

House Bill No. 1395

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

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

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

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

(1) It is the intent of the Legislature that a cooperative effort among state agencies and local governments be undertaken to plan for and assist in the display of uniform warning and safety flags, and the placement of uniform notification signs that provide the meaning of such warning and safety flags, ~~at~~ 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, through the Florida Coastal Management Program, shall direct and coordinate the uniform warning and safety flag program. The purpose of the program shall be to encourage the display of uniform warning and safety flags at ~~all~~ public beaches along the coast of the state ~~at which warning and safety flags are displayed and lifeguards are on duty~~, and to encourage the placement of uniform notification signs that provide the meaning of such flags. Only warning and safety flags developed by the department shall be displayed. Participation in the program shall be open to any government having jurisdiction over a public beach along the coast, whether or not the beach has lifeguards.

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.