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Property Rights and the Supreme Court

[Damon W. Root](#) | September 2, 2009, 12:20pm

Tim Sandefur of the Pacific Legal Foundation has a [very good article](#) in *The National Law Journal* on the important property rights case *Stop the Beach Renourishment v. Florida Department of Environmental Protection* that the Supreme Court will be hearing this term:

The case involves a Florida statute determining the boundaries of oceanfront property. Under a 1961 law, the state drew a brand-new line separating public and private land on certain beaches, meaning that some land that would have been privately owned would belong instead to the state. A group of property owners filed suit, arguing that the law deprived them of property without just compensation, violating the state and federal constitutions.

Last December, Florida's highest court rejected their arguments. It held that, while the new boundary gave the state ownership of the beach land, the former owners actually had no such right to begin with. Despite more than a century of Florida law to the contrary, the court announced that the owners actually only had a right to "access" the ocean, and because the state promised to allow them to keep crossing the land to reach the water, it actually hadn't taken anything away when it seized the land itself.

Via the Cato Institute's Ilya Shapiro, [who reminds us](#), "Despite the dreadful decision in the *Kelo* case several years ago, the fight to maintain the fundamental right to private property continues in our courts and legislatures." Here's hoping the Supreme Court gets this one right.
