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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 332 and 333

insert:

Section 9. 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 this section. After the hurricane  
37 watch has been issued, the owner or operator of any vessel that  
38 has not been removed from the waterway of the marina, pursuant  
39 to an order from the deepwater seaport, may be subject to a



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40 fine, which must be imposed and collected by the deepwater  
41 seaport that issued the evacuation order if assessed, in an  
42 amount not exceeding three times the cost associated with  
43 removing the vessel from the waterway.

44  
45 ===== T I T L E A M E N D M E N T =====

46 And the title is amended as follows:

47 Delete line 26

48 and insert:

49 Transportation Trust Fund; amending s. 327.59, F.S.;

50 prohibiting vessels under a specified weight from

51 remaining in certain marinas that have been deemed

52 unsuitable for refuge during a hurricane after the

53 issuance of a hurricane watch; requiring a marina

54 owner, operator, employee, or agent to remove

55 specified vessels under certain circumstances;

56 providing that such owner, operator, employee, or

57 agent may charge the vessel owner a reasonable fee for

58 such removal and may not be held liable for any

59 damages as a result of such removal; providing

60 construction; providing that the owners or operators

61 of certain vessels may be subject to a fine that the

62 deepwater seaport issuing an evacuation order is

63 required to impose and collect; amending s. 333.03,

64 F.S.;