

## **NEW RULES IN EFFECT JANUARY 1, 2006**

NEW RULES THAT MAY IMPACT YOUR LEASE PAYMENT BECAME EFFECTIVE ON JANUARY 1, 2006. CHAPTER 18-21.011(1)(A) HAS BEEN REVISED TO CLARIFY WHAT INCOME IS REQUIRED TO BE REPORTED TO THE BOARD OF TRUSTEES AND NEW BENEFITS AVAILABLE. "INCOME" MEANS THE GROSS REVENUE DERIVED DIRECTLY OR INDIRECTLY FROM THE USE OF SOVEREIGNTY SUBMERGED LANDS SUCH AS SLIP RENTAL, LEASE OR SUBLEASE FEES, DOCK/PIER ADMISSIONS, CLUB MEMBERSHIPS, STOCK OWNERSHIP OR EQUITY INTEREST IN ACTIVITIES WHERE AN INCREASED REVENUE IS ATTRIBUTABLE TO THE USE OF THE SOVEREIGNTY SUBMERGED LAND OR 'SALES OF SLIPS'. IT ALSO INCLUDES ALL FUTURE PAYMENTS FOR TRANSFERRING INTEREST IN A SLIP ORIGINALLY OBTAINED FROM THE BOARD OF TRUSTEES. IT DOES NOT INCLUDE PASS-THROUGH FEES SUCH AS UTILITY SERVICE, SALE OF THE FACILITY OR SALES OF PRODUCTS NOT OCCURRING ON SOVEREIGNTY SUBMERGED LAND.

### **New Requirements for Reporting Income**

AS **LESSEE**, IF YOU ARE INVOLVED IN ANY TRANSACTION\* AUTHORIZING THE USE OF STATE-OWNED SUBMERGED LAND THAT IS WITHIN YOUR LEASE AND THAT GENERATES INCOME EITHER DIRECTLY OR INDIRECTLY, YOU MUST

- REPORT ALL TRANSACTIONS TO THE BOARD OF TRUSTEES,
- REMIT 6% OF THE TOTAL INCOME TO THE BOARD OF TRUSTEES IF IT EXCEEDS THE BASE FEE, AND
- HAVE A CLAUSE IN THE LEASE CLEARLY STATING THESE REQUIREMENTS.

AS **LESSEE**, IF YOU HAVE A **SUBLESSEE** THAT IS INVOLVED IN ANY TRANSACTION\* AUTHORIZING THE USE OF STATE-OWNED SUBMERGED LAND THAT IS WITHIN YOUR LEASE AND THAT GENERATES INCOME EITHER DIRECTLY OR INDIRECTLY:

- THE **SUBLESSEE** MUST REPORT THE TRANSACTION TO YOU SO THAT YOU CAN REPORT THE TRANSACTION TO THE BOARD OF TRUSTEES,
- THE **SUBLESSEE** MUST REMIT PAYMENT OF 6% OF THE TRANSACTION AMOUNT TO YOU SO THAT YOU CAN REMIT PAYMENT TO THE BOARD OF TRUSTEES, AND
- THE **SUBLESSEE** MUST HAVE A CLAUSE IN THEIR SUBLEASE, CONTRACT, LICENSE AGREEMENT, ETC. THAT CLEARLY STATING THESE REQUIREMENTS.

\* ANY TRANSACTION INCLUDES ANY TRANSFER OF SLIPS THROUGH SALES, SUBLEASES, LICENSES, CLUB MEMBERSHIPS, ETC.

### **NEW BENEFITS FOR CLEAN MARINA PROGRAM PARTICIPATION:**

AS **LESSEE**, IF YOU RECEIVE A DESIGNATION IN THE CLEAN MARINA PROGRAM, REMAIN IN GOOD STANDING WITH THE TERMS OF YOUR LEASE AND HAVE NO CHANGE IN USE YOU

- ARE ENTITLED TO A 10% DISCOUNT ON THE ANNUAL FEE, AND
- WILL HAVE THE EXTENDED TERM FEE WAIVED ON EXTENDED TERM LEASES THAT ARE OPEN TO THE GENERAL PUBLIC ON A 'FIRST COME, FIRST SERVED' BASIS.

TO VIEW A COMPLETE COPY OF CHAPTER 18-21, FLORIDA ADMINISTRATIVE CODE, PLEASE CHECK ONLINE AT [HTTP://FAC.DOS.STATE.FL.US/](http://fac.dos.state.fl.us/) IF YOU HAVE ANY QUESTIONS, YOU CAN CONTACT MRS. SUSAN RIGGS AT [SUSAN.RIGGS@DEP.STATE.FL.US](mailto:SUSAN.RIGGS@DEP.STATE.FL.US)