## Florida Senate - 2007

 ${\bf By}$  the Committee on Environmental Preservation and Conservation; and Senator Fasano

592-2659-07

1	A bill to be entitled
2	An act relating to the City of Clearwater,
3	Pinellas County; ratifying certain uses of
4	property granted to the city by the state;
5	providing that certain uses of such property
6	are consistent with a grant made by the state;
7	providing for limited private use of certain
8	undeveloped submerged portions of the property
9	if the city received an application on or
10	before December 31, 2006, and determines that
11	the use is consistent with the laws governing
12	the management of sovereignty submerged lands
13	by the Board of Trustees of the Internal
14	Improvement Trust Fund; providing for a
15	referendum for certain changes in use;
16	requiring the city to use revenues from any
17	such limited private use to fund certain
18	water-related activities; providing for a right
19	of reverter in the Board of Trustees of the
20	Internal Improvement Trust Fund; providing that
21	the city's charter referendum requirement for
22	use of waterfront property owned by the city is
23	not modified or superseded; providing an
24	effective date.
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26	WHEREAS, the right-of-way for the causeway to
27	Clearwater Beach, known as Memorial Causeway, and certain
28	adjacent submerged lands was granted to the City of Clearwater
29	under chapter 11050, Laws of Florida, 1925, to be owned and
30	maintained as provided in the 1925 special act, and
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1	WHEREAS, the 1925 special act limits the use of
2	property granted for public purposes and uses as specified in
3	the act and provides for reversion of such property to the
4	state in circumstances involving use of the property in a
5	manner that is inconsistent with those specifications, and
6	WHEREAS, chapter 86-345, Laws of Florida, released a
7	portion of the property granted by the 1925 special act from
8	the reverter in order to permit the development and
9	maintenance of a portion of the property as a marine science
10	center as approved by the city commission and electors of the
11	City of Clearwater, and
12	WHEREAS, the property granted by the 1925 special act
13	now consists of uplands and submerged lands adjacent to those
14	uplands, which have been developed for public purposes and
15	uses, plus additional submerged lands that are adjacent to the
16	developed uplands and that remain undeveloped, and
17	WHEREAS, the City of Clearwater wishes to make use of
18	portions of the undeveloped adjacent submerged lands for
19	public purposes and certain limited private uses as specified
20	in this act which are consistent with the laws and rules
21	governing the management of sovereignty submerged lands by the
22	Board of Trustees of the Internal Improvement Trust Fund, and
23	WHEREAS, the Board of Trustees of the Internal
24	Improvement Trust Fund and the City of Clearwater desire that
25	the extent and manner of the use of the adjacent portions of
26	the submerged lands be consistent with the use of other
27	sovereignty submerged lands of the state, NOW, THEREFORE,
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29	Be It Enacted by the Legislature of the State of Florida:
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1	Section 1. Any use of the property described in
2	chapter 11050, Laws of Florida, 1925, and authorized by the
3	City of Clearwater on or before the effective date of this act
4	is ratified notwithstanding the reason for the use. In
5	addition, any use of that portion of the property described in
б	<u>chapter 86-345, Laws of Florida, which was undertaken on or</u>
7	before the effective date of this chapter has been and is
8	consistent with the grant made in that chapter for the purpose
9	of developing and maintaining a marine science center.
10	Section 2. The City of Clearwater may authorize
11	private uses of the submerged portions of the property granted
12	under chapter 11050, Laws of Florida, 1925, for which it has
13	received an application on or before December 31, 2006, if the
14	private uses are consistent with the laws and rules governing
15	the management of sovereignty submerged lands of this state by
16	the Board of Trustees of the Internal Improvement Fund,
17	including rules of the board concerning private marinas and
18	docking facilities. If the use of any area under the control
19	of the portions of the property granted under chapter 11050,
20	Laws of Florida, 1925, including any portion of the property
21	that may include the Clearwater City Beach Marina Property, is
22	altered from the existing public open-space recreation usage
23	or any other existing public land use designation, the change
24	of use must first be approved by a site-specific referendum
25	put before the registered voters of the City of Clearwater. A
26	dock or mooring facility for a multifamily dwelling or a dock
27	for a single-family dwelling authorized under this act which
28	is consistent with such laws and rules does not violate this
29	act. The City of Clearwater shall use any revenue generated by
30	authorizing any private use of the submerged land to fund
31	water-related activities for the benefit of the public.

1	Section 3. If the Board of Trustees of the Internal
2	Improvement Trust Fund finds that any use of a portion of the
3	submerged lands granted under chapter 11050, Laws of Florida,
4	1925, which was authorized by the City of Clearwater and not
5	ratified by this act is inconsistent with the laws and rules
6	governing the board's management of the state's sovereignty
7	submerged lands, that portion shall, notwithstanding the 1925
8	special act, revert to the state to be held and managed by the
9	Board of Trustees of the Internal Improvement Trust Fund.
10	Section 4. This act does not modify or supersede any
11	provision of the Charter of the City of Clearwater concerning
12	the requirement of a referendum for the use of waterfront
13	property that is owned by the City of Clearwater, which shall
14	include the causeway.
15	Section 5. This act shall take effect upon becoming a
16	law.
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18	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
19	Senate Bill 2942
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21	The committee substitute clarifies that the uses of the property described in ch. 11050, L.O.F., which were authorized
22	by the City of Clearwater on or before the effective date of this act are ratified notwithstanding the reason for the use.
23	The City of Clearwater may authorize private uses of the
24	submerged portions of the property granted under ch. 11050, L.O.F., for which it has received an application on or before
25	December 31, 2006, under certain conditions. If the use is altered from the existing public open-space recreation usage
26	or any other existing public land use designation, the change of use must first be approved by a site-specific referendum
27	put before the registered voters of the City of Clearwater.
28	This committee substitute does not modify or supersede any provision of the Charter of the City of Clearwater concerning
29	the requirement of a referendum for the use of waterfront property that is owned by the City of Clearwater, which shall
30	include the causeway.
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