

# Submerged Land Lease Fees: Where's the Sunshine?

By Terri Pentek

As of May 4, 2009 the latest attempt by the Florida Department of Environmental Protection (FDEP) via Senate Bill 1012 to substantially increase submerged land lease fees was met with a resounding NO. We were able to successfully defeat this AGAIN (Score 2-0 for the good guys) only through massive statewide support. Well over 24,000 emails descended on Tallahassee loudly protesting these unfair and discriminatory fees. These emails, along with hundreds of phone calls, were key to our success and through hard work and perseverance, we were heard.

Last summer, the DEP tried to increase submerged land lease fees by 350 percent despite the fact that the Florida Administrative Code has a 10 percent cap on any annual increases. The DEP doesn't even play by its own rules. After an organized campaign protesting these outrageous fees, the DEP retreated. A message dated November 25, 2008 from Vicki Thompson of the DEP: "The language previously presented at public workshops to simplify fees for sovereignty submerged lands use has been eliminated."

She went on to confirm that public workshops would be held if any rate changes were to be considered. There have been no public workshops, no hearings, nothing. Fast forward to April 2, 2009 and look what we had with NO PUBLIC COMMENT. Because the DEP could not get what it wanted via a public forum, calling it "fee simplification," they decided to sneak in massive increases via a "shell bill" (SB1012) with no public hearings, no contact from the DEP and no information forthcoming from those we elected to represent us in Tallahassee. The fact that a 425 percent increase on anything made its way into a Senate Bill should be shocking to any person in political office.

"Shell bills" are introduced to keep public scrutiny from discovering their real purpose. Howard Troxler's compelling article written for the St. Petersburg Times entitled "It ain't the apple; it's the whole barrel" refers specifically to members of the Florida legislature who consciously or not allow a very few powerful lawmakers to run a sophisticated system of "legalized bribery" to create laws to special interests.

Late in the session, legislators insert amendments customized to donor, lobbyist, or bureaucrat specifications and a new law is quickly created that is tailored to these special interests. By all appearances, Senate Bill 1012 (which made its way through the legislative process) was one such bill and it was clearly introduced late in the current session to avoid public awareness and circumvent the democratic process.

Up until March 3, 2009 SB1012 was ONE page. Between March 3 and March 19, this bill grew to TEN pages. From March 19 to April 2, it grew to ELEVEN pages. Buried within its lines were exorbitant increases (up to 425 percent over current rates) to submerged land lease fees statewide for

public and private marinas, yacht clubs, cooperative owners, and private multi-family residences while still exempting, for the most part, private single family residences on the same state submerged lands.

We discovered SB1012 on April 7, 2009, and realized our full attention needed to be directed towards removal of the harmful amendments.

Our focus for the 2009 legislative session was to have Senator Mike Fasano introduce legislation to exempt private residential homeowners (both single-family and multi-family) from all the submerged land lease fees, taxes of 7 percent on these fees, taxes of 6 percent when a residence is sold, 6 percent of dock maintenance fees, all of this over and above the high property taxes already paid on the same land. Protection was needed from the DEP after their attempt at runaway fee increases last summer. Unable to find a House sponsor late in the session, we decided to look for a bill to which it could be amended. With support from CAI-FLA, we had a lobbyist working on our behalf. His discovery of SB1012 one week before the final Senate floor debate set off the storm to aggressively attack the bill.

We realized that SB1012 would have a devastating impact on waterfront condominium owners across Florida, given the current state of the economy and community associations burdened by a large number of foreclosures. The impact of this bill could be unprecedented for waterfront condominiums forcing associations to abandon their docks and the State losing real estate taxes on these same properties.

Where is the sunshine? It is hidden by government agencies and bureaucrats secretly working on their special interests, keeping them hidden away from the people who will be the most affected by harmful and controversial legislation. The democratic process is conveniently side-stepped until the last moment when it is almost too late to fight. To have a few lawmakers attempting to create a law such as SB1012 without public awareness and clearly not representing the wishes of the people seems unconscionable considering the huge negative impact it would have on Florida's entire economy. We KNOW that the DEP is not going to go away now that we have stirred the hornet's nest. They will be back . . . count on that! We must be vigilant as they try to impose new surcharges, increases, and other unfair and discriminatory fees on us.

We will be working with Senator Fasano and our local legislative delegation on a bill for next year's session. We appreciate the hard work he and his staff have done to help us through this crisis and continue to urge support for the work Senator Fasano is doing on our behalf.

*About the Author: Terri Pentek is a Tierra Verde resident and serves as Coalition Leader for Florida Homeowners for Fair Treatment. [www.sftf.org](http://www.sftf.org).*

## Pinellas County Utilities



### WaterSense makes sense!

Next time you buy a product that uses water (such as a new toilet or faucet), look for the WaterSense label. This label identifies high-quality, efficient products that will save water and money.

### Give trash a new life!

Select an item you currently throw away (such as newspapers or cans), and start recycling it. Find out how at [pinellascounty.org/recycle](http://pinellascounty.org/recycle).

### Cook up some savings!

Save time and energy in the kitchen by using the smallest appliance possible. Toaster ovens, microwaves, and slow cookers use less power than a conventional oven. If you do use the oven, remember that the temperature can drop 25 degrees each time the oven door is opened.

### Does your lawn have a drinking problem?

Avoid over-watering your lawn. Most of the year, Florida lawns need only about one inch of water per week. Save water by using a rain shut-off device and inspecting sprinkler heads regularly to ensure that you are watering grass, not pavement.

### Get rid of bills (at least the paper!)

Save paper by paying bills and doing banking on the computer instead of receiving bills and account statements in the mail. Use online banking to view and pay bills for your phone, electricity, insurance, credit cards, etc. Check with your bank to learn more.

### Save at the pump!

Go further on a gallon of gas by driving at the posted speed limit and driving gently (avoid jackrabbit starts). You can also save gas by keeping tires properly inflated and aligned, changing your oil and filters regularly, and tuning your engine.

### Create a friendly yard!

Select Florida-friendly, drought-tolerant plants that require less maintenance. You'll save money with the decreased need for water, fertilizer, and herbicides. An added bonus is that many Florida-friendly plants attract butterflies or birds.

*Courtesy of Pinellas County Utilities Conservation Dept. For more information, visit [www.pinellascounty.org/utilities/green](http://www.pinellascounty.org/utilities/green)*

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