

## Council Substitute for House Bill No. 1585

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

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

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

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

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

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

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

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

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 whether the use is for a public purpose. 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 act has been and is consistent with the grant made in that act 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 regulations governing the management of sovereignty submerged lands of this state by the Board of Trustees of the Internal Improvement Fund, including rules of the board concerning private marinas and docking facilities. If the use of any area under the control of the portions of the property granted under chapter 11050, Laws of Florida, 1925, including any portion of the property that may include the Clearwater City Beach Marina Property, is altered from the existing public intended open space recreation or any other existing public land use designation, the change of use must first be approved by a site-specific referendum put before the voters of the City of Clearwater. A dock or mooring facility for a multifamily dwelling or a dock for a single-family dwelling authorized under this act which is consistent with such laws and rules does not violate this act. The City of Clearwater shall use any revenue generated by authorizing any private use of the submerged land to fund water-related activities for the benefit of the public.

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

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

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

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.