

ENROLLED
CS/HB 1585

2007 Legislature

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,

54

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.