



424962

LEGISLATIVE ACTION

Senate

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House

Floor: WD/2R

03/08/2018 12:49 PM

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Senator Young moved the following:

1           **Senate Amendment to Amendment (384600) (with title**  
2 **amendment)**

3  
4           Between lines 2779 and 2780  
5 insert:

6           Section 56. Section 559.9602, Florida Statutes, is created  
7 to read:

8           559.9602 Salvage of pleasure vessels.-

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

11           (a) Any person who performs salvage work while employed by



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12 a municipal, county, state, or Federal Government when carrying  
13 out the functions of that government.

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

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

18 2. For-hire pleasure vessels that are rented for periods of  
19 30 days or less.

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

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

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

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

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

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

38 (c) "Salvage work" means any assistance, services, repairs,  
39 or other efforts rendered by a salvor relating to saving,  
40 preserving, or rescuing a pleasure vessel or its passengers and



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41 crew which are in marine peril. Salvage work does not include  
42 towing a pleasure vessel.

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

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

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

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

69 YOU MAY AGREE TO A FIXED CHARGE FOR THE SALVAGE WORK WITH



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

76  
77 CUSTOMER SIGNATURE:.....

78  
79 DATE:.....TIME:.....

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

87 (4) (a) If a written notice is not provided before salvage  
88 work begins as required by this section, the owner of a pleasure  
89 vessel may bring an action in the appropriate court of competent  
90 jurisdiction. An owner who prevails in such an action is  
91 entitled to damages equal to 1.5 times the amount paid or  
92 awarded to the salvor, plus court costs and reasonable attorney  
93 fees.

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

96  
97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:



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99           Delete line 3219  
100 and insert:  
101           specifically approved by the Legislature; creating s.  
102           559.9602, F.S.; providing scope and applicability;  
103           providing definitions; requiring salvors of pleasure  
104           vessels to provide specified written notice; providing  
105           an exception; providing remedies; specifying that such  
106           remedies are in addition to others provided by law;  
107           amending s.