

By Senator Jones

13-01210B-10

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

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

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

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

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

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

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

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

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

57  
58 Section 1. The City of Clearwater may authorize the use of

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

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

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

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

85 Section 5. (1) Any lease or license of the land for a new  
86 purpose for a period longer than 30 years, or any sale or  
87 transfer, other than utility easements, of the land or any

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88 portion thereof, with respect to any filled portion of the lands  
89 granted under chapter 11050, Laws of Florida, 1925, and chapter  
90 2007-312, Laws of Florida, that currently exist as uplands upon  
91 which the City of Clearwater Beach Marina exists, must be  
92 approved at a referendum by vote of the electors of the City of  
93 Clearwater voting in such referendum.

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

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