



363196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2020	.	
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The Committee on Environment and Natural Resources (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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



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11 to evacuation of vessels which require vessels to be removed
12 from marinas following the issuance of a hurricane watch or
13 warning, in order to ensure that protecting the lives and safety
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 under this section. After the
37 hurricane watch has been issued, the owner or operator of any
38 vessel that has not been removed from the waterway of the
39 marina, pursuant to an order from the deepwater seaport, may be



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40 subject to the penalties under s. 313.22(3).

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

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

44 And the title is amended as follows:

45 Delete everything before the enacting clause
46 and insert:

47 A bill to be entitled
48 An act relating to marina evacuations; amending s.
49 327.59, 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; authorizing certain penalty fees;
60 providing an effective date.