

Federal Lawsuit Could Bar Public from Beaches and Recreation Areas

A federal lawsuit, filed on behalf of a beachfront homeowner, attempts to block Walton County, Florida's efforts to legally recognize customary use, or the public's long standing right to use the beaches for recreational purposes.

This lawsuit has national implications and, if successful, could deny the public's traditional right to use recreational sites throughout the United States. Walton County takes this threat very seriously. Walton County is prepared to aggressively defend customary use and is confident the public's right to continue to enjoy the beach will be upheld.

In Walton County, a customary use ordinance adopted by the Board of County Commissioners in 2017 (Ordinance 2017-10) officially recognized the public's long standing right to enjoy traditional recreational activities on the flat, sandy section of beach between the dune line and the Gulf of Mexico. However, in 2018, the Florida legislature passed Florida House Bill 631 (2018 Fla. HB 631) which, when it goes into effect on July 1, 2018, will mean Walton County's ordinance will no longer have legal standing.

Walton County officials have previously stated their intention to adopt a new ordinance under the guidelines set forth by HB 631 which, if successful, would reaffirm the public's right to continue to use the areas of flat sandy beach for traditional recreation.

However, it appears that the new federal lawsuit filed by the Tallahassee Law Firm of Hopping Green & Sams, P.A., on behalf of Walter E. Blessey, Jr. is intended to block the efforts of the commissioners and deny the public's right to recreational use of beaches.

Walton County government officials are vowing to fight the efforts to deprive the public of their long-held rights to the sandy portions of the beach. "This kind of stuff burns me up," says Walton County District 5 County Commissioner Tony Anderson. "This is about doing the right thing. It's time we stood up and took back our beaches."

Due to the far-reaching implications of a federal lawsuit, findings in this case could affect the public's rights to beaches and recreation areas not just in Florida, but throughout the United States. On June 25th at 9 am at the Walton County Courthouse Annex (31 Coastal Centre Blvd., Santa Rosa Beach), the Board of County Commissioners is expected to set a date for a public hearing as the first step toward again implementing a customary use ordinance.

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