

By Senator Bullard

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1 A bill to be entitled
 2 An act relating to beach safety; amending s. 380.276,
 3 F.S.; expanding the beach safety program administered
 4 by the Department of Environmental Protection to apply
 5 to certain private beaches; providing an effective
 6 date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 380.276, Florida Statutes, is amended to
 11 read:

12 380.276 Beaches and coastal areas; display of uniform
 13 warning and safety flags at public beaches; placement of uniform
 14 notification signs; beach safety education.—

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

25 (2) As used in this section, the term "beach" means any
 26 public beach and any private beach that is owned, leased, or
 27 managed by a motel, hotel, tourist or trailer camp, apartment
 28 unit, condominium, or cooperative for the use of its guests,
 29 tenants, or owners. The term does not include a privately owned

39-00247-09

2009144__

30 upland beach area occupied by a single-family dwelling.

31 (3)-(2) The Department of Environmental Protection, through
32 the Florida Coastal Management Program, shall direct and
33 coordinate the uniform warning and safety flag program. The
34 purpose of the program shall be to encourage the display of
35 uniform warning and safety flags at ~~public~~ beaches used by the
36 public along the coast of the state and to encourage the
37 placement of uniform notification signs that provide the meaning
38 of such flags. Only warning and safety flags developed by the
39 department shall be displayed. Participation in the program
40 shall be open to any government having a sandy beach within its
41 ~~jurisdiction over a public beach along the coast~~, whether or not
42 the beach has lifeguards.

43 (4)-(3) The Department of Environmental Protection shall
44 develop a program for the display of uniform warning and safety
45 flags at ~~public~~ beaches along the coast of the state and for the
46 placement of uniform notification signs that provide the meaning
47 of the flags displayed. Such a program shall provide:

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

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

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

55 (5)-(4) The Department of Environmental Protection may ~~is~~
56 ~~authorized~~, within the limits of appropriations or grants
57 available to it for such purposes, ~~to~~ establish and operate a
58 program to encourage the display of uniform warning and safety

39-00247-09

2009144__

59 flags at ~~public~~ beaches along the coast of the state and to
60 encourage the placement of uniform notification signs that
61 provide the meaning of the flags displayed. The department shall
62 coordinate the implementation of the uniform warning and safety
63 flag program with local governing bodies and the Florida Beach
64 Patrol Chiefs Association.

65 (6)~~(5)~~ The Department of Environmental Protection may adopt
66 rules pursuant to ss. 120.536(1) and 120.54 necessary to
67 administer this section.

68 (7)~~(6)~~ Due to the inherent danger of constantly changing
69 surf and other naturally occurring conditions along Florida's
70 coast, the state, state agencies, local and regional government
71 entities or authorities, and their individual employees and
72 agents, are ~~shall~~ not be held liable for any injury or loss of
73 life caused by changing surf and other naturally occurring
74 conditions along coastal areas, whether or not uniform warning
75 and safety flags or notification signs developed by the
76 department are displayed or posted.

77 (8)~~(7)~~ The Department of Environmental Protection, through
78 the Florida Coastal Management Program, may also develop and
79 make available to the public other educational information and
80 materials related to beach safety.

81 Section 2. This act shall take effect July 1, 2009.