

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Transportation & Tourism
2 Appropriations Subcommittee

3 Representative Andrade offered the following:

4
5 **Amendment (with directory amendment)**

6 Remove lines 220-244 and insert:

7 (2) Nothing in this section may be construed to restrict
8 the ability of an owner of a vessel or the owner's authorized
9 representative to remove a vessel voluntarily from a marina at
10 any time or to restrict a marina owner from dictating the kind
11 of cleats, ropes, fenders, and other measures that must be used
12 on vessels as a condition of use of a marina. Except as provided
13 in subsection (5), after~~After~~ a tropical storm or hurricane
14 watch has been issued, a marina owner or operator, or an
15 employee or agent of such owner or operator, may take reasonable
16 actions to further secure any vessel within the marina to

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17 minimize damage to a vessel and to protect marina property,
18 private property, and the environment and may charge a
19 reasonable fee for such services.

20 (5) Upon the issuance of a hurricane watch affecting the
21 waters of a marina located in a deepwater seaport, a vessel that
22 weighs less than 500 gross tons may not remain in the waters of
23 such a marina that has been deemed not suitable for refuge
24 during a hurricane. The owner of such a vessel shall promptly
25 remove the vessel from the waterway upon issuance of an
26 evacuation order by the deepwater seaport. If the United States
27 Coast Guard Captain of the Port sets the deepwater seaport
28 condition to Yankee and a vessel owner has failed to remove a
29 vessel from the waterway, the marina owner or operator, or an
30 employee or agent thereof, regardless of existing contractual
31 provisions between the marina owner and vessel owner, shall
32 remove the vessel, or cause it to be removed, if reasonable,
33 from its slip and may charge the vessel owner a reasonable fee
34 for such removal. A marina owner, operator, employee, or agent
35 is not liable for any damage incurred by a vessel as the result
36 of a hurricane and is held harmless as a result of such actions
37 to remove the vessel from the waterway. This section does not
38 provide immunity to a marina owner, operator, employee, or agent
39 for any damage caused by intentional acts or negligence when
40 removing a vessel under this subsection. After a hurricane watch
41 has been issued, the owner or operator of a vessel that has not

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42 | been removed from the waterway of the marina pursuant to an
43 | evacuation order by the deepwater seaport may be subject to a
44 | fine in an amount not exceeding three times the cost associated
45 | with removing the vessel from the waterway. Such fine, if
46 | assessed, shall be imposed and collected by the deepwater
47 | seaport issuing the evacuation order.

48 | -----

49 | **D I R E C T O R Y A M E N D M E N T**

50 | Remove line 209 and insert:

51 | Section 7. Subsections (1) and (2) of section 327.59,
52 | Florida