

By the Committees on Rules; Transportation; and Commerce and Tourism; and Senators Young, Steube, and Perry

595-03549-18

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1 A bill to be entitled
2 An act relating to the salvage of pleasure vessels;
3 creating s. 559.9602, F.S.; providing applicability;
4 providing definitions; requiring salvors of pleasure
5 vessels to provide specified written notice to a
6 customer who is present on a pleasure vessel before
7 engaging in a salvage operation of the vessel;
8 providing an exception; providing a cause of action
9 and remedies; specifying that such remedies are in
10 addition to others provided by law; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 559.9602, Florida Statutes, is created
16 to read:

17 559.9602 Salvage of pleasure vessels.-

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

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

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

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

27 2. For-hire pleasure vessels that are rented for periods of
28 30 days or less.

29 (c) Any person who owns or operates a marina or shore-based

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30 repair facility and is in the business of repairing pleasure
31 vessels, where the salvage work takes place exclusively at that
32 person's facility.

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

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

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

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

43 (b) "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 (c) "Salvage work" means any assistance, services, repairs,
48 or other efforts rendered by a salvor relating to saving,
49 preserving, or rescuing a pleasure vessel or its passengers and
50 crew which are in marine peril. Salvage work does not include
51 towing a pleasure vessel.

52 (d) "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

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59 pleasure vessel, the salvor must 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 WORK AND
66 IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE WORK
67 ALLOWS THE SALVOR TO PRESENT YOU OR YOUR INSURANCE COMPANY WITH
68 A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR SHALL
69 CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND SUCH
70 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
74 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED WORK
75 WITHOUT AN AGREEMENT FOR A FIXED CHARGE FOR THE SALVAGE, YOUR
76 ONLY RECOURSE TO CHALLENGE THE ASSESSED CHARGES IS BY A LAWSUIT
77 IN FEDERAL COURT OR, IF YOU AND THE SALVOR AGREE IN WRITING, BY
78 BINDING ARBITRATION.

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

86
87 CUSTOMER SIGNATURE:...(Signature of customer)...

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88

89 DATE:...(Date signed by customer)... TIME:...(Time signed by
90 customer)...

91

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

98

99 (4) (a) If a written notice is not provided before a salvage
100 operation as required by this section, the owner of a pleasure
101 vessel may bring an action in the appropriate court of competent
102 jurisdiction. An owner who prevails in such an action is
103 entitled to damages equal to 1.5 times the amount paid or
104 awarded to the salvor, plus court costs and reasonable attorney
105 fees.

106

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

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