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Republican Wants to Repeal Law Keeping Public Off Some Beaches

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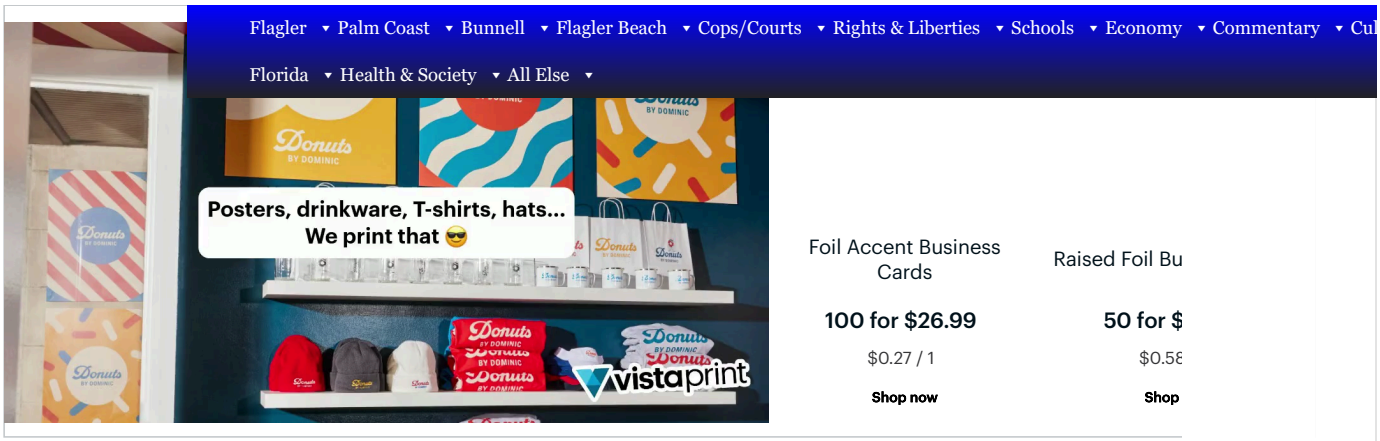


Fort Walton Beach (Visit Florida)

A Panhandle Republican has filed legislation to repeal a controversial 2018 state law that has limited public access to local beaches in the area and prohibited local governments from adopting ordinances to protect customary use.

The bill from Panama City Republican state Sen. Jay Trumbull (SB 1622) is direct and to the point. It says that if passed, it would repeal a section of Florida law (163.035) relating to the establishment of





The term "customary use" refers to a general right of the public at large to possess and use certain dry sand areas for recreational purposes, according to a Senate bill analysis. Where a customary use of a dry sand area is shown, the property owner may not use traditional causes of action like ejectment, forcible entry, or trespass to stop such public use of the private land. (Flagler County adopted a customary use ordinance just before the state law went in effect. See the ordinance here.)

The 2018 law in question (HB 631) prohibited local governments from adopting or keeping in effect ordinances establishing customary use of privately owned dry sand areas. However, the bill did not apply to a local government with an ordinance or rule adopted before on or before January 1, 2016. It also said, "the provisions do not deprive a governmental entity from raising customary use as an affirmative defense in any proceeding that challenges an ordinance or rule that was adopted before July 1, 2018."

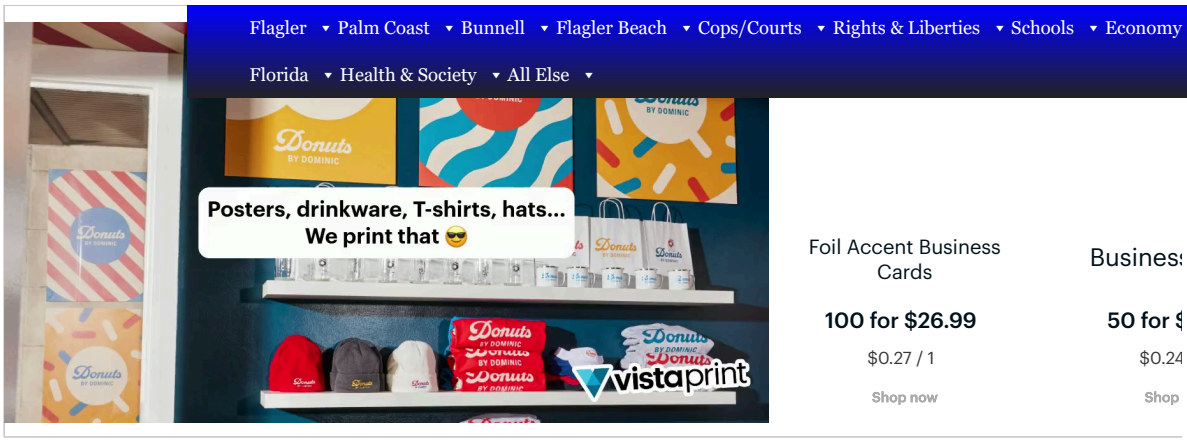
Walton County Commissioners passed an ordinance allowing the customary use of its beaches in 2016.

The 2018 law allowed beachfront owners there to bar the public from certain beach areas up to the "mean high water line" using signs and ropes.

As the Phoenix reported at the time, waterfront property owners in Walton County hired a number of lobbyists to get the measure passed, with former Arkansas Gov. Mike Huckabee — who at the time had a Gulf-front home there — among those supporting the law.

Huckabee thanked Naples Republican Kathleen Passidomo for sponsoring the measure in the Senate that year, the Tampa Bay Times reported in 2018. But he later disputed that anyone had been prohibited from using public beaches.

"Most beachfront owners don't run people off their property, anyway. I haven't, and despite the lies told, I've not placed signs prohibiting people from responsible use of my property," Huckabee told the Tallahassee Democrat in 2020.



Trumbull said Friday that during his time in the Florida Senate, "public access to our beaches has been an overwhelming concern of the residents of Senate District 2 — particularly in Walton County."

Tampa Bay area Democratic state Sen. Daryl Rouson has filed a similar measure (SB 284). Republican Joel Rudman filed a House companion (HB 6001) in January but withdrew it after he resigned to run for in the special election for Florida's 1st Congressional District in January.

–Mitch Perry, Florida Phoenix



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