Florida Senate - 2005

By Senator Clary

4-494-05

1	A bill to be entitled
2	An act relating to beach and coastal area
3	safety; amending s. 380.276, F.S.; allowing the
4	display of only certain warning and safety
5	flags on public beaches; clarifying the
6	authority of the Department of Environmental
7	Protection over the uniform warning and safety
8	flag program; authorizing participation in the
9	program by any government having jurisdiction
10	over a public beach; removing provisions
11	setting certain flag design or replacement
12	specifications; authorizing the department to
13	use grants to establish or operate the program;
14	clarifying the limitation on liability of
15	governmental entities, or their agents or
16	employees, for injury or loss caused by posting
17	signs; authorizing the department to develop
18	and publicize beach safety information;
19	providing an effective date.
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21	Be It Enacted by the Legislature of the State of Florida:
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23	Section 1. Section 380.276, Florida Statutes, is
24	amended to read:
25	380.276 Beaches and coastal areas; display of uniform
26	warning and safety flags <u>at</u> on public beaches; placement of
27	uniform notification signs; beach safety education
28	(1) It is the intent of the Legislature that a
29	cooperative effort among state agencies and local governments
30	be undertaken to plan for and assist in the display of uniform
31	warning and safety flags, and the placement of uniform
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notification signs that provide the meaning of such warning and safety flags, <u>at</u> on the public beaches along the coast of the state. Because the varying natural conditions of Florida's public beaches and coastal areas pose significant risks to the safety of tourists and the general public, it is important to inform the public of the need to exercise caution.

(2) The Department of Environmental Protection, 8 through the Florida Coastal Management Program, shall <u>develop</u>, 9 10 direct, and coordinate the uniform warning and safety flag 11 program. The purpose of the program is shall be to encourage 12 the display of uniform warning and safety flags at all public 13 beaches along the coast of the state at which warning and safety flags are displayed and lifeguards are on duty, and to 14 encourage the placement of uniform notification signs that 15 provide the meaning of such flags. Only warning and safety 16 17 flags that meet the specifications stated in, or developed by 18 the department pursuant to, this section may be so displayed. Participation in the program shall be open to any government 19 having jurisdiction over a public beach, whether or not the 2.0 21 beach is overseen by a lifequard. 22 (3) The uniform warning and safety flag Department of 23 Environmental Protection shall develop a program for the 2.4 display of uniform warning and safety flags at all public 25 beaches along the coast of the state at which warning and 26 safety flags are displayed and lifeguards are on duty, and for 27 the placement of uniform notification signs that provide the 2.8 meaning of the flags displayed. Such a program shall provide: 29 (a) For posted notification of the meaning of each of 30 the warning and safety flags at all designated public access 31 points.

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Florida Senate - 2005 4-494-05 SB 2426

1 (b) That uniform notification signs be posted in a 2 conspicuous location and be clearly legible. 3 (c) A standard size, shape, color, and definition for 4 each warning and safety flag. 5 (d) That flags incorporate a numerical designation to б accommodate persons who are colorblind. 7 (e) That flags not specifically defined by the 8 department must be identified by the entity displaying the 9 flags in the posted notification. 10 (f) Guidelines for the periodic replacement of flags. The Department of Environmental Protection may is 11 (4) 12 authorized, within the limits of appropriations or grants 13 available to it for such purposes, to establish and operate the uniform warning and safety flag program a program to 14 encourage the display of uniform warning and safety flags on 15 all public beaches along the coast of the state and to 16 17 encourage the placement of uniform notification signs that provide the meaning of the flags displayed. The department 18 shall coordinate the implementation of the uniform warning and 19 20 safety flag program with local governing bodies and the 21 Florida Beach Patrol Chiefs Association. 22 (5) The Department of Environmental Protection may 23 adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to administer this section. 2.4 25 (6) Due to the inherent danger of constantly changing surf conditions along the coast of this state, The state, 26 27 state agencies, local governments, and local, or regional 28 governmental entities or authorities, and their individual employees or agents who are acting within the scope of their 29 employment or authority, government agencies may not be held 30 liable for any injury or loss of life caused by changing surf 31

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Florida Senate - 2005 4-494-05

31

1 conditions along coastal areas where the reasonable placement 2 or location of uniform warning and safety flags or reasonably 3 posted uniform notification signs and or the failure to 4 install uniform warning and safety flags or posted uniform 5 notification signs that meet the specifications stated in, or 6 developed by the department pursuant to, this section are 7 posted as provided by this section. 8 (7) The Department of Environmental Protection, through the Florida Coastal Management Program, may develop 9 10 and make available to the public other educational information and materials related to beach safety. 11 12 Section 2. This act shall take effect upon becoming a 13 law. 14 15 16 SENATE SUMMARY 17 Allows display of only certain warning and safety flags on public beaches. Clarifies the authority of the 18 Department of Environmental Protection over the uniform warning and safety flag program. Authorizes 19 participation in the program by any government having jurisdiction over a public beach. Authorizes the use of grants to establish or operate the program. Clarifies 20 the limitation on liability of governmental entities or their agents or employees for loss or injury caused by 21 posted signs. Authorizes the department to develop and 22 publicize beach safety information. 23 2.4 25 26 27 28 29 30

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