

By the Committee on Commerce and Tourism; and Senators Young and Steube

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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 change the title of part XII of chapter 559, Florida
27 Statutes, from "Miscellaneous Provisions" to "Internet Sales,"
28 and to create a new part XIII of chapter 559, Florida Statutes,
29 consisting of ss. 559.9601-559.9608, Florida Statutes, to be

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

58 Section 4. Section 559.9603, Florida Statutes, is created

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59 to read:

60 559.9603 Definitions.—As used in this part, the term:

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

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

69 (3) "Pleasure vessel" means any watercraft no more than 60
70 feet in length which is used solely for personal pleasure,
71 family use, or the transportation of executives, persons under
72 the employment, and guests of the owner.

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

78 (5) "Salvor" means a person in the business of voluntarily
79 providing assistance, services, repairs, or other efforts
80 relating to saving, preserving, or rescuing a pleasure vessel or
81 the vessel's passengers and crew which are in marine peril, in
82 exchange for compensation.

83 Section 5. Section 559.9604, Florida Statutes, is created
84 to read:

85 559.9604 Written disclosure statement and salvage work
86 estimate.—

87 (1) If the cost of salvage work may exceed \$500 and the

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88 customer is present on the vessel, the salvor must present to
89 the customer a written notice conspicuously disclosing in a
90 separate, blocked section only the following statement, in
91 capital letters of at least 12-point type:

92
93 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
94 SIGN:

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

97
98 I REQUEST A WRITTEN ESTIMATE.

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

103
104 I DO NOT REQUEST A WRITTEN ESTIMATE.

105
106 SIGNED DATE

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

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

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117 (b) The name, address, and telephone number of the
118 customer.

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

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

121 (e) A general description of the customer's problem or
122 request for repair work or service relating to the pleasure
123 vessel.

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

126 (g) The estimated cost of the salvage work. If the salvor
127 does not possess sufficient information concerning the source,
128 cause, or nature of the marine peril to formulate an estimate
129 for the salvage work, the salvor must provide the customer an
130 estimate for the effort required to determine the source, cause,
131 or nature of the marine peril in accordance with this section.
132 At such time that the salvor has sufficient information to
133 provide an estimate for the cost of the salvage work, the salvor
134 shall provide that estimate according to this section.

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

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

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

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146 the same form as the written estimate.

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

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

152 Section 6. Section 559.9605, Florida Statutes, is created
153 to read:

154 559.9605 Notification of charges in excess of salvage
155 estimate; unlawful charges.-

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

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

172 (a) The customer waives that effort; or

173 (b) To do so would be unsafe.

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175 After cancellation of the salvor's service, the salvor may
176 charge for salvage work provided up to the point of
177 cancellation, but the salvor's charge may not exceed the
178 cancellation fee agreed to by the salvor pursuant to s.
179 559.9604(2)(i). The salvor may only charge for any work
180 undertaken on the agreed-upon basis.

181 Section 7. Section 559.9606, Florida Statutes, is created
182 to read:

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

192 Section 8. Section 559.9607, Florida Statutes, is created
193 to read:

194 559.9607 Unlawful acts and practices.-It is a violation of
195 this act for a salvor or its employees to:

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

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

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

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204 invoice, or other document.

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

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

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

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

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

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

223 Section 9. Section 559.9608, Florida Statutes, is created
224 to read:

225 559.9608 Remedies.—

226 (1) Any customer injured by a violation of this part may
227 bring an action in the appropriate court for relief. A customer
228 who prevails in such an action shall be entitled to damages in
229 the amount of three times that charged by the salvor, plus
230 actual damages, court costs, and reasonable attorney fees. The
231 customer may also bring an action for injunctive relief in the
232 circuit court.

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

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