

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Edwards-Walpole offered the following:

Amendment (with title amendment)

Between lines 42 and 43, insert:

Section 1. Section 163.035, Florida Statutes, is created to read:

163.035 Ordinances relating to customary use.—A municipality, county, district, or other local governmental entity may not adopt or keep in effect an ordinance or rule that finds, determines, relies on, or is based upon customary use of any portion of a beach above the mean high-water line as defined in s. 177.27, unless the ordinance or rule is expressly authorized by general law or unless a specific portion of a

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14 beach above the mean high-water line has been determined by a
15 court, before the adoption of the ordinance or rule, to be
16 accessible to the public under the doctrine of customary use. A
17 judicial determination of customary use does not affect the
18 authority of a municipality, county, district, or other local
19 governmental entity to exercise its police powers to regulate
20 activities on such lands and does not interfere with the right
21 of a property owner to make use of the property in a manner
22 consistent with the right of customary use. This section does
23 not apply to an ordinance adopted and in effect before January
24 1, 2016.

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

28 Remove lines 2-3 and insert:

29 An act relating to lands used for public purposes;
30 creating s. 163.035, F.S.; prohibiting local
31 governments from enacting or enforcing certain
32 ordinances and rules relating to the use of certain
33 beaches; providing exceptions and applicability;
34 amending s. 253.025, F.S.; providing

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