

Bill No. SB 2942

Barcode 662352

CHAMBER ACTION

Senate

House

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Comm: RCS
04/24/2007 03:42 PM

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The Committee on Environmental Preservation and Conservation
(Jones) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

Section 2. The City of Clearwater may authorize private uses of the submerged portions of the property granted under chapter 11050, Laws of Florida, 1925, for which it has received an application on or before December 31, 2006, if the private uses are consistent with the laws and rules governing

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1 the management of sovereignty submerged lands of this state by
2 the Board of Trustees of the Internal Improvement Fund,
3 including rules of the board concerning private marinas and
4 docking facilities. If the use of any area under the control
5 of the portions of the property granted under chapter 11050,
6 Laws of Florida, 1925, including any portion of the property
7 that may include the Clearwater City Beach Marina Property, is
8 altered from the existing public open-space recreation usage
9 or any other existing public land use designation, the change
10 of use must first be approved by a site-specific referendum
11 put before the registered voters of the City of Clearwater. A
12 dock or mooring facility for a multifamily dwelling or a dock
13 for a single-family dwelling authorized under this act which
14 is consistent with such laws and rules does not violate this
15 act. The City of Clearwater shall use any revenue generated by
16 authorizing any private use of the submerged land to fund
17 water-related activities for the benefit of the public.

18 Section 3. If the Board of Trustees of the Internal
19 Improvement Trust Fund finds that any use of a portion of the
20 submerged lands granted under chapter 11050, Laws of Florida,
21 1925, which was authorized by the City of Clearwater and not
22 ratified by this act is inconsistent with the laws and rules
23 governing the board's management of the state's sovereignty
24 submerged lands, that portion shall, notwithstanding the 1925
25 special act, revert to the state to be held and managed by the
26 Board of Trustees of the Internal Improvement Trust Fund.

27 Section 4. This act does not modify or supersede any
28 provision of the Charter of the City of Clearwater concerning
29 the requirement of a referendum for the use of waterfront
30 property that is owned by the City of Clearwater, which shall
31 include the causeway.

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

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8

9 and insert:

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A bill to be entitled

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An act relating to the City of Clearwater,

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Pinellas County; ratifying certain uses of

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property granted to the city by the state;

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providing that certain uses of such property

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are consistent with a grant made by the state;

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providing for limited private use of certain

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undeveloped submerged portions of the property

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if the city received an application on or

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before December 31, 2006, and determines that

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the use is consistent with the laws governing

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the management of sovereignty submerged lands

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by the Board of Trustees of the Internal

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Improvement Trust Fund; providing for a

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referendum for certain changes in use;

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requiring the city to use revenues from any

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such limited private use to fund certain

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water-related activities; providing for a right

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of reverter in the Board of Trustees of the

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Internal Improvement Trust Fund; providing that

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the city's charter referendum requirement for

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use of waterfront property owned by the city is

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1 not modified or superseded; providing an
2 effective date.

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4 WHEREAS, the right-of-way for the causeway to
5 Clearwater Beach, known as Memorial Causeway, and certain
6 adjacent submerged lands was granted to the City of Clearwater
7 under chapter 11050, Laws of Florida, 1925, to be owned and
8 maintained as provided in the 1925 special act, and

9 WHEREAS, the 1925 special act limits the use of
10 property granted for public purposes and uses as specified in
11 the act and provides for reversion of such property to the
12 state in circumstances involving use of the property in a
13 manner that is inconsistent with those specifications, and

14 WHEREAS, chapter 86-345, Laws of Florida, released a
15 portion of the property granted by the 1925 special act from
16 the reverter in order to permit the development and
17 maintenance of a portion of the property as a marine science
18 center as approved by the city commission and electors of the
19 City of Clearwater, and

20 WHEREAS, the property granted by the 1925 special act
21 now consists of uplands and submerged lands adjacent to those
22 uplands, which have been developed for public purposes and
23 uses, plus additional submerged lands that are adjacent to the
24 developed uplands and that remain undeveloped, and

25 WHEREAS, the City of Clearwater wishes to make use of
26 portions of the undeveloped adjacent submerged lands for
27 public purposes and certain limited private uses as specified
28 in this act which are consistent with the laws and rules
29 governing the management of sovereignty submerged lands by the
30 Board of Trustees of the Internal Improvement Trust Fund, and

31 WHEREAS, the Board of Trustees of the Internal

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1 Improvement Trust Fund and the City of Clearwater desire that
2 the extent and manner of the use of the adjacent portions of
3 the submerged lands be consistent with the use of other
4 sovereignty submerged lands of the state, NOW, THEREFORE,
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