

1 A bill to be entitled

2 An act relating to the City of Clearwater, Pinellas  
3 County; ratifying certain uses of property granted to the  
4 city by the state which were authorized by the city;  
5 providing that certain uses of such property are  
6 consistent with a grant made by the state; providing for  
7 limited private use of certain undeveloped submerged  
8 portions of the property if the city received an  
9 application on or before December 31, 2006, and determines  
10 that the use is consistent with the laws governing the  
11 management of sovereignty submerged lands by the Board of  
12 Trustees of the Internal Improvement Trust Fund; providing  
13 for a referendum for certain changes of use; requiring the  
14 city to use revenues from any such limited private use to  
15 fund certain water-related activities; providing for a  
16 right of reverter in the Board of Trustees of the Internal  
17 Improvement Trust Fund; providing that the act does not  
18 modify or supersede the city's charter referendum  
19 requirement for use of waterfront property owned by the  
20 city; providing an effective date.

21  
22 WHEREAS, the right-of-way for the causeway to Clearwater  
23 Beach, known as Memorial Causeway, and certain adjacent  
24 submerged lands was granted to the City of Clearwater under  
25 chapter 11050, Laws of Florida, 1925, to be owned and maintained  
26 as provided in the 1925 special act, and

27 WHEREAS, the 1925 special act limits the use of property  
28 granted for public purposes and uses as specified in the act and

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29 provides for reversion of such property to the state in  
30 circumstances involving use of the property in a manner that is  
31 inconsistent with those specifications, and

32 WHEREAS, chapter 86-345, Laws of Florida, released a  
33 portion of the property granted by the 1925 special act from the  
34 reverter in order to permit the development and maintenance of a  
35 portion of the property as a marine science center as approved  
36 by the city commission and electors of the City of Clearwater,  
37 and

38 WHEREAS, the property granted by the 1925 special act now  
39 consists of uplands and submerged lands adjacent to those  
40 uplands, which have been developed for public purposes and uses,  
41 plus additional submerged lands that are adjacent to the  
42 developed uplands and that remain undeveloped, and

43 WHEREAS, the City of Clearwater wishes to make use of  
44 portions of the undeveloped adjacent submerged lands for public  
45 purposes and certain limited private uses as specified in this  
46 act which are consistent with the laws and rules governing the  
47 management of sovereignty submerged lands by the Board of  
48 Trustees of the Internal Improvement Trust Fund, and

49 WHEREAS, the Board of Trustees of the Internal Improvement  
50 Trust Fund and the City of Clearwater desire that the extent and  
51 manner of the use of the adjacent portions of the submerged  
52 lands be consistent with the use of other sovereignty submerged  
53 lands of the state, NOW, THEREFORE,

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55 Be It Enacted by the Legislature of the State of Florida:

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57           Section 1. Any use of the property described in chapter  
58 11050, Laws of Florida, 1925, and authorized by the City of  
59 Clearwater on or before the effective date of this act is  
60 ratified notwithstanding whether the use is for a public  
61 purpose. In addition, any use of that portion of the property  
62 described in chapter 86-345, Laws of Florida, which was  
63 undertaken on or before the effective date of this act has been  
64 and is consistent with the grant made in that act for the  
65 purpose of developing and maintaining a marine science center.

66           Section 2. The City of Clearwater may authorize private  
67 uses of the submerged portions of the property granted under  
68 chapter 11050, Laws of Florida, 1925, for which it has received  
69 an application on or before December 31, 2006, if the private  
70 uses are consistent with the laws and regulations governing the  
71 management of sovereignty submerged lands of this state by the  
72 Board of Trustees of the Internal Improvement Fund, including  
73 rules of the board concerning private marinas and docking  
74 facilities. If the use of any area under the control of the  
75 portions of the property granted under chapter 11050, Laws of  
76 Florida, 1925, including any portion of the property that may  
77 include the Clearwater City Beach Marina Property, is altered  
78 from the existing public intended open space recreation or any  
79 other existing public land use designation, the change of use  
80 must first be approved by a site-specific referendum put before  
81 the voters of the City of Clearwater. A dock or mooring facility  
82 for a multifamily dwelling or a dock for a single-family  
83 dwelling authorized under this act which is consistent with such  
84 laws and rules does not violate this act. The City of Clearwater

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85 shall use any revenue generated by authorizing any private use  
86 of the submerged land to fund water-related activities for the  
87 benefit of the public.

88 Section 3. If the Board of Trustees of the Internal  
89 Improvement Trust Fund finds that any use of a portion of the  
90 submerged lands granted under chapter 11050, Laws of Florida,  
91 1925, which was authorized by the City of Clearwater and not  
92 ratified by section 1 is inconsistent with the laws and rules  
93 governing the board's management of the state's sovereignty  
94 submerged lands, that portion shall, notwithstanding the 1925  
95 special act, revert to the state to be held and managed by the  
96 Board of Trustees of the Internal Improvement Trust Fund.

97 Section 4. This act does not modify or supersede any  
98 provision of the Charter of the City of Clearwater concerning  
99 the requirement of a referendum for the use of waterfront  
100 property that is owned by the City of Clearwater, which includes  
101 the causeway as provided in section 2.

102 Section 5. This act shall take effect upon becoming a law.