

By Senator Young

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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,

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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-based
49 repair facility and is in the business of repairing pleasure
50 vessels, where the salvage work takes place exclusively at that
51 person's facility.

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

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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, repairs,
71 or other efforts rendered by a salvor relating to saving,
72 preserving, or rescuing a pleasure vessel or its passengers and
73 crew which are in marine peril. Salvage work does not include
74 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

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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 EXCEED

99 THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

100

101 I DO NOT REQUEST A WRITTEN ESTIMATE.

102

103 SIGNED DATE

104

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 salvor's
113 business.

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

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

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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 the
133 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 the
137 event a customer cancels the order for services in accordance
138 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

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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 being
164 advised that salvage work which she or he has authorized cannot
165 be accomplished within the previously authorized estimate, the
166 salvor must expeditiously place the pleasure vessel back into a
167 condition reasonably similar to the condition in which it was
168 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

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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

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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 written
215 estimate provided to the customer pursuant to s. 559.9604,
216 unless the salvor has obtained authorization to exceed the
217 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.