

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  
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  
59 removing the vessel from the waterway.

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