

**By** the Committee on Environment and Natural Resources; and  
Senator Mayfield

592-03060-20

2020826c1

1 A bill to be entitled

2 An act relating to marina evacuations; amending s.  
3 327.59, F.S.; prohibiting vessels under a specified  
4 weight from remaining in certain marinas that have  
5 been deemed unsuitable for refuge during a hurricane  
6 after the issuance of a hurricane watch; requiring a  
7 marina owner, operator, employee, or agent to remove  
8 specified vessels under certain circumstances;  
9 providing that such owner, operator, employee, or  
10 agent may charge the vessel owner a reasonable fee for  
11 such removal and may not be held liable for any  
12 damages as a result of such removal; providing  
13 construction; authorizing certain penalty fees;  
14 providing an effective date.

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

17  
18 Section 1. Subsection (1) of section 327.59, Florida  
19 Statutes, is amended, and subsection (5) is added to that  
20 section, to read:

21 327.59 Marina evacuations.—

22 (1) Except as provided in this section ~~After June 1, 1994,~~  
23 marinas may not adopt, maintain, or enforce policies pertaining  
24 to evacuation of vessels which require vessels to be removed  
25 from marinas following the issuance of a hurricane watch or  
26 warning, in order to ensure that protecting the lives and safety  
27 of vessel owners is placed before interests of protecting  
28 property.

29 (5) Upon the issuance of a hurricane watch affecting the

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30 waters of marinas located in a deepwater seaport, vessels under  
31 500 gross tons may not remain in the waters of such marinas that  
32 have been deemed not suitable for refuge during a hurricane.  
33 Vessel owners shall promptly remove their vessels from the  
34 waterways upon issuance of an evacuation order by the deepwater  
35 seaport. If the United States Coast Guard captain of the port  
36 sets the port condition to "Yankee" and a vessel owner has  
37 failed to remove a vessel from the waterway, the marina owner,  
38 operator, employee, or agent, regardless of any existing  
39 contractual provisions between the marina owner and the vessel  
40 owner, shall remove the vessel, or cause the vessel to be  
41 removed, if reasonable, from its slip and may charge the vessel  
42 owner a reasonable fee for any such services rendered. A marina  
43 owner, operator, employee, or agent may not be held liable for  
44 any damage incurred to a vessel from a hurricane and is held  
45 harmless as a result of such actions to remove the vessel from  
46 the waterways. Nothing in this section may be construed to  
47 provide immunity to a marina owner, operator, employee, or agent  
48 for any damage caused by intentional acts or negligence when  
49 removing a vessel pursuant to this section. After the hurricane  
50 watch has been issued, the owner or operator of any vessel that  
51 has not been removed from the waterway of the marina, pursuant  
52 to an order from the deepwater seaport, may be subject to the  
53 penalties under s. 313.22(3).

54 Section 2. This act shall take effect July 1, 2020.