

By the Committees on Governmental Oversight and Productivity;  
Environmental Preservation; and Senator Clary

585-2193-05

1                                   A bill to be entitled  
2           An act relating to beach safety; amending s.  
3           380.276, F.S.; revising the provisions for the  
4           placement of uniform warning and safety flags  
5           at public beaches; prohibiting the display of  
6           flags not specifically developed by the  
7           Department of Environmental Protection;  
8           revising liability provisions; authorizing the  
9           department to develop and distribute  
10          information and materials related to beach  
11          safety; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Section 380.276, Florida Statutes, is  
16 amended to read:

17           380.276 Beaches and coastal areas; display of uniform  
18 warning and safety flags at ~~on~~ public beaches; placement of  
19 uniform notification signs; beach safety education.--

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

30           (2) The Department of Environmental Protection,  
31 through the Florida Coastal Management Program, shall direct

1 and coordinate the uniform warning and safety flag program.  
2 The purpose of the program shall be to encourage the display  
3 of uniform warning and safety flags at ~~all~~ public beaches  
4 along the coast of the state ~~at which warning and safety flags~~  
5 ~~are displayed and lifeguards are on duty,~~ and to encourage the  
6 placement of uniform notification signs that provide the  
7 meaning of such flags. Only warning and safety flags developed  
8 by the department shall be displayed. Participation in the  
9 program shall be open to any government having jurisdiction  
10 over a public beach along the coast, whether or not the beach  
11 has lifeguards.

12 (3) The Department of Environmental Protection shall  
13 develop a program for the display of uniform warning and  
14 safety flags at ~~all~~ public beaches along the coast of the  
15 state ~~at which warning and safety flags are displayed and~~  
16 ~~lifeguards are on duty,~~ and for the placement of uniform  
17 notification signs that provide the meaning of the flags  
18 displayed. Such a program shall provide:

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

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

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

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

28 ~~(e) That flags not specifically defined by the~~  
29 ~~department must be identified by the entity displaying the~~  
30 ~~flags in the posted notification.~~

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

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

11           (5) The Department of Environmental Protection may  
12 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
13 administer this section.

14           (6) Due to the inherent danger of constantly changing  
15 surf and other naturally occurring conditions along Florida's  
16 coast, the state, state agencies, local and regional  
17 government entities or authorities, and their individual  
18 employees and agents shall ~~governments, and local government~~  
19 ~~agencies may~~ not be held liable for any injury or loss of life  
20 caused by changing surf and other naturally occurring  
21 conditions along the coastal areas, whether or not uniform  
22 warning and safety flags or notification signs developed by  
23 the department are displayed or posted ~~the reasonable~~  
24 ~~placement or location of uniform warning and safety flags or~~  
25 ~~reasonably posted uniform notification signs or the failure to~~  
26 ~~install uniform warning and safety flags or posted uniform~~  
27 ~~notification signs as provided by this section.~~

28           (7) The Department of Environmental Protection,  
29 through the Florida Coastal Management Program, may also  
30 develop and make available to the public other educational  
31 information and materials related to beach safety.

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

3                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
4                   COMMITTEE SUBSTITUTE FOR  
5                   CS for Senate Bill 2426

6 Provides that governmental entities shall not be held liable  
7 for injury or loss of life caused by naturally occurring  
8 conditions, whether or not uniform warning and safety flags  
9 are displayed.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31