

## Kathleen Passidomo

---

**From:** Passidomo, Kathleen (Web) <Passidomo.Kathleen.Web@flsenate.gov>  
**Sent:** Friday, January 12, 2018 2:12 PM  
**To:** Kathleen Passidomo; Kokkinos, Rebecca; Willis, Jared  
**Subject:** FW:

From the webmail.

-----Original Message-----

**From:** mhuckabee55@mikehuckabee.com [mailto:mhuckabee55@mikehuckabee.com]  
**Sent:** Friday, January 12, 2018 11:13 AM  
**To:** Passidomo, Kathleen (Web) <Passidomo.Kathleen.Web@flsenate.gov>  
**Subject:** Environment and Natural Resources (flsenate.gov)

Preferred Response By: Email

Mike Huckabee  
Homeowner, Blue Mountain Beach, 30-A  
mhuckabee55@mikehuckabee.com  
756 Blue Mountain Road  
Santa Rosa Beach, FL 32459  
This address is in Senate District 2.  
850-622-0334

Receive updates via email: No

---

Comment or Question:

Senator, thanks for your sponsorship of the bill to protect private property rights involving the "customary use" abuse by Walton Co. I had just come back from a 18 hour trip from Qatar, but watched the cmte hearing via internet and and was stunned by the inaccurate and misleading comments by David Theriaque and Tony Anderson of Walton Co. BCC. I'm one of those beachfront owners whose title goes to mean high water line. Walton Co. taxes me on that property and I pay handsomely for it! I actually don't mind people who simply want to enjoy the beach and certainly not walk on or past. You heard Anderson say tourist numbers have increased to 3.6 MILLION. What beachfront owners object to is illegal taking of taxed and titled property without compensation or even consideration. In fact, we are demonized as "greedy, selfish, and rich" owners who want to deprive the poor of their "rights." Having grown up dirt poor in Arkansas, I never thought I would see saltwater in person, much less live on a beach. I worked hard to get here and I give generously to church, charities, and certainly to Walton County! But those pushing for the taking fail to point to the MILES of PUBLICLY owned beach property that is accessible that should be made accessible. They fail to point out that beachfront areas like mine have no parking nor restrooms. I've found used condoms on my walk-down, glass bottles broken, dog feces, litter, sharp tent pole pieces that can cut bare feet and worse. Large tents with large groups with boom boxes make using my own property very difficult during high season. I've had underage kids smoking pot and openly drinking. On regular occasions, visitors have come to my storage under my walkdown steps and taken my personal chairs and umbrellas, and almost daily use chairs and umbrellas I

have set up for my family despite "reserved" signs. Cigarette butts are a major nuisance and threaten sea life as well as pose a disgusting source of litter to my grandchildren and others. Dogs are supposed to be on leashes and picked up after and only during hrs before and after peak hrs, but that is NOT enforced. People play Frisbee on the dunes we are trying to protect to improve the beach and turtle habitat. Our sand dune fences are used to hang towels and store items that destroy the sand fences for the dunes. I want to be a good neighbor. I'm willing to share even my private property with people who will respect the land and the host. But if Walton County wants to take my ability to control my property, then they should cut my taxes, compensate me for the loss, but most of all, use the Constitutional process of going to court to show that the public is being served by the taking of someone's property. This should not be a political decision based on popularity, but a legal decision based on the Constitutional premise of private property rights, the very foundation of liberty. During my time as Governor of Arkansas, I would have been laughed out of Capitol if I suggested that government could just take property because it was good politics. That's why I'm so very grateful to you, Senator, for taking the position that our Constitution should be followed, as should common sense and common courtesy.

## Kathleen Passidomo

---

**From:** Mike Huckabee <mhuckabee55@mikehuckabee.com>  
**Sent:** Sunday, January 14, 2018 3:38 PM  
**To:** Kathleen Passidomo  
**Subject:** Re: Customary Use issue

Thank you Senator. You have accurately assessed the issue. I'm certain there will be a flood of political pressure to stop your bill because there are only 900 beachfront owners and many of them only live part time there unlike those of us who are full time residents and voters there. Walton County BCC doesn't have even one commissioner who lives in South Walton bow the bay. The county is spending my tax money to take my property and then I have to spend additional money to fight them to keep it from happening. I'm grateful for your efforts. It's not a political issue in my mind but a Constitutional one. Either private property rights mean something or they don't. I'm genuinely thankful you are fighting this battle.

Mike Huckabee

Sent from my iPhone

On Jan 14, 2018, at 2:29 PM, Kathleen Passidomo <[kpassidomo@kpac-llp.com](mailto:kpassidomo@kpac-llp.com)> wrote:

Thank you for your detailed and thoughtful email to my Senate website. This has become a contentious issue in the Senate, mainly because there is much confusion about the issue and a lack of understanding of the underlying problem. Last year, the bill created a pre-emption in the State for all matters pertaining to customary use of the beaches. I did not agree to that pre-emption for the simple reason that I believe that when dealing with a governmental taking of private property for public use, neither the state nor local government has the right to do so without a judicial determination after all interested parties have been heard. (What happened in Walton County seems to me to be the county acting as prosecutor, judge and jury....all for the county's benefit). This issue seems a pretty simple concept...just as in cases of eminent domain or prescriptive easements. If either the state or local government could "take" private property for public use simply by passing a law or an ordinance it would violate one of our most basic rights, not to mention due process. Unfortunately, the way the bill came about last year has tainted the issue in some minds....I have a tough job to do in the Senate to get past that. Stay tuned.

Kathleen C. Passidomo, Esq.  
Florida Bar Board Certified Real Estate Lawyer  
Kelly, Passidomo & Alba, LLP  
2390 North Tamiami Trail  
Suite 204  
Naples, FL 34103  
Tel: 239-261-3453  
Direct: 239-659-2843  
Fax: 239-261-5711

?lp djh3341sqjA  
Senator Kathleen Passidomo  
Florida Senate-District 28  
e-mail: [Passidomo.Kathleen@flsenate.gov](mailto:Passidomo.Kathleen@flsenate.gov)

Tallahassee Office:  
318 Senate Office Building