

CHAMBER ACTION

1 The Environmental Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

14
15 Be It Enacted by the Legislature of the State of Florida:

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

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

22 (1) It is the intent of the Legislature that a cooperative
23 effort among state agencies and local governments be undertaken

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24 | to plan for and assist in the display of uniform warning and
25 | safety flags, and the placement of uniform notification signs
26 | that provide the meaning of such warning and safety flags, at ~~on~~
27 | ~~the~~ public beaches along the coast of the state. Because the
28 | varying natural conditions of Florida's public beaches and
29 | coastal areas pose significant risks to the safety of tourists
30 | and the general public, it is important to inform the public of
31 | the need to exercise caution.

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

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

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

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

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

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

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

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

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

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

77 (6) Due to the inherent danger of constantly changing surf
78 conditions along Florida's coast, the state, state agencies,
79 local and regional government entities or authorities, and their

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80 individual employees and agents ~~governments, and local~~
 81 ~~government agencies~~ may not be held liable for any injury or
 82 loss of life caused by changing surf conditions along the
 83 coastal areas, whether or not uniform warning and safety flags
 84 or notification signs developed by the department are displayed
 85 or posted ~~the reasonable placement or location of uniform~~
 86 ~~warning and safety flags or reasonably posted uniform~~
 87 ~~notification signs or the failure to install uniform warning and~~
 88 ~~safety flags or posted uniform notification signs as provided by~~
 89 ~~this section.~~

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

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