

1                                   A bill to be entitled  
 2       An act relating to beach access and use; providing  
 3       legislative findings and intent; requiring the Attorney  
 4       General to take all steps necessary to protect and defend  
 5       the public right of beach access and use; prohibiting  
 6       persons from creating an obstruction that denies public  
 7       access to or use of the beach; prohibiting persons from  
 8       erecting a sign, barrier, or other structure intending to  
 9       restrict public access to or use of the beach; providing  
 10      an effective date.

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

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 14           Section 1. Legislative findings and intent; public policy;  
 15 protection of beach access.--The Legislature finds that since  
 16 time immemorial the public has enjoyed a right to access, make  
 17 recreational use of, and use for customary purposes the beach,  
 18 and that such use has been ancient, reasonable, without  
 19 interruption, and free from dispute. Further, it is the intent  
 20 of the Legislature to mandate that the government define,  
 21 protect, and enforce the public's customary rights of beach  
 22 access and use. It is not the intent of this act to affect the  
 23 title of the owner of land adjacent to the Atlantic Ocean or  
 24 Gulf of Mexico, to impair the right of any such owner to contest  
 25 the existence of the customary right of the public to access and  
 26 use any particular area of privately owned beach, or to reduce  
 27 or limit any rights, other than customary rights, of public  
 28 access or use that may exist or arise. It is therefore the

29 state's public policy that the public, subject to the provisions  
30 of this act, shall have the right to make recreational and other  
31 customary uses of the beach. The Office of the Attorney General  
32 shall be authorized to take all steps necessary to protect and  
33 defend the public right of access and use declared by this  
34 section.

35 Section 2. Prohibition of obstruction; right of personal  
36 access.--Except as provided for in this act, it shall be  
37 prohibited for any person to:

38 (1) Create, erect, or construct any structure, barrier, or  
39 restraint, either vegetative or manmade, that will interfere  
40 with or obstruct the right of the public to enter or leave the  
41 beach by way of any approach or to lawfully use any part of the  
42 beach for recreation or other customary purposes.

43 (2) Erect any sign, barrier, or other structure with the  
44 intent of falsely notifying the public that the public does not  
45 have the right to access or use the beach adjacent to the  
46 owner's land.

47 Section 3. This act shall take effect July 1, 2005.