

By the Committee on Environmental Preservation; and Senator Clary

592-1990-05

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

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 380.276, Florida Statutes, is
16 amended to read:

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

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

30 (2) The Department of Environmental Protection,
31 through the Florida Coastal Management Program, shall direct

1 and coordinate the uniform warning and safety flag program.
2 The purpose of the program shall be to encourage the display
3 of uniform warning and safety flags at ~~all~~ public beaches
4 along the coast of the state ~~at which warning and safety flags~~
5 ~~are displayed and lifeguards are on duty,~~ and to encourage the
6 placement of uniform notification signs that provide the
7 meaning of such flags. Only warning and safety flags developed
8 by the department shall be displayed. Participation in the
9 program shall be open to any government having jurisdiction
10 over a public beach along the coast, whether or not the beach
11 has lifeguards.

12 (3) The Department of Environmental Protection shall
13 develop a program for the display of uniform warning and
14 safety flags at ~~all~~ public beaches along the coast of the
15 state ~~at which warning and safety flags are displayed and~~
16 ~~lifeguards are on duty,~~ and for the placement of uniform
17 notification signs that provide the meaning of the flags
18 displayed. Such a program shall provide:

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

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

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

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

28 ~~(e) That flags not specifically defined by the~~
29 ~~department must be identified by the entity displaying the~~
30 ~~flags in the posted notification.~~

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

1 (4) The Department of Environmental Protection is
2 authorized, within the limits of appropriations or grants
3 available to it for such purposes, to establish and operate a
4 program to encourage the display of uniform warning and safety
5 flags at ~~on all~~ public beaches along the coast of the state
6 and to encourage the placement of uniform notification signs
7 that provide the meaning of the flags displayed. The
8 department shall coordinate the implementation of the uniform
9 warning and safety flag program with local governing bodies
10 and the Florida Beach Patrol Chiefs Association.

11 (5) The Department of Environmental Protection may
12 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
13 administer this section.

14 (6) Due to the inherent danger of constantly changing
15 surf conditions along Florida's coast, the state, state
16 agencies, local and regional government entities or
17 authorities, and their individual employees and agents
18 ~~governments, and local government agencies~~ may not be held
19 liable for any injury or loss of life caused by changing surf
20 conditions along the coastal areas, whether or not uniform
21 warning and safety flags or notification signs developed by
22 the department are displayed or posted ~~the reasonable~~
23 ~~placement or location of uniform warning and safety flags or~~
24 ~~reasonably posted uniform notification signs or the failure to~~
25 ~~install uniform warning and safety flags or posted uniform~~
26 ~~notification signs as provided by this section.~~

27 (7) The Department of Environmental Protection,
28 through the Florida Coastal Management Program, may also
29 develop and make available to the public other educational
30 information and materials related to beach safety.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2426

The committee substitute makes a number of style and technical changes to conform to CS/HB 1395.