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A bill to be entitled
An act relating to beach access; providing legislative findings and intent; prohibiting persons from creating an obstruction that denies public access to the beach; prohibiting the state and municipalities from revoking any public approach to the beach for private use; providing an effective date.

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

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

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31 necessary to protect and defend the public right of access and
32 use declared by this section.

33 Section 2. Prohibition of obstruction; right of personal
34 access.--Except as provided for in this act, it shall be
35 prohibited for any person to create, erect, or construct any
36 structure, barrier, or restraint, either vegetative or manmade,
37 that will interfere with or obstruct the right of the public to
38 enter or leave the beach by way of any approach or to lawfully
39 use any part of the beach for recreation or other customary
40 purposes.

41 Section 3. Preservation of access through existing
42 approaches.--Neither the state nor any municipality shall revoke
43 any public approach to the beach, or allow for such revocation,
44 for private purposes not otherwise entitled to a property owner
45 as a matter of law.

46 Section 4. This act shall take effect July 1, 2005.