



Law lets marinas move boats

By [Lori Becker](#)

Palm Beach Post Staff Writer

Tuesday, June 27, 2006

Attention, boaters: Secure your boats, or we'll do it for you and send you the bill.

That's the message many Florida marinas will be sending their slip holders this hurricane season with a new law that gives them more power to protect their properties.

Gov. Jeb Bush signed legislation Monday that allows marinas to secure or remove boats left at their docks when a hurricane is approaching and charge the vessel owners for the service.

"It's a step in the right direction toward protecting not only the marine facilities but the boats and the environment in these exposed areas," said Rick Morgan, president of North Palm Beach-based Old Port Cove Holdings, which owns three marinas in Palm Beach County.

The past two storm seasons destroyed docks across the state as the extreme winds tossed boats into pilings and piers. The solution, marine leaders say, is to get boats out of the water.

Many marinas already require boaters to have a hurricane plan, but they're not always followed.

And Florida law does not allow marinas to force boaters to leave their slips once a hurricane watch or warning has been issued. Boater advocates have argued that it's unsafe to push boaters out when a storm is rolling in.

Marine leaders have been pushing for two years for legislation to protect their waterfront businesses from the millions of dollars in damage that has led some to sell rather than repair.

In a compromise of sorts, the new law lets marina operators secure boats left behind and limits their liability if the vessels are damaged in the storm.

"The legislation goes a long way," said Ray Grazziotto, co-owner of Loggerhead Club and Marinas, which has eight South Florida properties. "Historically, even if you wanted to try to secure that guy's boat somehow... you run the risk of the guy coming back after the fact and saying you didn't do it right."

The law requires marinas to notify boat owners of the new rules. Industry leaders expect marinas across the state to revise their slip contracts in the coming months.

"You're going to see a lot of contracts changed," said David Ray, executive director of the Miami-based Marine Industries Association of Florida.

Morgan said his company's lawyers are reviewing his contracts in hopes of avoiding a three-peat.

Old Port Cove Marina had \$1 million in damage after the 2004 storm season. Last year, Hurricane Wilma caused nearly the same when about 75 boats were left in their slips, Morgan said.

"If the marina were empty, would we have had that much damage? Absolutely not. Ninety percent of that damage was caused by boats in the facility being blown around," he said.

Morgan plans to phase in the new rules as contracts are renewed, but Dean Kubitschek isn't waiting.

As manager of the Fort Pierce City Marina, Kubitschek is working with the city attorney to write a new contract that will go to all slip holders as soon as possible.

Hurricanes France and Jeanne wiped out the marina in 2004, causing \$13 million in damage to the property and another \$13 million in damage to boats, Kubitschek said.

"With everything that's gone on the past couple of years, everybody knows it's coming," he said of the new contracts. "I don't think any boat owner would have a problem with me throwing an extra line on his boat."

But marinas can't take the extra steps until a storm watch is issued, which limits preparation time.

Some marinas may try to evacuate their slips a little earlier. Marinas can require boaters to move their vessels before a hurricane watch is issued, but it's not easy to trump the weatherman.

"I'd rather be accused of crying wolf and getting evacuation under way and have to eat my words than I would to sit here and do nothing and watch the marina get slammed again with another \$1 million in damage," Morgan said.

Marine leaders hope the law will push more boaters to develop a plan for protecting their boat in a storm. But they fear it may make others more apathetic, said John Sprague, legislative chairman for the state marine industries association.

"Some people will take the opposite approach, and say, 'Let the marina deal with it and just bill me,' " he said.