the area occupied by docks, piers, and other structures; the area between a dock and the shoreline where access is not allowed, between docks, or areas where mooring routinely occurs that are no longer reasonably accessible to the general public; permanent mooring areas not associated with docks; and swimming areas enclosed by nets, buoys, or similar marking systems. When the Board requires an activity to be moved waterward to avoid adverse resource impacts, the portion of the nearshore area that is avoided by the proposed activity shall not be included in the preempted area.
- “Revenue-generating” means any structure or activity on sovereignty submerged lands that generates revenue or income by any means or serves as an accessory activity or facility to any revenue-generating or income producing operation, such as docking for marinas, restaurants, hotels, motels, commercial fishing, shipping, and boat or ship construction, repair and sales.



Who Needs a Lease????

If the Docking facility is located on sovereignty submerged lands and is a:

Private residential single family dock exceeding 10:1

Private residential multi-family docks w/3 or more slips

Commercial/Industrial docks in Biscayne Bay AP

All revenue-generating activities (includes commercial marinas)

Mooring fields.....and other activities

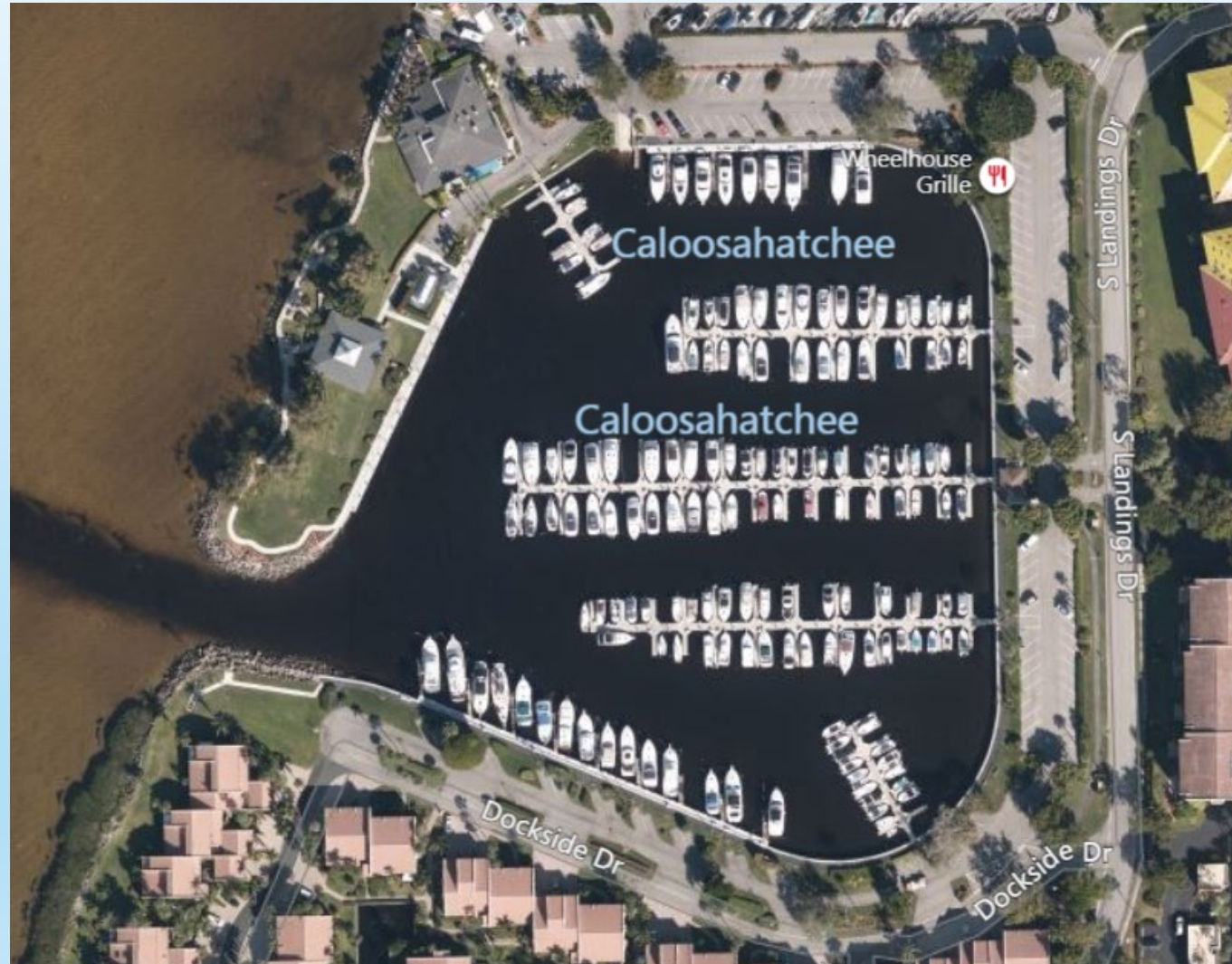


Marina on sovereign lands with lease





Marina in dredged basin, no lease





Marina with lease area and dredged basin without a lease





Site inspections

STATE LANDS LEASE INSPECTION

IN COMPLIANCE? YES NO

ERPce Project #: _____ BOT Number: _____
 ERPce Site #: _____ Requested by: _____
 Property ID#: _____ Date Requested: _____
 Term: _____ Date Sent to DSL: _____
 Issued: _____ Date of Inspection: _____
 Expiration: _____ Inspector Name: _____
 Telephone #: _____

Type of Inspection: Renewal Assignment Modification Mid-Term Other: _____

Attachments: Photographs Surveys/Drawings Other: _____

SITE/CONTACT INFORMATION:

Lessee: _____ AKA/FKA/ADA: _____
 Current Owner: _____ Email: _____
 Contact Person: _____ Title: _____
 Telephone #: _____ County: _____
 Facility Address: _____
 Waterbody: _____ Class: I II III IV V
 Aquatic Preserve? (Yes/No, if yes include AP name) Yes No
 OFW? Yes No
 Is the lessee information correct? Yes No

SLIP INFORMATION:

- Number of slips authorized in lease & Number observed: _____
- Number of wetslips for public rental on state lands: _____
- Are 90% open to the public? Yes No N/A See Comments
- Number of wetslips on privately owned land: _____
- Number of upland dry storage units/slips: _____
- Does there appear to be liveaboards within the lease area? Yes No N/A See Comments
- Is ALL mooring within the lease boundaries? Yes No N/A See Comments
- Were past aerials reviewed for mooring compliance? Yes No N/A See Comments

LEASE INFORMATION

- What is the current upland use?
 - Has the upland use changed? Yes No N/A See Comments
- Number of upland units: _____
- What is the linear footage of shoreline owned by the applicant immediately adjacent to sovereign submerged lands? Yes No N/A See Comments
- Are the docking structures in good condition? Yes No N/A See Comments
- Were the dock dimensions field verified? Yes No N/A See Comments
- Are there any over water roofed structures? Yes No N/A See Comments
- Are there any non-water dependent uses: i.e., ship stores; gazebos; Sundecks; harbor master office; wet bar; etc.? Yes No N/A See Comments
- Have there been any dock modifications or additions? Yes No N/A See Comments
- Does the lease allow for mooring of "cruise to nowhere" vessels?
 - If yes, is "cruise to nowhere gambling"? Yes No N/A See Comments

- Is the lease area used for special events (i.e. boat shows, fishing tournaments or celebrations)? Yes No N/A See Comments
- What type of fueling is provided?
 - Is it shown on the survey? Gas Diesel None See Comments
- What type of sewage pump-out is provided?
 - If fixed pump-outs, are they shown on the survey? Portable Fixed None See Comments
- Are ALL lease standard conditions in compliance? Yes No N/A See Comments
- Are ALL special lease conditions in compliance? Yes No N/A See Comments
- Details provided on any non-compliance indicated above: cc: Public Lands Administration on Any actions taken Yes No N/A See Comments

ADDITIONAL INFORMATION:

- Is the marina designated as a clean marina or clean boatyard? If yes, please send a copy of this inspection to Brenda.Leonard@dep.state.fl.us. Yes No N/A See Comments
- Are the fees current (verify with SUPRS/ILMS)?
 - If not current, has an invoice been provided to Lessee? Yes No N/A See Comments
- Are the revenue reports forms/slip certifications current?
 - If not current, was the Lessee provided an invoice? Yes No N/A See Comments
- Is there any indication as to whether slips are being sold (i.e. For Sale signs at slips, internet sites, flyers, other advertising)?
 - If yes, forward the information to BPLA recurring revenue section. Date sent: _____ Yes No N/A See Comments

STAFF REMARKS:



Non –compliance issues

- Vessels moored beyond the lease boundary
- Addition of unauthorized structures
- Non-water dependent activities
- Unauthorized liveboards
- Allowing the facility to fall into disrepair
- Unauthorized increase in mooring capacity
- Failure to submit required lease fees
- Failure to submit AWRR's (to be covered by Starla shortly)



F.S. 253.0346 Lease of sovereignty submerged lands for marinas, boatyards, and marine retailers. (2 of 2)

- (3) For a facility designated by the department as a Clean Marina, Clean Boatyard, or Clean Marine Retailer under the Clean Marina Program:
 - (a) A discount of 10 percent on the annual lease fee shall apply if the facility:
 1. Actively maintains designation under the program.
 2. Complies with the terms of the lease.
 3. Does not change use during the term of the lease.
 - (b) Extended-term lease surcharges shall be waived if the facility:
 1. Actively maintains designation under the program.
 2. Complies with the terms of the lease.
 3. Does not change use during the term of the lease.
 4. Is available to the public on a first-come, first-served basis.
 - (c) If the facility is in arrears on lease fees or fails to comply with paragraph (b), the facility is not eligible for the discount or waiver under this subsection until arrears have been paid and compliance with the program has been met.
- (4) This section applies to new leases or amendments to leases effective after July 1, 2013.
- History.—s. 6, ch. 2013-92.



Sovereignty Submerged Lands & Clean Marina Resources:

- **F.S. 253.0346: Lease of sovereignty submerged lands for marinas, boatyards, and marine retailers.**
- **F.S 253.665: Grant of easements, licenses, and leases.**
- **Florida Rule: Chapter 18-21- Sovereignty Submerged Lands Management**
- **Clean Marina Action Plan**
- **Clean Boating Partnership**
- **Designated Clean Marinas**



Who can participate in the Florida Clean Marina Program?

The Florida Clean Marina Program encourages all marinas, boatyards, marine retailers, yacht clubs and military marinas throughout the state to participate.



Thank you!

**Contact Jim Kipp at (850) 245- 2731 or
James.Kipp@dep.state.fl.us**