

## FW: 1975 Fill Disclaimer Certificates [FS 253.12] - Some general questions regarding eligibility to apply for disclaimer certificates

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From: Miller, Dee Ann (Dee.Ann.Miller@dep.state.fl.us)

To: najagirard@yahoo.com

Cc: Weesam.Khoury@FloridaDEP.gov

Date: Friday, January 25, 2019, 4:08 PM EST

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Naja,

The information requested is provided in red below.

Dee Ann

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**From:** naja girard [<mailto:najagirard@yahoo.com>]

**Sent:** Tuesday, January 22, 2019 6:21 PM

**To:** Miller, Jody <[Jody.Miller@dep.state.fl.us](mailto:Jody.Miller@dep.state.fl.us)>; Knapp, Melanie <[Melanie.Knapp@dep.state.fl.us](mailto:Melanie.Knapp@dep.state.fl.us)>; Naja Girard <[najagirard@yahoo.com](mailto:najagirard@yahoo.com)>

**Subject:** 1975 Fill Disclaimer Certificates [FS 253.12] - Some general questions regarding eligibility to apply for disclaimer certificates

Hello Ms. Knapp and Mr. Miller,

I have recently been researching some requests for 1975 fill certificates in the Florida Keys in the area of Stock Island and I believe I have all of the files I need but I want to be sure I understand correctly and am hoping you can provide answers to some general questions about how your office determines eligibility for disclaimer certificates pursuant to FS 253.12.

I've been looking at files for filled in lands that extend the roadways Laurel Avenue, MacDonald Ave, and First Avenue on Stock Island.

1. Is a local government [County or municipality] that owns a right-of-way that is directly upland and riparian to pre-July 1, 1975 filled lands [that extends the roadway into the navigable waterway] **eligible** to apply for/obtain a disclaimer certificate pursuant to FS 253.12? [Does the fact that they are a **local government entity** and not a private land owner disqualify them?] **Local government entities are eligible to apply for a pre-July 1, 1975 fill certificate.**

2. If not, is there **another mechanism** for a local government to obtain ownership [or management agreement] of such land from the State [for example for recreational purposes]? **N/A**

3. Must an applicant for a FS 253.12 certificate own land that is **riparian to the filled-in land** in order to be **eligible** to apply/obtain a disclaimer certificate? **Yes.**
4. If a County-owned waterfront roadway running east-west is extended by pre-July 1, 1975 filled-in land into the navigable waterway and is determined to be the riparian upland owner, is an adjacent property owner, to the north or south, eligible to apply/obtain a disclaimer certificate? **No, only the riparian owner.**
5. If the adjacent landowner described in #4 is **ineligible** for a disclaimer certificate is **the fact that the filled-in land is riparian to land owned by another entity [for example a local government that owns the roadway that is extended by the fill] a reason for that ineligibility?** **Adjacent land owners are not eligible to receive a pre-July 1, 1975 fill certificate.**

Thank you so much for any information you can provide to help me ensure I am understanding properly which landowners near pre JULY 1, 1975 filled lands contemplated by FS 253.12 are and aren't eligible for a disclaimer certificate.

I hope my questions are understandable and easily answered.

Feel free to phone me if easier.

Naja Girard

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