

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

T. Michael Glenn Trust, Bruce Healy, and Lake Partners, LLC v.
Walton County, FL, et al.

T. Michael Glenn Trust · No. Nos. 1D2024-0682, 1D2024-0720, 1D2024-0748 (consolidated) · Decided
February 18, 2026

SUMMARY

The Florida First District Court of Appeal dismissed consolidated petitions for writ of certiorari concerning a circuit court judgment recognizing recreational customary use on portions of Walton County beachfront properties. The court held that repeal of section 163.035, Florida Statutes, rendered the final judgment a nullity and left no substantial, immediate harm for the court to remedy. The petitioners’ asserted uncertainty, potential nonenforcement of trespass complaints, and title cloud were deemed abstract or hypothetical harms.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Robert Roberts; Ray; Kelsey
JURISDICTION	First District Court of Appeal of Florida
DECIDED	February 18, 2026
DOCKET	Nos. 1D2024-0682, 1D2024-0720, 1D2024-0748 (consolidated)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for writ of certiorari seeking review of a circuit court final judgment establishing recreational customary use on private beachfront property.
STANDARD OF REVIEW	Certiorari review is an extraordinary remedy requiring a showing of substantial and immediate harm flowing from the challenged order or judgment.
PRECEDENTIAL VALUE	published
PARTIES	T. Michael Glenn Trust, Bruce Healy, Lake Partners, LLC v. Walton County, FL, et al.

TOPICS

- writ of certiorari
- mootness
- appellate procedure
- statutory interpretation
- real estate

PRACTICE AREAS

appellate procedure

civil procedure

real estate

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the repeal of section 163.035 rendered the circuit court's final judgment a nullity and eliminated any legally cognizable harm for purposes of certiorari review.
2. Whether Petitioners demonstrated the substantial and immediate harm required to invoke the court's extraordinary certiorari jurisdiction.

HOLDINGS

1. The repeal of section 163.035 rendered the circuit court's final judgment a nullity, leaving no legal effect or harm for the appellate court to remedy.
2. A petition for certiorari must demonstrate substantial and immediate harm flowing from the challenged judgment; abstract or hypothetical harm is insufficient.

KEY QUOTATIONS

“With the enactment of chapter 2025-178, section 1, the final judgment has no more legal effect, leaving no harm to be remedied.” (at 2)

“They have only asserted abstract, hypothetical harm that cannot satisfy the jurisdictional harm requirement.” (at 2)

FACTUAL BACKGROUND

Walton County adopted a 2017 ordinance asserting and protecting the public's long-standing customary recreational use of dry-sand areas on county beaches. In 2018, the Legislature enacted section 163.035, Florida Statutes, establishing a procedure for governmental entities seeking to establish recreational customary use on private property, and the County filed a circuit court action under that statute. The circuit court ultimately entered judgment recognizing limited public customary use on the dry-sand beach above the mean high-water line affecting parcels owned by Petitioners. The Legislature repealed section 163.035 while the certiorari proceeding was pending.

PROCEDURAL HISTORY

Walton County initiated a proceeding in circuit court under section 163.035 and chapter 86, Florida Statutes, after adopting an ordinance concerning customary recreational use of dry-sand beaches. After intervening parties' claims were dismissed or settled, the circuit court granted nine motions for summary judgment and entered a February 2024 final judgment declaring the existence of customary use on the remaining parcels. Petitioners timely sought review; the First District treated the filing, initially styled as a direct appeal, as a petition for writ of certiorari. While review was pending, the Legislature repealed section 163.035, and the parties conceded that the final judgment became a nullity.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Arnold v. Revels, 109 So. 2d 1, 3 (Fla. 1959)
- Swift Response, LLC v. Routt, 401 So. 3d 640, 642-643 (Fla. 1st DCA 2025)

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