

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Needelman offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 17 and 18, insert:

5 Section 1. Section 327.59, Florida Statutes, is amended to
6 read:

7 327.59 Marina evacuations.--

8 (1) After June 1, 1994, marinas may not adopt, maintain,
9 or enforce policies pertaining to evacuation of vessels which
10 require vessels to be removed from marinas following the
11 issuance of a hurricane watch or warning, in order to ensure
12 that protecting the lives and safety of vessel owners is placed
13 before interests of protecting property.

14 (2) Nothing in this section may be construed to restrict
15 the ability of an owner of a vessel or the owner's authorized

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16 representative to remove a vessel voluntarily from a marina at
17 any time or to restrict a marina owner from dictating the kind
18 of cleats, ropes, fenders, and other measures that must be used
19 on vessels as a condition of use of a marina. After a tropical
20 storm or hurricane watch has been issued, a marina owner,
21 operator, employee, or agent may take actions to further secure
22 any vessel within the marina to minimize damage to a vessel, the
23 marina property, and the environment. The marina owner,
24 operator, employee, or agent may charge reasonable fees for
25 further securing of a vessel, shall not be held liable for any
26 damage incurred to a vessel from such storms or hurricanes, and
27 is held harmless as a result of such actions.

28 (3) Notwithstanding any other provisions of this section,
29 in order to protect marina property, a marina owner may provide
30 by contract that in the event a vessel owner fails to promptly
31 remove a vessel from a marina after a hurricane watch or warning
32 has been issued, the marina owner, operator, employee, or agent
33 may remove the vessel from its slip or take whatever actions
34 deemed necessary in order to properly secure the vessel and may
35 charge the vessel owner a reasonable fee for any such services
36 rendered. A marina seeking to add such a provision to a contract
37 must provide notice to the vessel owner in any such contract in
38 a font size of at least 10 points. The notice shall be in
39 substantially the following form:

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41 NOTICE TO VESSEL OWNER

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42 The undersigned hereby informs you that in the event you
43 fail to remove your vessel from the marina promptly after
44 a hurricane watch or warning has been issued for (insert
45 geographic area), Florida, under Florida law, the
46 undersigned or his or her employees or agents are
47 authorized to remove your vessel from its slip and take
48 any and all other actions deemed appropriate by the
49 undersigned or his or her employees or agents in order to
50 secure your vessel and protect the marina property. You
51 are further notified that you may be charged a reasonable
52 fee for any such action.

53
54 ===== T I T L E A M E N D M E N T =====

55 Remove line 6 and insert:
56 An act relating to vessels; amending s. 327.59, F.S.;
57 authorizing marina owners, operators, employees, and
58 agents to take actions to secure vessels during severe
59 weather and to charge fees and be held harmless for such
60 service; authorizing contract provisions and notice
61 relating to removing or securing vessels; amending