

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Harrison offered the following:

**Amendment (with title amendment)**

Between lines 1806 and 1807, insert:

Section 40. Section 559.9602, Florida Statutes, is created to read:

559.9602 Salvage of pleasure vessels.-

(1) This section applies to all salvors operating within the waters of this state, as defined in s. 327.02(47), except:

(a) Any person who performs salvage work while employed by a municipal, county, state, or federal government when carrying out the functions of that government.

(b) Any person who engages solely in salvage work for:

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14 1. Pleasure vessels that are owned, maintained, and  
15 operated exclusively by such person and for that person's own  
16 use; or

17 2. For-hire pleasure vessels that are rented for periods  
18 of 30 days or less.

19 (c) Any person who owns or operates a marina or shore-  
20 based repair facility and is in the business of repairing  
21 pleasure vessels, where the salvage work takes place exclusively  
22 at that person's facility.

23 (d) Any person who is in the business of repairing  
24 pleasure vessels who performs the repair work at a landside or  
25 shoreside location designated by the customer.

26 (e) Any person who is in the business of recovering,  
27 storing, or selling pleasure vessels on behalf of insurance  
28 companies that insure the vessels.

29 (2) As used in this section, the term:

30 (a) "Customer" means the owner of the pleasure vessel or  
31 the person who has been given the authority by the owner to  
32 authorize salvage work of the pleasure vessel.

33 (b) "Pleasure vessel" means any watercraft no more than 60  
34 feet in length which is used solely for personal pleasure,  
35 family use, or the transportation of executives, persons under  
36 the employment, and guests of the owner.

37 (c) "Salvage work" means any assistance, services,  
38 repairs, or other efforts rendered by a salvor relating to

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39 saving, preserving, or rescuing a pleasure vessel or its  
40 passengers and crew which are in marine peril. Salvage work does  
41 not include towing a pleasure vessel.

42 (d) "Salvor" means a person in the business of voluntarily  
43 providing assistance, services, repairs, or other efforts  
44 relating to saving, preserving, or rescuing a pleasure vessel or  
45 the vessel's passengers and crew which are in marine peril, in  
46 exchange for compensation.

47 (3) (a) If the customer is present on the pleasure vessel,  
48 the salvor shall provide the customer with written notice that  
49 the service offered is not covered by any towing contract before  
50 the salvor may begin salvage work on the pleasure vessel. The  
51 written notice must include the following statement, in capital  
52 letters of at least 12-point type, and must be signed by the  
53 customer:

54  
55 THE SERVICE OFFERED BY THE SALVOR IS CONSIDERED SALVAGE  
56 WORK AND IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE  
57 WORK ALLOWS THE SALVOR TO PRESENT YOU, OR YOUR INSURANCE  
58 COMPANY, WITH A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR  
59 SHALL CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND  
60 SUCH CHARGES MAY EXCEED A CHARGE BASED ON A TIME AND MATERIALS  
61 CALCULATION. THE CHARGES COULD AMOUNT TO AS MUCH AS THE ENTIRE  
62 VALUE OF YOUR VESSEL, INCLUDING ITS GEAR AND EQUIPMENT.

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63 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED  
64 SALVAGE WORK WITHOUT AN AGREEMENT FOR A FIXED CHARGE FOR THE  
65 SALVAGE WORK, YOUR ONLY RECOURSE TO CHALLENGE THE ASSESSED  
66 CHARGES IS BY A LAWSUIT IN FEDERAL COURT OR, IF YOU AND THE  
67 SALVOR AGREE IN WRITING, BY BINDING ARBITRATION.

68 YOU MAY AGREE TO A FIXED CHARGE FOR THE SALVAGE WORK WITH  
69 THE SALVOR BEFORE SALVAGE WORK BEGINS, AND THE AGREED CHARGE  
70 SHALL BE DOCUMENTED ON THE U.S. OPEN FORM SALVAGE AGREEMENT OR  
71 OTHER SUCH SALVAGE CONTRACT SIGNED BY YOU AND THE SALVOR. YOU  
72 HAVE A RIGHT TO REJECT THE SALVOR'S OFFER OF SERVICES IF THE  
73 SALVOR WILL NOT AGREE TO A FIXED CHARGE BEFORE BEGINNING SALVAGE  
74 WORK.

75  
76 CUSTOMER SIGNATURE:.....

77  
78 DATE:.....TIME:.....

79  
80 (b) The salvor is relieved of providing the written notice  
81 required by this subsection if there is an imminent threat of  
82 injury or death to any person on board the pleasure vessel. The  
83 salvor must provide the written notice required by this  
84 subsection when there is no longer an imminent threat of injury  
85 or death to any person on board the pleasure vessel.

86 (4) (a) If a written notice is not provided before salvage  
87 work begins as required by this section, the owner of a pleasure

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88 vessel may bring an action in the appropriate court of competent  
89 jurisdiction. An owner who prevails in such an action is  
90 entitled to damages equal to 1.5 times the amount paid or  
91 awarded to the salvor, plus court costs and reasonable attorney  
92 fees.

93 (b) The remedies provided for in this subsection shall be  
94 in addition to any other remedy provided by law.

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**T I T L E   A M E N D M E N T**

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Between lines 315 and 316, insert:

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creating s. 559.9602, F.S.; providing scope and

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applicability; providing definitions; requiring

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salvors of pleasure vessels to provide specified

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written notice; providing an exception; providing

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remedies; specifying that such remedies are in

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addition to others provided by law;

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