

SENATE BILL SUMMARY

Prepared by the Division of Legislative Information for the Senate Bill **AS ORIGINALLY FILED**. For more detail, see Senate Bill Analyses, if available, prepared by the Senate's professional committee staff.

SB 488 Beaches/Public Access by Senator Justice

Declares that the public policy of this state is to provide free access to public beaches. Prohibits a private entity from restricting access.

Prohibits a person from obstructing beach access by fencing, barricading, or causing any other obstruction, unless such obstruction is otherwise authorized by law. Prohibits a person from using signs declaring that a public beach is private property. Provides that a violation of such prohibition is a first-degree misdemeanor and provides a penalty.

Prohibits a governmental entity from placing an obstruction upon a public beach under certain conditions. Specifies that such provisions do not prevent any agency, department, institution, subdivision, or instrumentality of the state or of the Federal Government from erecting or maintaining certain structures as an aid to navigation, protection of the shore, or for fishing, safety, or other lawful purpose. Prohibits ordinances that limit public access to a public beach, except as necessary to protect the public's health, safety, and welfare.

Authorizes owners of land within 1,500 feet of the Gulf of Mexico, the Atlantic Ocean, or the Straits of Florida to record or revoke a notice concerning the granting of permission for the public's recreational use of the land. Provides limitations on the duty or liability of an owner while such a notice is recorded. Prohibits an owner from preventing certain public uses of the land while such a notice is recorded.

Provides for the use of prima facie evidence in suits to exclude the public from accessing and using a sandy beach.

Requires each county and municipality to provide a list to the Board of Trustees of the Internal Improvement Trust Fund by January 1, 2010, of each dead-end street within its jurisdiction which may be used for accessing and using a public beach. Requires notice to the Board of Trustees of the Internal Improvement Trust Fund of the sale or closure of access to a public beach. Provides for the purchase of such access by the board. (See bill for details)