

DAVE RAUSHKOLB:

Customary use shouldn't require defending

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Beachgoers enjoy the sun and sand at Miramar Baeach near the Whale's Tail restaurant. [FILE PHOTO/DAILY NEWS]

By Dave Rauschkolb | Guest columnist

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This is fundamental; our beaches are *the* prime attraction in Florida. They are the principal reason most of us live here and why most people choose to vacation here with their families. This is a case where stating an obvious truth is essential. Privatizing any beach in Florida is an attack on the economic well being of beach communities and our quality of life. I believe beach access and use should be sacred and protected.

This overreaching and arbitrary legislation will allow for American citizens to be forcibly removed for trespassing from so called, "private beaches." We must all take heed because a very slippery slope has begun. Any Coastal beach town in Florida could be next.

One may ask, how do you defend customary use in the face of "private owners?" I shake my head in disbelief that this even needs defending. For me, it is like someone stating "the oxygen above my home is private and mine alone."

Since humans have walked the earth our beaches have been a shared resource used for fishing, recreation, travel, access and play. All the beaches of Florida have been uninterrupted in their human use for many centuries. This doctrine of "customary use" gives all of us reasonable access and enjoyment on our beaches. Up until a few years ago this was never in question. So now, suddenly, after hundreds of years of use, beachfront owners of Walton County and the Legislature are allowed to say no? I beg to differ, and we all should.

Frankly, I find the notion of a "private beach" a foreign concept; an oxymoron. I don't think this is an extreme view at all, and I believe most people agree. When someone purchases a beachfront home, they risk the wrath of hurricanes, but the reward is the view and a shorter walk to the beach than most of us. That's it.

Much of the problem of use and access stems from complaints of bad behavior behind people's homes. In deference to beachfront homeowners' complaints, I agree that certain unsavory activities that may occur on the beaches must be regulated. The proper enforcement of laws should be all the insurance beachfront owners need to ensure peaceable, beach activities behind their homes. Simple law and order already regulate beaches all over the world.

It is critical that the sandy areas of Florida's beaches are open for all to enjoy; our tourist-driven economy is dependent on this perception and reality. Any threat to beach use is a threat to our local and statewide economy. Perception is everything when it comes to people's decision to choose a tourist destination or a property purchase. If they know a beach is not easily accessible or usable, they will be less apt to book or purchase property. Would you? Private beaches are in direct opposition to the image and perception of Florida as both a tourist destination and a quality place to live.

Beginning July 1, some county beach access bordered by "private property" will only allow someone to walk to the water and set up a beach chair on a 10 foot strip of sand. You may walk along the water in the wet sand but you could be arrested for stopping on the wrong beach. This is wrong on so many levels. "No trespassing" signs and ropes are showing up everywhere already. A simple, conflict-free, fun day at the beach with your kids is now at risk. I think it is terrible. As a father of two young children and a business owner in South Walton County for 32 years, I take that loss of quality of life and risk to our economy very seriously.

Customary use, which is the law of the sand in Hawaii, Oregon and Texas, grants permanent public access based on ancient, peaceful, uninterrupted and reasonable use of the beach by the public. One would hope Florida could adopt a similar law. We should work together to follow these 3 other State's lead and make *all* of Florida's beaches a shared resource for all of us in perpetuity.

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