

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 18-202 (Preserving Public Beach Access)

WHEREAS, Florida's 825 miles of beaches are consistently ranked by experts as among the best beaches in the world, and are enjoyed by residents and visitors alike; and

WHEREAS, Florida set another tourism record in 2017 by welcoming the highest number of visitors in any year in the state's history, more than 116 million, many of whom visited Florida's beaches during their time in our state; and

WHEREAS, the Florida Constitution provides that the title to beaches below the mean high water line is held by the state, by virtue of its sovereignty, in trust for all the people, and that such lands cannot be sold or dedicated to private use unless in the public interest; and

WHEREAS, an overwhelming and bipartisan majority of the 2018 Florida Legislature passed HB 631, which authorizes local governments to expand public beach access after providing public notice and petitioning a court; and

WHEREAS, HB 631 as enacted by the Florida Legislature does not privatize or close access to any public beach in Florida, but instead creates a uniform legal process for local governments seeking to expand the public's access to beaches; and

WHEREAS, because Floridians and our visitors deserve to have access to our world-class beaches, and property owners deserve to have their property rights respected, it is critical that there be no room for confusion regarding access to public beaches in Florida;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, do hereby issue the following Executive Order, to take immediate effect:

Section 1.

I hereby direct all agencies headed by an official serving at the pleasure of the Governor not to adopt any rule restricting public access to any Florida beach that has an established recreational customary use, unless the rule is necessary to ensure public safety and no less restrictive means are available.

Section 2.

I hereby direct the Secretary of the Florida Department of Environmental Protection and the Director of the Florida State Parks System to engage in all appropriate efforts to ensure that access to Florida's public beaches is not restricted so that families and visitors can continue to enjoy our world-class public beaches. In furtherance of this objective, the Secretary and Director shall:

1. Establish an online reporting tool for members of the public to report any violations of their right to public beach access; identify and allocate staff to coordinate with the public in reviewing complaints; and refer any such complaints to appropriate local authorities.
2. Submit a report to the Florida Legislature, on or before December 31, 2018, regarding comments received through the public hotline.
3. Serve as a liaison between local government entities and members of the public regarding the appropriate implementation of HB 631 by county and municipal governments.

Section 3.

I hereby urge all governmental entities not headed by an official serving at the pleasure of the Governor, including county and municipal governments, to refrain from adopting any ordinance or rule that would restrict or eliminate access to Florida's public beaches.

Section 4.

I hereby urge all State Attorneys throughout the State of Florida to take appropriate actions to ensure that the ability of the public to access Florida's public beaches in accordance with longstanding Florida law is preserved and is not infringed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 12th day of July, 2018.



GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2018 JUL 12 PM 5:28
SECRETARY OF STATE
TALLAHASSEE, FLORIDA