

## CHAPTER 2010-250

### House Bill No. 1047

An act relating to the City of Clearwater, Pinellas County; providing for use of specified city-owned property for recreational and commercial working waterfronts; providing for use of revenue from specified city-owned property; providing for development of specified city-owned property consistent with the Florida Coastal Management Program, the Waterfronts Florida Program, the city comprehensive plan and code of ordinances, and other applicable law; providing for preservation of referendum requirement of use of certain city-owned property; requiring a referendum for lease, license, sale, or transfer of certain land and for any alteration to existing public land use map designation for such land; providing an effective date.

WHEREAS, the right-of-way for the causeway to Clearwater Beach known as Memorial Causeway, including 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 that act, and

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

WHEREAS, the Legislature recognizes an important state interest in maintaining viable water-dependent support facilities, as well as providing access to the state's navigable waters as a vital conduit for commerce, transportation of goods, and maintaining and enhancing the annual \$71 billion economic impact of tourism and boating, and

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

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

WHEREAS, the city wishes to expand such revitalization efforts consistent with the Florida Coastal Management Program and the Waterfronts Florida Program and provide for the limited elimination of reversion provisions that

inherently conflict with the city’s working waterfront and coastal revitalization efforts contained in the 1925 special act and chapter 2007-312, Laws of Florida, NOW, THEREFORE,

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

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

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

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

Section 4. This act shall 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.

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

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

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

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.