

By Senator Fasano

11-436-07

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 which
5 were authorized by the city; providing that
6 certain uses of such property are consistent
7 with a grant made by the state; providing for
8 limited private use of certain undeveloped
9 submerged portions of the property if the city
10 determines that the use is consistent with the
11 laws governing the management of sovereignty
12 submerged lands by the Board of Trustees of the
13 Internal Improvement Trust Fund; requiring the
14 city to use revenues from any such limited
15 private use to fund certain water-related
16 activities; providing for a right of reverter
17 in the Board of Trustees of the Internal
18 Improvement Trust Fund; providing that the act
19 does not modify or supersede the city's charter
20 concerning waterfront property owned by the
21 city; providing an effective date.

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

28 WHEREAS, the 1925 special act limits the use of
29 property granted to public purposes and uses as specified in
30 the act and provides for reversion of such property to the
31

1 state in circumstances involving use of the property in a
2 manner that is inconsistent with those specifications, and

3 WHEREAS, chapter 86-345, Laws of Florida, released a
4 portion of the property granted by the 1925 special act from
5 the reverter in order to permit the development and
6 maintenance of a portion of the property as a marine science
7 center as approved by the city commission and electors of the
8 City of Clearwater, and

9 WHEREAS, the property granted by the 1925 special act
10 now consists of uplands and submerged lands adjacent to those
11 uplands, which have been developed for public purposes and
12 uses, plus additional submerged lands that are adjacent to the
13 developed uplands and that remain undeveloped, and

14 WHEREAS, the City of Clearwater wishes to make use of
15 portions of the undeveloped adjacent submerged lands for
16 public purposes and certain limited private uses as specified
17 in this act which are consistent with the laws and rules
18 governing the management of sovereignty submerged lands by the
19 Board of Trustees of the Internal Improvement Trust Fund, and

20 WHEREAS, the Board of Trustees of the Internal
21 Improvement Trust Fund and the City of Clearwater desire that
22 the extent and manner of the use of the adjacent portions of
23 the submerged lands be consistent with the use of other
24 sovereignty submerged lands of the state, NOW, THEREFORE,

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Any use of the property described in
29 chapter 11050, Laws of Florida, 1925, and authorized by the
30 City of Clearwater on or before the effective date of this act
31 is ratified notwithstanding whether the use is for a public

1 purpose. In addition, any use of that portion of the property
2 described in chapter 86-345, Laws of Florida, which was
3 undertaken on or before the effective date of this act has
4 been and is consistent with the grant made in that act for the
5 purpose of developing and maintaining a marine science center.

6 Section 2. The City of Clearwater may authorize
7 private uses of the submerged portions of the property granted
8 under chapter 11050, Laws of Florida, 1925, which uses are in
9 addition to the other uses authorized under that act if the
10 private uses are consistent with the laws and rules governing
11 the management of the sovereignty submerged lands of this
12 state by the Board of Trustees of the Internal Improvement
13 Trust Fund, including rules of the board concerning private
14 marinas and docking facilities. A dock or mooring facility for
15 a multifamily dwelling or a dock for a single-family dwelling
16 which is consistent with such laws and rules does not violate
17 this act. The City of Clearwater shall use any revenue
18 generated by authorizing any private use of the submerged land
19 to fund water-related activities for the benefit of the
20 public.

21 Section 3. If the Board of Trustees of the Internal
22 Improvement Trust Fund finds that any use of a portion of the
23 submerged lands granted under chapter 11050, Laws of Florida,
24 1925, which was authorized by the City of Clearwater and not
25 ratified by Section 1 of this act is inconsistent with the
26 laws and rules governing the board's management of the state's
27 sovereignty submerged lands, that portion shall,
28 notwithstanding the 1925 special act, revert to the state to
29 be held and managed by the Board of Trustees of the Internal
30 Improvement Trust Fund.

1 Section 4. This act does not modify or supersede any
2 provision of the Charter of the City of Clearwater concerning
3 use of waterfront property that is owned by the City of
4 Clearwater.

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31