

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Clary

316-2091-02

1                                   A bill to be entitled  
2           An act relating to placement of uniform warning  
3           and safety flags on public beaches; creating s.  
4           380.276, F.S.; providing for a cooperative  
5           effort among state agencies and local  
6           governments to plan for and assist in the  
7           display of uniform warning and safety flags and  
8           the placement of specified uniform notification  
9           signs; providing that the Department of  
10          Community Affairs shall direct and coordinate a  
11          program for the display and placement of such  
12          flags and signs; providing for the development  
13          of the program; providing program components  
14          and requirements; authorizing the department to  
15          coordinate the implementation of the program  
16          with specified entities; providing for rules;  
17          limiting the liability of participating  
18          governmental entities; providing an effective  
19          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 created to read:

25           380.276 Beaches and coastal areas; display of uniform  
26 warning and safety flags on public beaches; placement of  
27 uniform notification signs.--

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

1 notification signs that provide the meaning of such warning  
2 and safety flags, on the public beaches along the coast of the  
3 state. Because the varying natural conditions of Florida's  
4 public beaches and coastal areas pose significant risks to the  
5 safety of tourists and the general public, it is important to  
6 inform the public of the need to exercise caution.

7 (2) The Department of Community Affairs, through the  
8 Florida Coastal Management Program, shall direct and  
9 coordinate the uniform warning and safety flag program. The  
10 purpose of the program shall be to encourage the display of  
11 uniform warning and safety flags at all public beaches along  
12 the coast of the state at which warning and safety flags are  
13 displayed and lifeguards are on duty, and to encourage the  
14 placement of uniform notification signs that provide the  
15 meaning of such flags.

16 (3) The Department of Community Affairs shall develop  
17 a program for the display of uniform warning and safety flags  
18 at all public beaches along the coast of the state at which  
19 warning and safety flags are displayed and lifeguards are on  
20 duty, and for the placement of uniform notification signs that  
21 provide the meaning of the flags displayed. Such a program  
22 shall provide:

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

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

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

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

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

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

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

15           (5) The Department of Community Affairs may adopt  
16 rules pursuant to ss. 120.536(1) and 120.54 necessary to  
17 administer this section.

18           (6) The state, state agencies, local governments, and  
19 local government agencies may not be held liable for any  
20 injury caused by the reasonable placement or location of  
21 uniform warning and safety flags or reasonably posted uniform  
22 notification signs or the failure to install uniform warning  
23 and safety flags or posted uniform notification signs as  
24 provided by this section.

25           Section 2. This act shall take effect July 1, 2002.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1472

Charges the Department of Community Affairs, through the Florida Coastal Management Program, rather than the Department of Health, with the responsibility of developing a program for the display of uniform warning flags and explanatory signs at coastal beaches at which flags are displayed and lifeguards are on duty.

Provides that state and local governments cannot be held liable for injuries caused by the reasonable placement or location of safety and warning flags or notification signs.