

1 A bill to be entitled

2 An act relating to beach safety; amending s. 380.276,  
3 F.S.; revising the provisions for the placement of uniform  
4 warning and safety flags at public beaches; prohibiting  
5 the display of flags not specifically developed by the  
6 Department of Environmental Protection; revising liability  
7 provisions; authorizing the department to develop and  
8 distribute information and materials related to beach  
9 safety; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 380.276, Florida Statutes, is amended  
14 to read:

15 380.276 Beaches and coastal areas; display of uniform  
16 warning and safety flags at ~~on~~ public beaches; placement of  
17 uniform notification signs; beach safety education.--

18 (1) It is the intent of the Legislature that a cooperative  
19 effort among state agencies and local governments be undertaken  
20 to plan for and assist in the display of uniform warning and  
21 safety flags, and the placement of uniform notification signs  
22 that provide the meaning of such warning and safety flags, at ~~on~~  
23 ~~the~~ public beaches along the coast of the state. Because the  
24 varying natural conditions of Florida's public beaches and  
25 coastal areas pose significant risks to the safety of tourists  
26 and the general public, it is important to inform the public of  
27 the need to exercise caution.

28           (2) The Department of Environmental Protection, through  
 29 the Florida Coastal Management Program, shall direct and  
 30 coordinate the uniform warning and safety flag program. The  
 31 purpose of the program shall be to encourage the display of  
 32 uniform warning and safety flags at ~~all~~ public beaches along the  
 33 coast of the state ~~at which warning and safety flags are~~  
 34 ~~displayed and lifeguards are on duty,~~ and to encourage the  
 35 placement of uniform notification signs that provide the meaning  
 36 of such flags. Only warning and safety flags developed by the  
 37 department shall be displayed. Participation in the program  
 38 shall be open to any government having jurisdiction over a  
 39 public beach along the coast, whether or not the beach has  
 40 lifeguards.

41           (3) The Department of Environmental Protection shall  
 42 develop a program for the display of uniform warning and safety  
 43 flags at ~~all~~ public beaches along the coast of the state ~~at~~  
 44 ~~which warning and safety flags are displayed and lifeguards are~~  
 45 ~~on duty,~~ and for the placement of uniform notification signs  
 46 that provide the meaning of the flags displayed. Such a program  
 47 shall provide:

48           (a) For posted notification of the meaning of each of the  
 49 warning and safety flags at all designated public access points.

50           (b) That uniform notification signs be posted in a  
 51 conspicuous location and be clearly legible.

52           (c) A standard size, shape, color, and definition for each  
 53 warning and safety flag.

54           ~~(d) That flags incorporate a numerical designation to~~  
 55 ~~accommodate persons who are colorblind.~~

56 ~~(e) That flags not specifically defined by the department~~  
 57 ~~must be identified by the entity displaying the flags in the~~  
 58 ~~posted notification.~~

59 ~~(f) Guidelines for the periodic replacement of flags.~~

60 (4) The Department of Environmental Protection is  
 61 authorized, within the limits of appropriations or grants  
 62 available to it for such purposes, to establish and operate a  
 63 program to encourage the display of uniform warning and safety  
 64 flags at ~~on all~~ public beaches along the coast of the state and  
 65 to encourage the placement of uniform notification signs that  
 66 provide the meaning of the flags displayed. The department shall  
 67 coordinate the implementation of the uniform warning and safety  
 68 flag program with local governing bodies and the Florida Beach  
 69 Patrol Chiefs Association.

70 (5) The Department of Environmental Protection may adopt  
 71 rules pursuant to ss. 120.536(1) and 120.54 necessary to  
 72 administer this section.

73 (6) Due to the inherent danger of constantly changing surf  
 74 and other naturally occurring conditions along Florida's coast,  
 75 the state, state agencies, local and regional government  
 76 entities or authorities, and their individual employees and  
 77 agents, shall governments, and local government agencies may not  
 78 be held liable for any injury or loss of life caused by changing  
 79 surf and other naturally occurring conditions along coastal  
 80 areas, whether or not uniform warning and safety flags or  
 81 notification signs developed by the department are displayed or  
 82 posted ~~the reasonable placement or location of uniform warning~~  
 83 ~~and safety flags or reasonably posted uniform notification signs~~

HB 1395, Engrossed 1

2005

84 ~~or the failure to install uniform warning and safety flags or~~  
85 ~~posted uniform notification signs as provided by this section.~~

86 (7) The Department of Environmental Protection, through  
87 the Florida Coastal Management Program, may also develop and  
88 make available to the public other educational information and  
89 materials related to beach safety.

90 Section 2. This act shall take effect July 1, 2005.