

HB 1047

2010

1 A bill to be entitled
2 An act relating to the City of Clearwater, Pinellas
3 County; providing for use of specified city-owned property
4 for recreational and commercial working waterfronts;
5 providing for use of revenue from specified city-owned
6 property; providing for development of specified city-
7 owned property consistent with the Florida Coastal
8 Management Program, the Waterfronts Florida Program, the
9 city comprehensive plan and code of ordinances, and other
10 applicable law; providing for preservation of referendum
11 requirement of use of certain city-owned property;
12 requiring a referendum for lease, license, sale, or
13 transfer of certain land and for any alteration to
14 existing public land use map designation for such land;
15 providing an effective date.

16
17 WHEREAS, the right-of-way for the causeway to Clearwater
18 Beach known as Memorial Causeway, including certain adjacent
19 submerged lands, was granted to the City of Clearwater under
20 chapter 11050, Laws of Florida, 1925, to be owned and maintained
21 as provided in that act, and

22 WHEREAS, chapter 2007-312, Laws of Florida, ratified
23 existing uses as consistent with the original grant and
24 reiterating certain restrictions on such uses, and

25 WHEREAS, the Legislature recognizes an important state
26 interest in maintaining viable water-dependent support
27 facilities, as well as providing access to the state's navigable
28 waters as a vital conduit for commerce, transportation of goods,

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29 | and maintaining and enhancing the annual \$71 billion economic
30 | impact of tourism and boating, and

31 | WHEREAS, the City of Clearwater wishes to address the
32 | physical and economic decline of its existing coastal and
33 | working waterfront areas by revitalizing its waterfront as a
34 | recreational and commercial working waterfront, and

35 | WHEREAS, the City of Clearwater has taken the requisite
36 | action to revitalize its coastal and waterfront areas by
37 | implementing sections 197.303–197.3047, Florida Statutes, 2005,
38 | as subsequently amended, through adoption of tax deferrals for
39 | recreational and commercial working waterfront properties and
40 | amending its comprehensive plan, which implements both a future
41 | land use element requiring that redevelopment activities be
42 | sensitive to the city's waterfront and promote public access to
43 | the city's waterfront resources and a coastal management element
44 | encouraging the preservation of recreational and commercial
45 | working waterfronts and marinas and other water-dependent
46 | facilities, and

47 | WHEREAS, the city wishes to expand such revitalization
48 | efforts consistent with the Florida Coastal Management Program
49 | and the Waterfronts Florida Program and provide for the limited
50 | elimination of reversion provisions that inherently conflict
51 | with the city's working waterfront and coastal revitalization
52 | efforts contained in the 1925 special act and chapter 2007-312,
53 | Laws of Florida, NOW, THEREFORE,

54 |

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

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57 Section 1. The City of Clearwater may authorize the use of
58 the filled upland portion of the property described in chapter
59 11050, Laws of Florida, 1925, for purposes of recreational and
60 commercial working waterfronts as defined in section 342.07,
61 Florida Statutes, thereby providing access for the public to the
62 navigable waters of the state, and providing access to water-
63 dependent commercial activities.

64 Section 2. Submerged portions of the property granted to
65 the City of Clearwater under chapter 11050, Laws of Florida,
66 1925, shall continue to be used as provided for in chapter
67 11050, Laws of Florida, 1925, and chapter 2007-312, Laws of
68 Florida, and the city shall use any revenue generated by public
69 or private use of the submerged land to fund water-related
70 activities for the benefit of the public.

71 Section 3. Any filled portion of the lands granted under
72 chapter 11050, Laws of Florida, 1925, currently existing as
73 uplands to the west of the east abutment of the west bridge,
74 shall be used and developed in accordance with the Florida
75 Coastal Management Program, the Waterfronts Florida Program, the
76 City of Clearwater Comprehensive Plan, the City of Clearwater
77 Code of Ordinances, and other applicable law, and are hereby
78 released from a right of reverter to the extent that the use and
79 development of the property are consistent therewith.

80 Section 4. This act shall not modify or supersede any
81 provision of the Charter of the City of Clearwater concerning
82 the requirement of a referendum for the use of waterfront
83 property that is owned by the City of Clearwater.

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84 Section 5. (1) Any lease or license of the land for a new
85 purpose for a period longer than 30 years, or any sale or
86 transfer, other than utility easements, of the land or any
87 portion thereof, with respect to any filled portion of the lands
88 granted under chapter 11050, Laws of Florida, 1925, and chapter
89 2007-312, Laws of Florida, that currently exist as uplands upon
90 which the City of Clearwater Beach Marina exists, must be
91 approved at a referendum by vote of the electors of the City of
92 Clearwater voting in such referendum.

93 (2) Additionally, if that portion of filled lands granted
94 under chapter 11050, Laws of Florida, 1925, and chapter 2007-
95 312, Laws of Florida, that currently exist as uplands upon which
96 the City of Clearwater Beach Marina exists is altered from
97 existing public land use map designation, such change must first
98 be approved at a referendum by vote of the electors of the City
99 of Clearwater voting in such referendum.

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