The State Resources Council recommends the following:

**Council/Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

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 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 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.