

Court Ruling May Change the Shape of Florida's Coastline

Two citizens groups recently sued the Florida Department of Environmental Protection, the Board of Trustees of the Internal Improvement Trust Fund, the City of Destin and Walton County, to halt a planned beach nourishment project in Walton County, FL. The plaintiffs claimed the project allowed the state to take significant property rights – specifically, the common law riparian right to have their property boundary extend to the mean high water line - from owners of waterfront property upland of the project without compensation. State sovereignty over state-funded artificial beach between the old and new mean high water line is a mainstay of Florida's coastal management strategy (see McGehee, David D., "[Characterization of Coastal Erosion Management by the Gulf States.](#)" 1999).

On April 28, 2006 the First District Court of Appeals agreed with the plaintiffs and remanded the case to the Department of Environmental Protection. The ruling instructed the various governmental agencies that if the project cannot be designed to avoid taking these property rights, the “unconstitutional taking of ... riparian rights” must be made through eminent domain proceedings. This ruling will effectively halt beach nourishment as a state policy in Florida until either the ruling is reversed or major revisions to DEP's rules (and funding) are implemented.

Read the DCA Ruling: CASE NO 1D05-4086.pdf ([link to file](#))