



Office of

Attorney's Matters 3/5/2024

**INDIAN RIVER COUNTY
ATTORNEY**

William K. DeBaal, County Attorney
Susan J. Prado, Deputy County Attorney
K. Keith Jackman, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr. County Administrator.

FROM: Susan J. Prado, Deputy County Attorney

DATE: February 23, 2024

SUBJECT: 22 Beach Front Customary Use Litigation Update

The Board of County Commissioners began the 22 Beach Front Customary Use Litigation in October of 2022. The litigation was brought forth at the time pursuant to the recently enacted customary use statute, Section 163.035, Florida Statutes. The case has come to its conclusion and a final order was entered on February 12, 2024, which is attached hereto along with a memorandum summarizing the case by outside counsel. This item is being brought to the attention of the Board for the purpose of informing the Board of the status of the case as well as seeking instruction on next steps.

Funding: Although not budgeted, funds for this expenditure will be paid out of General Fund/County Attorney/Legal Services, acct # 00110214-033110 through a budget amendment from General Fund/Reserve for Contingency.

Recommendation: Staff request the Board to determine which action they would like to take moving forward.

Attachments: Memorandum from outside counsel
Final Order