

By Senator Baker

20-1516A-05

1                                   A bill to be entitled

2           An act relating to beach access and use;

3           providing legislative findings and intent;

4           requiring the Attorney General to take all

5           steps necessary to protect and defend the

6           public right of beach access and use;

7           prohibiting persons from creating an

8           obstruction that denies public access to or use

9           of the beach; prohibiting persons from erecting

10          a sign, barrier, or other structure intending

11          to restrict public access to or use of the

12          beach; providing an effective date.

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

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16           Section 1. Legislative findings and intent; public

17 policy; protection of beach access.--The Legislature finds

18 that since time immemorial the public has enjoyed a right to

19 access, make recreational use of, and use for customary

20 purposes the beach, and that such use has been ancient,

21 reasonable, without interruption, and free from dispute.

22 Further, it is the intent of the Legislature to mandate that

23 the government define, protect, and enforce the public's

24 customary rights of beach access and use. It is not the intent

25 of this act to affect the title of the owner of land adjacent

26 to the Atlantic Ocean or Gulf of Mexico, to impair the right

27 of any such owner to contest the existence of the customary

28 right of the public to access and use any particular area of

29 privately owned beach, or to reduce or limit any rights, other

30 than customary rights, of public access or use that may exist

31 or arise. It is therefore the state's public policy that the

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 public, subject to the provisions of this act, shall have the  
2 right to make recreational and other customary uses of the  
3 beach. The Office of the Attorney General shall be authorized  
4 to take all steps necessary to protect and defend the public  
5 right of access and use declared by this section.

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

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

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

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