

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

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

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

23 327.59 Marina evacuations.—

24 (1) Except as provided in this section ~~After June 1, 1994,~~
 25 marinas may not adopt, maintain, or enforce policies pertaining

26 | to evacuation of vessels which require vessels to be removed
27 | from marinas following the issuance of a hurricane watch or
28 | warning, in order to ensure that protecting the lives and safety
29 | of vessel owners is placed before interests of protecting
30 | property.

31 | (5) Upon the issuance of a hurricane watch affecting the
32 | waters of marinas located in a deepwater seaport, vessels under
33 | 500 gross tons may not remain in the waters of such marinas that
34 | have been deemed not suitable for refuge during a hurricane.
35 | Vessel owners shall promptly remove their vessels from the
36 | waterways upon issuance of an evacuation order by the deepwater
37 | seaport. If the United States Coast Guard captain of the port
38 | sets the port condition to "Yankee" and a vessel owner has
39 | failed to remove a vessel from the waterway, the marina owner,
40 | operator, employee, or agent, regardless of any existing
41 | contractual provisions between the marina owner and the vessel
42 | owner, shall remove the vessel, or cause the vessel to be
43 | removed, if reasonable, from its slip and may charge the vessel
44 | owner a reasonable fee for any such services rendered. A marina
45 | owner, operator, employee, or agent may not be held liable for
46 | any damage incurred to a vessel from a hurricane and is held
47 | harmless as a result of such actions to remove the vessel from
48 | the waterways. After the hurricane watch has been issued, the
49 | owner or operator of any vessel that has not been removed from
50 | the waterway of the marina, pursuant to an order from the

51 deepwater seaport, may be subject to a fine, which may be
52 imposed and collected by the deepwater seaport that issued the
53 evacuation order if assessed, in an amount not exceeding three
54 times the cost associated with removing the vessel from the
55 waterway. This section does not provide immunity to a marina
56 owner, operator, employee, or agent for any damage caused by
57 intentional acts or negligence when removing a vessel pursuant
58 to this section; require a deepwater seaport to issue an order
59 to evacuate vessels; or require a deepwater seaport to impose
60 and collect fines for failure to remove vessels from its
61 waterways.

62 Section 2. This act shall take effect July 1, 2021.