

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Plasencia offered the following:

Amendment (with title amendment)

Between lines 3201 and 3202, insert:

Section 53. Subsection (1) of section 327.59, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

327.59 Marina evacuations.—

(1) Except as provided in this section ~~After June 1, 1994,~~ marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety

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14 of vessel owners is placed before interests of protecting
15 property.

16 (5) Upon the issuance of a hurricane watch affecting the
17 waters of marinas located in a deepwater seaport, vessels under
18 500 gross tons may not remain in the waters of such marinas that
19 have been deemed not suitable for refuge during a hurricane.
20 Vessel owners shall promptly remove their vessels from the
21 waterways upon issuance of an evacuation order by the deepwater
22 seaport. If the United States Coast Guard captain of the port
23 sets the port condition to "Yankee" and a vessel owner has
24 failed to remove a vessel from the waterway, the marina owner,
25 operator, employee, or agent, regardless of any existing
26 contractual provisions between the marina owner and the vessel
27 owner, shall remove the vessel, or cause the vessel to be
28 removed, if reasonable, from its slip and may charge the vessel
29 owner a reasonable fee for any such services rendered. A marina
30 owner, operator, employee, or agent may not be held liable for
31 any damage incurred to a vessel from a hurricane and is held
32 harmless as a result of such actions to remove the vessel from
33 the waterways. Nothing in this section may be construed to
34 provide immunity to a marina owner, operator, employee, or agent
35 for any damage caused by intentional acts or negligence when
36 removing a vessel pursuant to this section. After the hurricane
37 watch has been issued, the owner or operator of any vessel that
38 has not been removed from the waterway of the marina, pursuant

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39 to an order from the deepwater seaport, may be subject to a
 40 fine, which must be imposed and collected by the deepwater
 41 seaport that issued the evacuation order if assessed, in an
 42 amount not exceeding three times the cost associated with
 43 removing the vessel from the waterway.

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T I T L E A M E N D M E N T

47 Remove line 206 and insert:
 48 the Department of Environmental Protection; amending
 49 s. 327.59, F.S.; prohibiting vessels under a specified
 50 weight from remaining in certain marinas that have
 51 been deemed unsuitable for refuge during a hurricane
 52 after the issuance of a hurricane watch; requiring a
 53 marina owner, operator, employee, or agent to remove
 54 specified vessels under certain circumstances;
 55 providing that such owner, operator, employee, or
 56 agent may charge the vessel owner a reasonable fee for
 57 such removal and may not be held liable for any
 58 damages as a result of such removal; providing
 59 construction; providing that the owners or operators
 60 of certain vessels may be subject to a fine that the
 61 deepwater seaport issuing an evacuation order is
 62 required to impose and collect; providing

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