



252812

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/24/2009	.	
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The Committee on Environmental Preservation and Conservation  
(Rich) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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 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



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12 to plan for and assist in the display of uniform warning and  
13 safety flags, and the placement of uniform notification signs  
14 that provide the meaning of such warning and safety flags, at  
15 ~~public~~ beaches along the coast of the state. Because the varying  
16 natural conditions of Florida's ~~public~~ beaches and coastal areas  
17 pose significant risks to the safety of tourists and the general  
18 public, it is important to inform the public of the need to  
19 exercise caution.

20 (2) As used in this section, the term "beach" means any  
21 sandy shoreline fronting on the Atlantic Ocean, the Gulf of  
22 Mexico, or Straits of Florida that is laterally transversed or  
23 customarily used by the public.

24 (3)~~(2)~~ The Department of Environmental Protection, through  
25 the Florida Coastal Management Program, shall direct and  
26 coordinate the uniform warning and safety flag program. The  
27 purpose of the program shall be to encourage the display of  
28 uniform warning and safety flags at ~~public~~ beaches along the  
29 coast of the state and to encourage the placement of uniform  
30 notification signs that provide the meaning of such flags. Only  
31 warning and safety flags developed by the department shall be  
32 displayed. Participation in the program is strongly encouraged  
33 by all governments having a beach as defined in subsection (2),  
34 to display, at a minimum, the uniform notification signs that  
35 provide the meaning of such warnings and safety flags. It should  
36 be the department's goal to have 100 percent of beaches  
37 participate in the Florida Coastal Management Program and  
38 display the uniform notification signs that provide the meaning  
39 of such warnings and the accompanying flags. Participation in  
40 the program shall be open to any entity having jurisdiction over



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41 a beach as defined in subsection(2), whether or not they have  
42 lifeguards shall be open to any government having jurisdiction  
43 over a public beach along the coast, whether or not the beach  
44 has lifeguards.

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

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

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

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

57 (5)(4) The Department of Environmental Protection may is  
58 authorized, within the limits of appropriations or grants  
59 available to it for such purposes, ~~to~~ establish and operate a  
60 program to encourage the display of uniform warning and safety  
61 flags at ~~public~~ beaches along the coast of the state and to  
62 encourage the placement of uniform notification signs that  
63 provide the meaning of the flags displayed. The department shall  
64 coordinate the implementation of the uniform warning and safety  
65 flag program with local governing bodies and the Florida Beach  
66 Patrol Chiefs Association. In awarding funds the department  
67 shall first fund all requests from local governments. If funds  
68 remain the department shall fund these on a first-come, first  
69 served basis.



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

82           (8)~~(7)~~ The Department of Environmental Protection, through  
83 the Florida Coastal Management Program, may also develop and  
84 make available to the public other educational information and  
85 materials related to beach safety.

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

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89 ===== T I T L E   A M E N D M E N T =====

90 And the title is amended as follows:

91           Delete everything before the enacting clause  
92 and insert:

93           A bill to be entitled

94           An act relating to beach safety; amending s. 380.276, F.S.;  
95 expanding the beach safety program administered by the  
96 Department of Environmental Protection to apply to all beaches;  
97 providing an effective date.