

By the Committees on Infrastructure and Security; and
Environment and Natural Resources; and Senator Mayfield

596-03774-20

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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; providing that the owners or operators
14 of certain vessels may be subject to a fine that the
15 deepwater seaport issuing an evacuation order is
16 required to impose and collect; providing an effective
17 date.

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19 Be It Enacted by the Legislature of the State of Florida:

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

24 327.59 Marina evacuations.—

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

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30 of vessel owners is placed before interests of protecting
31 property.

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

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59 removing the vessel from the waterway.

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