

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Government Accountability
 2 Committee

3 Representative Raschein offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 559.9602, Florida Statutes, is created
 8 to read:

9 559.9602 Salvage of pleasure vessels.-

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

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

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

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

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

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

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

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

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

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

36 (b) "Employee" means an individual who is employed full
37 time or part time by a salvor and performs salvage work.

38 (c) "Pleasure vessel" means any watercraft no more than 60
39 feet in length which is used solely for personal pleasure,
40 family use, or the transportation of executives, persons under
41 the employment, and guests of the owner.

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42 (d) "Salvage work" means any assistance, services,
43 repairs, or other efforts rendered by a salvor relating to
44 saving, preserving, or rescuing a pleasure vessel or its
45 passengers and crew which are in marine peril. Salvage work does
46 not include towing a pleasure vessel.

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

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

59
60 THE SERVICE OFFERED BY THE SALVOR IS CONSIDERED SALVAGE
61 WORK AND IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE
62 WORK ALLOWS THE SALVOR TO PRESENT YOU, OR YOUR INSURANCE
63 COMPANY, WITH A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR
64 SHALL CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND
65 SUCH CHARGES MAY EXCEED A CHARGE BASED ON A TIME AND MATERIALS

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66 CALCULATION. THE CHARGES COULD AMOUNT TO AS MUCH AS THE ENTIRE
67 VALUE OF YOUR VESSEL, INCLUDING ITS GEAR AND EQUIPMENT.

68 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED
69 WORK WITHOUT AN AGREEMENT FOR A FIXED AMOUNT OF THE SALVAGE,
70 YOUR ONLY RECOURSE TO CHALLENGE THE ASSESSED CHARGES IS BY A
71 LAWSUIT IN FEDERAL COURT OR, IF YOU AND THE SALVOR AGREE IN
72 WRITING, BY BINDING ARBITRATION.

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

79
80 DATE:

81
82 TIME:

83
84 CUSTOMER SIGNATURE:

85
86 (b) The salvor is relieved of providing the written notice
87 pursuant to this subsection if there is an imminent threat of
88 injury or death to any person on board the pleasure vessel. The
89 salvor must provide the written notice as required by this

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90 subsection when there is no longer a threat of injury or death
91 to any person on board the pleasure vessel.

92 (4) (a) The owner of a pleasure vessel where a written
93 notice was not provided to the customer in advance of a salvage
94 operation as required by this section may bring an action in the
95 appropriate court of competent jurisdiction. An owner who
96 prevails in such an action is entitled to damages equal to 1.5
97 times the amount paid or awarded to the salvor, plus court costs
98 and reasonable attorney fees.

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

101 Section 2. This act shall take effect July 1, 2018.

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103
104 **T I T L E A M E N D M E N T**

105 Remove everything before the enacting clause and insert:
106 An act relating to the salvage of pleasure vessels;
107 creating s. 559.9602, F.S.; providing scope and
108 applicability; providing definitions; requiring
109 salvors of pleasure vessels to provide specified
110 written notice; providing an exception; providing
111 remedies; providing an effective date.
112