

ENROLLED

CS/CS/HB 223

2021 Legislature

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 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 a definition; providing an
 17 effective 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,~~

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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. After the hurricane watch has been issued, the
50 | owner or operator of any vessel that has not been removed from

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51 the waterway of the marina, pursuant to an order from the
52 deepwater seaport, may be subject to a fine, which may be
53 imposed and collected by the deepwater seaport that issued the
54 evacuation order if assessed, in an amount not exceeding three
55 times the cost associated with removing the vessel from the
56 waterway. This section does not provide immunity to a marina
57 owner, operator, employee, or agent for any damage caused by
58 intentional acts or negligence when removing a vessel pursuant
59 to this section; require a deepwater seaport to issue an order
60 to evacuate vessels; or require a deepwater seaport to impose
61 and collect fines for failure to remove vessels from its
62 waterways. For purposes of this subsection, the term "deepwater
63 seaport" means the port waters, dredged material management
64 sites, port harbors, navigation channels, turning basins, and
65 harbor berths used for deepwater commercial navigation.

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