

ENROLLED

HB 1395, Engrossed 1

2005 Legislature

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.

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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.~~

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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~~

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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.