

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Plakon offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

(37) "Pleasure vessel" means a watercraft no more than 60 feet in length used solely for personal and family use and

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14 guests of the owner.

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

17 327.511 Salvage of a pleasure vessel.—

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

27
28 THE CONDITION OF YOUR VESSEL IS NOT A TOWAGE BUT IS A SALVAGE. A
29 SALVAGE IS NOT CONSIDERED TOWAGE AND MAY BE OUTSIDE THE COVERAGE
30 PROVIDED BY YOUR TOWING AGREEMENT. THE COST OF A SALVAGE IS NOT
31 DETERMINABLE BEFORE COMPLETION OF SALVAGE SERVICES. THE COST OF
32 A SALVAGE CLAIM IS DEPENDENT ON SEVERAL FACTORS, INCLUDING THE
33 POST-CASUALTY VALUE OF THE VESSEL. THERE ARE OTHER
34 CONSIDERATIONS ASSOCIATED WITH A SALVAGE, AND IT IS RECOMMENDED
35 THAT IF YOU HAVE ANY QUESTIONS OR CONCERNS REGARDING A SALVAGE
36 TO CONTACT YOUR ATTORNEY AND INSURANCE AGENT.

37
38 (2) At the discretion of the salvor, if maritime

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39 conditions do not allow for immediate disclosure of the
40 declaration of salvage as specified in subsection (1),
41 disclosure must occur at a time when the salvor deems it is safe
42 to do so.

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

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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.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to salvage of pleasure vessels;
amending s. 327.02, F.S.; defining the term "pleasure
vessel"; creating s. 327.511, F.S.; requiring salvors
of pleasure vessels to inform operators of certain
terms under certain conditions; requiring such salvors
to include a certain statement in a declaration of
salvage; providing an exception; specifying
legislative intent and salvor liability pertaining to
a declaration of salvage; requiring the Fish and
Wildlife Conservation Commission to receive and
resolve complaints; authorizing the commission to
adopt certain rules; providing construction and
applicability; amending s. 327.73, F.S.; revising
noncriminal infractions to include violations of
requirements relating to the salvage of pleasure
vessels; providing an effective date.

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