

Riparian Rights: Florida Appellate Court Addresses Scope of Right to a View



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The District Court of Appeals of Florida (“Court”) addressed an issue involving riparian rights.

The issue considered was an Aventura landowner’s claim that his neighbor’s dock construction plans would infringe upon his riparian right to a direct, unobstructed view of the water bordering his property. *See Kessler v. Ayzen*, 2026 WL 1883086, (July 1, 2026).

The landowner, Kessler, claimed that a boat lift attached to the Ayzens’ dock would obstruct his view of the water at the periphery.

Two Aventura neighbors own properties in Miami-Dade county that border the Intercoastal Waterway. The Intercoastal Waterway is a navigable body of water. The government holds in trust title to the land underneath the water for the public. Because the land is held in trust, the public retains its rights of navigation, commerce, fishing, and bathing, among other rights.

Both neighbors hold those rights as members of the public. Further, they also hold certain special rights that are incidental to their ownership of upland property bordering the body of water. The special rights that the Court considered were ingress, egress, and view.

The question initially addressed was which neighbor’s right prevails over the other’s—the Ayzens’ right to build a dock (for ingress/egress purposes) or Kessler’s right to view the body of water bordering his property.

The Court answered that Kessler’s riparian rights did not include a right to view the area of water that the Ayzen’s dock would obscure. It centered its analysis on a century of precedent in finding that the dock and boat lift would not obstruct Kessler’s direct view, but rather his peripheral view.

The Court arguably directly concludes that there is no riparian right to a peripheral view. Therefore, there was no reason to answer the question “which riparian right prevails over the other?” By those metrics, Kessler did not have a riparian right to exercise himself or a right for the Ayzens to infringe upon.

A copy of the Opinion can be found [here](#).