

1 A bill to be entitled
 2 An act relating to the salvage of pleasure vessels;
 3 creating s. 559.9602, F.S.; providing scope and
 4 applicability; providing definitions; requiring
 5 salvors of pleasure vessels to provide specified
 6 written notice; providing an exception; providing
 7 remedies; specifying that such remedies are in
 8 addition to others provided by law; providing an
 9 effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Section 559.9602, Florida Statutes, is created
 14 to read:

15 559.9602 Salvage of pleasure vessels.-

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

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

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

22 1. Pleasure vessels that are owned, maintained, and
 23 operated exclusively by such person and for that person's own
 24 use; or

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

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

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

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

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

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

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

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

47 (d) "Salvage work" means any assistance, services,
48 repairs, or other efforts rendered by a salvor relating to
49 saving, preserving, or rescuing a pleasure vessel or its

50 passengers and crew which are in marine peril. Salvage work does
51 not include towing a pleasure vessel.

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

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

64
65 THE SERVICE OFFERED BY THE SALVOR IS CONSIDERED SALVAGE
66 WORK AND IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE
67 WORK ALLOWS THE SALVOR TO PRESENT YOU, OR YOUR INSURANCE
68 COMPANY, WITH A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR
69 SHALL CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND
70 SUCH CHARGES MAY EXCEED A CHARGE BASED ON A TIME AND MATERIALS
71 CALCULATION. THE CHARGES COULD AMOUNT TO AS MUCH AS THE ENTIRE
72 VALUE OF YOUR VESSEL, INCLUDING ITS GEAR AND EQUIPMENT.

73 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED
74 WORK WITHOUT AN AGREEMENT FOR A FIXED CHARGE FOR THE SALVAGE,

75 YOUR ONLY RECOURSE TO CHALLENGE THE ASSESSED CHARGES IS BY A
76 LAWSUIT IN FEDERAL COURT OR, IF YOU AND THE SALVOR AGREE IN
77 WRITING, BY BINDING ARBITRATION.

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

84
85 CUSTOMER SIGNATURE:.....

86
87 DATE.....TIME:.....

88
89 (b) The salvor is relieved of providing the written notice
90 required by this subsection if there is an imminent threat of
91 injury or death to any person on board the pleasure vessel. The
92 salvor must provide the written notice required by this
93 subsection when there is no longer a threat of injury or death
94 to any person on board the pleasure vessel.

95 (4) (a) If a written notice is not provided before a
96 salvage operation as required by this section, the owner of a
97 pleasure vessel may bring an action in the appropriate court of
98 competent jurisdiction. An owner who prevails in such an action
99 is entitled to damages equal to 1.5 times the amount paid or

100 | awarded to the salvor, plus court costs and reasonable attorney
101 | fees.

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

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