



LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/23/2018	.	
	.	
	.	
	.	

The Committee on Rules (Rodriguez) recommended the following:

1 **Senate Substitute for Amendment (694526) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Present subsections (37) through (47) of section
7 327.02, Florida Statutes, are redesignated as subsections (38)
8 through (48), respectively, and a new subsection (37) is added
9 to that section, to read:

10 327.02 Definitions.—As used in this chapter and in chapter
11 328, unless the context clearly requires a different meaning,



968778

12 the term:

13 (37) "Pleasure vessel" means a watercraft no more than 60
14 feet in length used solely for personal and family use and
15 guests of the owner.

16 Section 2. Section 327.511, Florida Statutes is created to
17 read:

18 327.511 Salvage of a pleasure vessel.-

19 (1) If a salvor intends to engage in a salvage operation
20 and renders assistance to a pleasure vessel outside the scope of
21 simple towage, the salvor shall inform the operator, per the
22 terms of a declaration of salvage, that the offer of services
23 rendered is salvage and not towage. The salvor shall provide a
24 written notice of the declaration of salvage which must be
25 signed by the customer. The written notice must be in capital
26 letters of at least 12-point type and must include the following
27 statement:

28
29 THE CONDITION OF YOUR VESSEL IS NOT A TOWAGE BUT IS A SALVAGE. A
30 SALVAGE IS NOT CONSIDERED TOWAGE AND MAY BE OUTSIDE THE COVERAGE
31 PROVIDED BY YOUR TOWING AGREEMENT. THE COST OF A SALVAGE IS NOT
32 DETERMINABLE BEFORE COMPLETION OF SALVAGE SERVICES. THE COST OF
33 A SALVAGE CLAIM IS DEPENDENT ON SEVERAL FACTORS, INCLUDING THE
34 POST-CASUALTY VALUE OF THE VESSEL. THERE ARE OTHER
35 CONSIDERATIONS ASSOCIATED WITH A SALVAGE, AND IT IS RECOMMENDED
36 THAT IF YOU HAVE ANY QUESTIONS OR CONCERNS REGARDING A SALVAGE
37 TO CONTACT YOUR ATTORNEY AND INSURANCE AGENT.

38
39 (2) At the discretion of the salvor, if maritime conditions
40 do not allow for immediate disclosure of the declaration of



968778

41 salvage as specified in subsection (1), disclosure must occur at
42 a time when the salvor deems it is safe to do so.

43 (3) The Legislature intends that the declaration of salvage
44 specified in subsection (1) is to provide informed consent as to
45 the terms of a salvage. A salvor does not assume any liability
46 based solely upon disclosure of the terms of a declaration of
47 salvage.

48 (4) The Fish and Wildlife Conservation Commission shall
49 receive complaints from operators of pleasure vessels who do not
50 receive disclosure of a declaration of salvage and must address
51 such complaints in an expeditious manner by assisting in the
52 resolution of complaints between operators and salvors. The Fish
53 and Wildlife Conservation Commission may adopt procedural rules
54 necessary to administer this section. However, the commission
55 does not have authority to impose penalties inconsistent with
56 those established by federal maritime and admiralty law, binding
57 treatises, and other binding bodies of governing law.

58 (5) This section may not be construed to limit or restrict
59 the continued applicability of federal maritime and admiralty
60 law, binding treatises, and other binding bodies of governing
61 law. In the event of any inconsistency between any provision of
62 this section and any provision of federal maritime and admiralty
63 law, binding treatises, or other binding bodies of governing
64 law, there is an irrefutable presumption that federal maritime
65 and admiralty law, binding treatises, and other binding bodies
66 of governing law supersede this section.

67 Section 3. Paragraph (cc) is added to subsection (1) of
68 section 327.73, Florida Statutes, to read:

69 327.73 Noncriminal infractions.—



70 (1) Violations of the following provisions of the vessel
71 laws of this state are noncriminal infractions:

72 (cc) Section 327.511, relating to salvage of pleasure
73 vessels.

74
75 Any person cited for a violation of any provision of this
76 subsection shall be deemed to be charged with a noncriminal
77 infraction, shall be cited for such an infraction, and shall be
78 cited to appear before the county court. The civil penalty for
79 any such infraction is \$50, except as otherwise provided in this
80 section. Any person who fails to appear or otherwise properly
81 respond to a uniform boating citation shall, in addition to the
82 charge relating to the violation of the boating laws of this
83 state, be charged with the offense of failing to respond to such
84 citation and, upon conviction, be guilty of a misdemeanor of the
85 second degree, punishable as provided in s. 775.082 or s.
86 775.083. A written warning to this effect shall be provided at
87 the time such uniform boating citation is issued.

88 Section 4. This act shall take effect July 1, 2018.

89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete everything before the enacting clause
93 and insert:

94 A bill to be entitled
95 An act relating to salvage of pleasure vessels;
96 amending s. 327.02, F.S.; defining the term "pleasure
97 vessel"; creating s. 327.511, F.S.; requiring salvors
98 of pleasure vessels to inform operators of certain



968778

99 terms under certain conditions; requiring such salvors
100 to include a certain statement in a declaration of
101 salvage; providing an exception; specifying
102 legislative intent and salvor liability pertaining to
103 a declaration of salvage; requiring the Fish and
104 Wildlife Conservation Commission to receive and
105 resolve complaints; authorizing the commission to
106 adopt certain rules; providing construction and
107 applicability; amending s. 327.73, F.S.; revising
108 noncriminal infractions to include violations of
109 requirements relating to the salvage of pleasure
110 vessels; providing an effective date.