

1   A bill to be entitled  
 2           An act relating to the salvage of pleasure vessels;  
 3           providing a directive to the Division of Law Revision  
 4           and Information; creating s. 559.9601, F.S.; providing  
 5           a short title; creating s. 559.9602, F.S.; providing  
 6           scope and applicability; creating s. 559.9603, F.S.;  
 7           providing definitions; creating s. 559.9604, F.S.;  
 8           requiring salvors of pleasure vessels to provide a  
 9           specified written disclosure statement and salvage  
 10          work estimate; creating s. 559.9605, F.S.; requiring  
 11          such salvors to obtain customer permission before  
 12          exceeding the written estimate by more than a  
 13          specified amount; specifying salvor responsibilities  
 14          and rights to certain fees in the event that a  
 15          customer cancels the order for salvage; creating s.  
 16          559.9606, F.S.; requiring salvors to post specified  
 17          signage on their vessels; creating s. 559.9607, F.S.;  
 18          specifying violations; creating s. 559.9608, F.S.;  
 19          providing remedies; specifying that such remedies are  
 20          in addition to others provided by law; providing an  
 21          effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:  
 24

25           Section 1.   The Division of Law Revision and Information is

26 | directed to redesignate s. 559.951, Florida Statutes, as part  
 27 | XIII of chapter 559, Florida Statutes, entitled "Miscellaneous  
 28 | Provisions," and create a new part XII of chapter 559, Florida  
 29 | Statutes, consisting of ss. 559.9601-559.9608, Florida Statutes,  
 30 | to be entitled "Salvage of Pleasure Vessels."

31 | Section 2. Section 559.9601, Florida Statutes, is created  
 32 | to read:

33 | 559.9601 Short title.—Sections 559.9601-559.9608 may be  
 34 | cited as the "Florida Salvage of Pleasure Vessels Act."

35 | Section 3. Section 559.9602, Florida Statutes, is created  
 36 | to read:

37 | 559.9602 Scope and application.—This part shall apply to  
 38 | all salvors operating in Florida, except:

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

42 | (2) Any person who engages solely in salvage work for:

43 | (a) Pleasure vessels that are owned, maintained, and  
 44 | operated exclusively by such person and for that person's own  
 45 | use; or

46 | (b) For-hire pleasure vessels that are rented for periods  
 47 | of 30 days or less.

48 | (3) Any person who owns or operates a marina or shore-  
 49 | based repair facility and is in the business of repairing  
 50 | pleasure vessels, where the salvage work takes place exclusively

51 at that person's facility.

52 (4) Any person who is in the business of repairing  
53 pleasure vessels who performs the repair work at a landside or  
54 shoreside location designated by the customer.

55 Section 4. Section 559.9603, Florida Statutes, is created  
56 to read:

57 559.9603 Definitions.—As used in this part, the term:

58 (1) "Customer" means the person who requests or signs the  
59 written salvage estimate or is entitled to receive a written  
60 salvage estimate, or any other person whom the person who  
61 requests, signs, or is entitled to receive the written salvage  
62 estimate designates on the written salvage estimate as a person  
63 who may authorize salvage work.

64 (2) "Employee" means an individual who is employed full-  
65 time or part-time by a salvor and performs salvage work.

66 (3) "Pleasure vessel" means any watercraft no more than 60  
67 feet in length which is used solely for personal pleasure,  
68 family use, or the transportation of executives, employees, and  
69 guests of the owner.

70 (4) "Salvage work" means any assistance, services,  
71 repairs, or other efforts rendered by a salvor relating to  
72 saving, preserving, or rescuing a pleasure vessel or its  
73 passengers and crew which are in marine peril. Salvage work does  
74 not include towing a pleasure vessel.

75 (5) "Salvor" means a person in the business of voluntarily

76 providing assistance, services, repairs, or other efforts  
 77 relating to saving, preserving, or rescuing a pleasure vessel or  
 78 the vessel's passengers and crew which are in marine peril, in  
 79 exchange for compensation.

80 Section 5. Section 559.9604, Florida Statutes, is created  
 81 to read:

82 559.9604 Written disclosure statement and salvage work  
 83 estimate.—

84 (1) If the cost of salvage work may exceed \$500 and the  
 85 customer is present on the vessel, the salvor must present to  
 86 the customer a written notice conspicuously disclosing in a  
 87 separate, blocked section only the following statement, in  
 88 capital letters of at least 12-point type:

89  
 90 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND  
 91 SIGN:

92 I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A  
 93 WRITTEN ESTIMATE IF MY FINAL BILL MAY EXCEED \$500.

94  
 95 .... I REQUEST A WRITTEN ESTIMATE.

96  
 97 .... I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE  
 98 SALVAGE CHARGES DO NOT EXCEED \$ ..... THE SALVOR MAY NOT  
 99 EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

100

101 .... I DO NOT REQUEST A WRITTEN ESTIMATE.

102  
 103 SIGNED ..... DATE ....

105 (2) When a customer requests an estimate for the cost of  
 106 salvage work any time before or during the rendering of any  
 107 salvage work by a salvor, the salvor shall prepare a written  
 108 estimate for the costs of its services, in a form stating the  
 109 estimated cost of salvage work, including the cost of any  
 110 inspections or diagnostic work. The written salvage estimate  
 111 must also include the following items:

112 (a) The name, address, and telephone number of the  
 113 salvor's business.

114 (b) The name, address, and telephone number of the  
 115 customer.

116 (c) The date and time of the written salvage estimate.

117 (d) A general description of the pleasure vessel.

118 (e) A general description of the customer's problem or  
 119 request for repair work or service relating to the pleasure  
 120 vessel.

121 (f) A statement as to the basis on which the customer is  
 122 being charged, such as a flat rate, an hourly rate, or both.

123 (g) The estimated cost of the salvage work. If the salvor  
 124 does not possess sufficient information concerning the source,  
 125 cause, or nature of the marine peril to formulate an estimate

126 for the salvage work, the salvor must provide the customer an  
127 estimate for the effort required to determine the source, cause,  
128 or nature of the marine peril in accordance with this section.

129 At such time that the salvor has sufficient information to  
130 provide an estimate for the cost of the salvage work, the salvor  
131 shall provide that estimate according to this section.

132 (h) A statement indicating the daily charge for storing  
133 the customer's pleasure vessel if it is to be towed or otherwise  
134 transported to a different location than where the salvor  
135 performs the salvage work.

136 (i) A cancellation fee, as determined by the salvor, in  
137 the event a customer cancels the order for services in  
138 accordance with s. 559.9605(1).

139 (3) A copy of the disclosure statement required by  
140 subsection (1) and, if requested, the written salvage estimate  
141 required by subsection (2) must be given to the customer before  
142 salvage work begins. The disclosure statement may be provided on  
143 the same form as the written estimate.

144 (4) This section may not be construed to require a salvor  
145 to give a written estimated price if the salvor does not agree  
146 to provide any assistance, service, repairs, or other effort to  
147 a potential customer.

148 (5) A customer may cancel the salvage work at any time.

149 Section 6. Section 559.9605, Florida Statutes, is created  
150 to read:

151 559.9605 Notification of charges in excess of salvage  
152 estimate; unlawful charges.-

153 (1) If a determination is made by a salvor that the actual  
154 charges for the assistance, service, or repair work will exceed  
155 the written estimate by more than 20 percent, the customer must  
156 be promptly verbally notified of the additional estimated  
157 charge. A customer so notified may, orally or in writing,  
158 authorize, modify, or cancel the order for salvage. Except as  
159 specified in this section, the salvor may only continue work on  
160 the pleasure vessel upon authorization from the customer and  
161 work must continue only within the scope the customer  
162 authorized.

163 (2) If a customer cancels the order for salvage after  
164 being advised that salvage work which she or he has authorized  
165 cannot be accomplished within the previously authorized  
166 estimate, the salvor must expeditiously place the pleasure  
167 vessel back into a condition reasonably similar to the condition  
168 in which it was received unless:

169 (a) The customer waives that effort; or

170 (b) To do so would be unsafe.

171

172 After cancellation of the salvor's service, the salvor may  
173 charge for salvage work provided up to the point of  
174 cancellation, but the salvor's charge may not exceed the  
175 cancellation fee agreed to by the salvor pursuant to s.

176 559.9604(2)(i). The salvor may only charge for any work  
 177 undertaken on the agreed-upon basis.

178 Section 7. Section 559.9606, Florida Statutes, is created  
 179 to read:

180 559.9606 Required disclosure; signs; notice to customers.-  
 181 All vessels used by salvors in connection with performing  
 182 salvage work shall have signs posted in a manner conspicuous to  
 183 customers and potential customers and that can be read from  
 184 customers' and potential customers' pleasure vessels. Those  
 185 signs must inform customers and potential customers that the  
 186 salvors are professional salvors that charge for their services  
 187 and that customers and potential customers have a right to a  
 188 written estimate for the services offered.

189 Section 8. Section 559.9607, Florida Statutes, is created  
 190 to read:

191 559.9607 Unlawful acts and practices.-It is a violation of  
 192 this act for a salvor or its employees to:

193 (1) Provide or charge for services that have not been  
 194 expressly or implicitly authorized by the customer when the  
 195 customer is present on the pleasure vessel.

196 (2) Misrepresent that a pleasure vessel being inspected is  
 197 in a dangerous condition or that the customer's continued use of  
 198 the pleasure vessel may be hazardous to the customer or cause  
 199 great damage to, or loss of, the vessel.

200 (3) Fraudulently alter any customer contract, estimate,



201 invoice, or other document.

202 (4) Fraudulently misuse any customer's credit card.

203 (5) Make or authorize in any manner or by any means  
204 whatsoever any written or oral statement which is untrue,  
205 deceptive, or misleading, and which is known, or which by the  
206 exercise of reasonable care the salvor should know, to be  
207 untrue, deceptive, or misleading.

208 (6) Make false statements of a character likely to  
209 influence, persuade, or induce a customer to authorize salvage  
210 work for a pleasure vessel.

211 (7) Require that any customer waive her or his rights  
212 provided in this part as a precondition to performing salvage  
213 work.

214 (8) Charge a customer more than 20 percent over the  
215 written estimate provided to the customer pursuant to s.  
216 559.9604, unless the salvor has obtained authorization to exceed  
217 the written estimate in accordance with s. 559.9605(1).

218 (9) Perform any other act that violates this part or that  
219 constitutes fraud or misrepresentation.

220 Section 9. Section 559.9608, Florida Statutes, is created  
221 to read:

222 559.9608 Remedies.—

223 (1) Any customer injured by a violation of this part may  
224 bring an action in the appropriate court for relief. A customer  
225 who prevails in such an action shall be entitled to damages in

226 | the amount of three times that charged by the salvor, plus  
227 | actual damages, court costs, and reasonable attorney fees. The  
228 | customer may also bring an action for injunctive relief in the  
229 | circuit court.

230 | (2) The remedies provided for in this section shall be in  
231 | addition to any other remedy provided by law.

232 | Section 10. This act shall take effect July 1, 2018.