

By the Committee on Rules; and Senators Trumbull, Rouson, and Berman

595-03810-25

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A bill to be entitled
An act relating to beaches; repealing s. 163.035,
F.S., relating to the establishment of recreational
customary use of beaches; providing a legislative
declaration establishing the erosion control line for
certain counties; providing a declaration of intent;
requiring the Board of Trustees of the Internal
Improvement Trust Fund to adopt the erosion control
line by resolution in certain circumstances;
authorizing the Department of Environmental Protection
to proceed with certain beach restoration projects;
providing that such projects do not require a public
easement; providing a legislative declaration of
public interest; providing applicability; providing an
effective date.

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

Section 1. Section 163.035, Florida Statutes, is repealed.

Section 2. (1) Notwithstanding s. 161.161(5) and (6),
Florida Statutes, for the counties identified in subsection (4),
the Legislature declares the erosion control line shall be the
mean high-water line as determined by a survey conducted by the
Board of Trustees of the Internal Improvement Trust Fund. The
Legislature further declares that there is no intention on the
part of the state to deprive any upland or submerged land owner
of the legitimate and constitutional use and enjoyment of his or
her property.

(2) If an erosion control line has not been established for

595-03810-25

20251622c1

30 a critically eroded shoreline, the Board of Trustees of the
31 Internal Improvement Trust Fund must adopt the erosion control
32 line by resolution and file:

33 (a) In the official records of the respective county, a
34 copy of the resolution establishing the location of the erosion
35 control line; and

36 (b) In the book of plats of the respective county, a survey
37 showing the area of beach to be restored and the location of the
38 erosion control line.

39 (3) The Department of Environmental Protection may proceed
40 with beach restoration projects for any area designated by the
41 department as critically eroded in the Critically Eroded Beaches
42 in Florida report dated August 2024. Notwithstanding s. 161.141,
43 Florida Statutes, beach restoration projects conducted pursuant
44 to this section do not require a public easement. Any additions
45 to property seaward of the erosion control line which result
46 from the restoration project remain state sovereignty lands. The
47 Legislature declares that such projects are in the public
48 interest.

49 (4) This section applies to counties located adjacent to
50 the Gulf of America with:

51 (a) At least three municipalities; and

52 (b) An estimated population of less than 275,000, according
53 to the most recent population estimate prepared pursuant to s.
54 186.901, Florida Statutes, excluding the inmate population.

55 Section 3. This act shall take effect upon becoming a law.