



**FLORIDA COASTAL
PROPERTY RIGHTS**

FREQUENTLY ASKED QUESTIONS

Q: WHAT IS THE IMPACT TO MY BEACHFRONT PARCEL FROM A FINDING OF CUSTOMARY USE (CU)?

A customary use finding is similar to a public easement to use the dry sandy portion of your beachfront property. It opens your private property up for public use. You will have no control over who uses your beach property and cannot ask anyone to leave.

Q: WHAT CAN I DO TO PREVENT A CU DECLARATION FROM HAPPENING?

Defend your property rights in court! Numerous land use attorneys are already representing groups of property owners, with costs split among clients. Even if you don't hire an attorney, it's crucial that you formally contest the county's attempt to impose a customary use declaration on your property. By law, the burden of proof is on the county to prove that the declaration is needed, so you should be sure to stand up for your property rights.

Q: WHAT IF I DON'T DEFEND MY PROPERTY IN COURT?

The county is seeking an action for DECLARATORY JUDGMENT to affirm that there is a recreational customary use on your parcel, which would open up your property to public use. If you don't defend your property rights, it could result in a ruling that the public has a right to use your property. You must defend yourself to protect your rights!

Q: WHY DO THE COUNTY AND PRO-CU ACTIVISTS WANT MY PARCEL?

Beachfront property is very expensive, and a lack of planning by the county left little opportunity for it to expand public beach access. The only way the county can afford to create more beach access for the public is to infringe on private property rights by issuing a customary use declaration. The county allowed unlimited development, and now it wants to force you to let existing and new inland developments use your property as their beach.

Q: WHY SHOULD I CARE?

A declaration of customary use means your beachfront property would be open for public use. That would amount to the county using an archaic legal maneuver to take control of your property – without compensating you. You would forever lose your constitutionally protected right to decide who can and cannot use your property. You would no longer have a guaranteed spot on your property for your family and your guests.

The county, rather than you, would control the dry sand portion of your property. You would own it in name only, and you'd have to continue paying taxes on it, but the value of your property would diminish because your property would be open to the public.

Q: WHAT'S THE BIG DEAL WITH A CUSTOMARY USE DECLARATION?

Over the past year, many owners have had to deal with an onslaught of tourists and locals. Sometimes these unwelcome visitors have been disrespectful, invaded the owner’s privacy, or slandered and harassed them when all they were doing was trying to enjoy their beachfront property with family and friends. Some of them have made noise late into the night, left trash on the beach, and even relieved themselves in the dunes.

Q: HOW MANY MILES OF BEACH THAT IS AVAILABLE FOR PUBLIC USE EXISTS ALREADY?

More than 14 miles of beach – over half of all beaches in Walton County – are already open to the public through neighborhood and regional beach accesses, as well as public beachfront created by the beach nourishment process that established an Erosion Control Line.

Q: HOW IS THE COUNTY DOING THIS LEGALLY?

The county is doing this by filing a lawsuit against all beachfront property owners and deeded beach owners. The process requires the county to file a court action and then notify owners of its claim of

customary use. Owners then have a right to “intervene,” or challenge, the court action by the county. This process was established in 2018 by the Florida Legislature, and applies to all counties that wish to claim customary use on portions of their beachfront property.

Q: WHY SHOULD I GET INVOLVED – WHY NOT LET THE “BIG HITTEES” WIN IT FOR ME?

Each parcel may be its own separate case – so if you don’t defend your property, the county will likely seek a declaratory judgment making your parcel open to the public. Each property owner must protect their own private property in this way. Just because your neighbor might successfully intervene to protect his or her property, that does not protect YOUR property from use by the public. You must defend yourself in order to protect your rights!

Q: WHAT DO I NEED TO DO?

Contact an attorney to learn about your legal options. For your convenience, the names and contact information for attorneys that other Walton County beachfront owners have used are below. After reaching out to an attorney, we encourage you to stay informed on email and social media.

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