

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
 2 Subcommittee

3 Representative Edwards-Walpole offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 347-351 and insert:

7 Section 10. Section 163.035, Florida Statutes, is created
 8 to read:

9 163.035 Ordinances relating to customary use.-A
 10 municipality, county, district, or other local government entity
 11 shall not adopt or keep in effect an ordinance or rule which
 12 finds, determines, relies on, or is based upon customary use of
 13 any portion of a beach above the mean high-water line as defined
 14 in s. 177.27, unless such ordinance or rule is expressly
 15 authorized by general law, or unless a specific portion of a
 16 beach above the mean high-water line has been determined by a

Amendment No. 1

17 court, prior to the adoption of the ordinance or rule, to be
18 accessible to the public under the doctrine of customary use.
19 This section shall not apply to an ordinance adopted and
20 effective prior to January 1, 2016.

21 Section 11. Section 704.09, Florida Statutes, is created to
22 read:

23 704.09 Judicial determination of customary use.—A party
24 seeking to impose a common law customary use of real property in
25 a civil action must prove such customary use by a preponderance
26 of the evidence.

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29 **T I T L E A M E N D M E N T**

30 Remove lines 54-58 and insert:
31 superseded by a subsequent judgment; creating s. 163.035, F.S.;
32 prohibiting a local government from enacting or enforcing an
33 ordinance or rule based on the customary use of property;
34 providing an exception; creating s. 704.09, F.S.; establishing a
35 standard of proof applicable to a civil action that seeks to
36 impose a customary use of real property; repealing