

29 (1) "Beach access" means the public's right to laterally
 30 traverse and make recreational use of the sandy beaches of this
 31 state where such access exists on or after July 1, 1987, or the
 32 public has established an accessway through private lands to
 33 lands seaward of the mean high tide or water line by
 34 prescription, prescriptive easement, or any other legal means,
 35 and the public's right of ingress and egress to public beaches
 36 and the waters of the Gulf of Mexico, the Atlantic Ocean, or the
 37 Straits of Florida.

38 (2) "Public beach" means any sovereign beach, any
 39 recreational beach owned or operated by the state or a local
 40 government, or any sandy beach area where the public has
 41 established or acquired a right of use by prescription,
 42 dedication, custom, or any other legal means.

43 (3) "Recreational use" includes walking, hiking, fishing,
 44 swimming, surfing, sunbathing, nature study, any other
 45 traditional beach activities; visiting historical,
 46 archaeological, scenic, or scientific sites; accessing a public
 47 beach; and providing noncommercial parking areas in proximity to
 48 beach access points.

49 (4) "Sovereign beach" means that portion of a sandy beach
 50 lying seaward of the line of mean high water or a recorded
 51 erosion control line.

52 161.81 Declaration of policy and effect.--

53 (1) Under the Environmental Protection Act of 1971, a
 54 public beach is a natural resource, and it is the policy of this
 55 state that the public, individually and collectively, have free
 56 and unrestricted right to enter and use this resource.

HB 527

2009

57 (2) This part does not affect in any way the title held to
58 land in this state which is adjacent to any beach on the Gulf of
59 Mexico, the Atlantic Ocean, or the Straits of Florida, and does
60 not reduce or limit in any way the rights of the public in
61 public beaches which have been defined in law or custom.

62 (3) Any sandy beach below the mean high water line or a
63 recorded erosion control line is declared public, and a private
64 entity, absent a board of trustees deed or authorization, may
65 not restrict access along the shoreline across such beaches.

66 161.82 Unlawful barriers to use of public beaches.--

67 (1) (a) A person may not:

68 1. Obstruct or cause obstruction of beach access by
69 fencing, barricading, or causing any other obstruction, unless
70 such obstruction is otherwise authorized by law.

71 2. Display or cause to be displayed on any public beach
72 any sign, marker, or warning or communicate in any other manner
73 that a public beach is private property.

74 (b) A person who violates this subsection commits a
75 misdemeanor of the first degree, punishable as provided in s.
76 775.082 or s. 775.083.

77 (2) A governmental entity may not:

78 (a) Place or cause to be placed any fencing, barricade, or
79 any other obstruction upon a public beach, unless such
80 obstruction is a response to public safety or an emergency or is
81 otherwise authorized by law. This subsection does not prevent
82 any agency, department, institution, subdivision, or
83 instrumentality of the state or of the Federal Government from
84 erecting or maintaining any groin, seawall, barrier, pass,

HB 527

2009

85 channel, jetty, or other structure as an aid to navigation, as
86 protection of the shore, or for fishing, safety, or other lawful
87 purpose.

88 (b) Adopt an ordinance, resolution, or development order
89 that has the effect of limiting the public's access to a public
90 beach, except as necessary to protect the public's health,
91 safety, and welfare.

92 161.83 Prima facie evidence.--In a suit brought or
93 defended under this part or whose determination is affected by
94 this part, proof of record title to a sandy beach that is
95 landward of a sovereign beach is not prima facie evidence that
96 the titleholder has a right to exclude the public from accessing
97 and using the sandy beach or any associated accessway. A showing
98 that property lies within the area from mean low tide to the
99 seasonal high-water line, as defined in s. 161.053(6)(a), is
100 prima facie evidence that the title of the littoral owner does
101 not include the right to prevent the public from using the
102 property for access and use of a public beach or for ingress and
103 egress to the waters of the Gulf of Mexico, the Atlantic Ocean,
104 or the Straits of Florida.

105 161.84 Public purchase of beach access.--

106 (1) By January 1, 2010, each county and municipality shall
107 provide a list to the Board of Trustees of the Internal
108 Improvement Trust Fund of each dead-end street within its
109 jurisdiction which may be used for the purpose of accessing and
110 using a public beach. The list must specify the location of each
111 street and be provided at no charge to the board.

112 (2) Notwithstanding any other provision of law, a county

HB 527

2009

113 or municipality may not sell or convey any interest in
114 beachfront land or abandon, close, relinquish, or vacate a
115 street, road, or easement that provides an accessway to a public
116 beach until the Board of Trustees of the Internal Improvement
117 Trust Fund has an opportunity to receive or purchase such
118 interest or accessway in accordance with the following:

119 (a) If a county or municipality receives a petition
120 requesting that it sell, convey, abandon, close, relinquish, or
121 vacate any such interest or accessway or decides to take such
122 action without receiving a request, the county or municipality
123 shall, before consideration of any private offers, notify the
124 board that the interest or accessway is available. The notice
125 must be sent by certified mail, return receipt requested.

126 (b) Within 45 days after receipt of the notice, the board
127 shall determine by resolution whether it proposes to devote such
128 interest or accessway to public use for the purpose of accessing
129 and using the public beach. Such purpose is declared to be a
130 public purpose.

131 1. If the board proposes to devote the interest or
132 accessway in perpetuity for such purpose, within 120 days after
133 receipt of the notice, it shall adopt a resolution that
134 specifies such intent and provides a tentative plan for the
135 development of the interest or accessway and a tentative
136 schedule that specifies a date that development will commence,
137 which must be within 2 years after the date of the resolution,
138 and a date that development will be completed, which must be
139 within 4 years after the date of the resolution. If appropriate,
140 the board's agreement to maintain the land in its current use

HB 527

2009

141 and condition shall be considered a sufficient plan of
142 development. The board shall send a certified copy of the
143 resolution to the county or municipality by certified mail,
144 return receipt requested, within 5 days after adoption but
145 before the end of the 120-day period. The county or municipality
146 that timely receives the certified copy of the resolution shall
147 convey the land to the board upon such terms and conditions and
148 at such price as the county or municipality determines.

149 2. If the board decides not to devote such interest or
150 accessway in perpetuity for such purposes, it shall adopt a
151 resolution reflecting such determination and send a certified
152 copy of the resolution to the county or municipality by
153 certified mail, return receipt requested, within 5 days after
154 adoption.

155 (c) The failure of the board to adopt and send a
156 resolution pursuant to this subsection constitutes the board's
157 determination not to devote such interest or accessway in
158 perpetuity to a public use for the purpose of accessing and
159 using a public beach.

160 Section 2. This act shall take effect July 1, 2009.