

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

596-02449-18

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1 A bill to be entitled
2 An act relating to the salvage of pleasure vessels;
3 creating s. 559.952, F.S.; providing scope and
4 applicability; providing definitions; requiring
5 salvors of pleasure vessels to provide specified
6 verbal and written notice; providing an exception;
7 providing remedies; specifying that such remedies are
8 in addition to others provided by law; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 559.952, Florida Statutes, is created to
14 read:

15 559.952 Salvage of pleasure vessels.-

16 (1) This section applies to all salvors operating in this
17 state, except:

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

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

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

25 2. For-hire pleasure vessels that are rented for periods of
26 30 days or less.

27 (c) Any person who owns or operates a marina or shore-based
28 repair facility and is in the business of repairing pleasure
29 vessels, where the salvage work takes place exclusively at that

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30 person's facility.

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

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

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

38 (a) "Customer" means the person to whom a salvor offers
39 salvage work.

40 (b) "Employee" means an individual who is employed full
41 time or part time by a salvor and performs salvage work.

42 (c) "Pleasure vessel" means any watercraft no more than 60
43 feet in length which is used solely for personal pleasure,
44 family use, or the transportation of executives, persons under
45 the employment, and guests of the owner.

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

51 (e) "Salvor" means a person in the business of voluntarily
52 providing assistance, services, repairs, or other efforts
53 relating to saving, preserving, or rescuing a pleasure vessel or
54 the vessel's passengers and crew which are in marine peril, in
55 exchange for compensation.

56 (3) (a) Before a salvor may engage in the salvage operation
57 of a pleasure vessel, the salvor shall provide the customer with
58 verbal and written notice that the service offered is not

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59 covered by any towing contract. The written notice must include
60 the following statement, in capital letters of at least 12-point
61 type:

62
63 THE SERVICE OFFERED BY THE SALVOR IS CONSIDERED SALVAGE
64 WORK AND IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE
65 WORK ALLOWS THE SALVOR TO PRESENT YOU, OR YOUR INSURANCE
66 COMPANY, WITH A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR
67 SHALL CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND
68 SUCH CHARGES MAY EXCEED A CHARGE BASED ON A TIME AND MATERIALS
69 CALCULATION. THE CHARGES COULD AMOUNT TO AS MUCH AS THE ENTIRE
70 VALUE OF YOUR VESSEL AND ITS CONTENTS.

71 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED
72 WORK, YOUR ONLY RECOURSE TO CHALLENGE THE ASSESSED CHARGES IS BY
73 A LAWSUIT IN FEDERAL COURT OR, IF YOU AGREE, BY BINDING
74 ARBITRATION.

75 YOU MAY AGREE TO THE CHARGES WITH THE SALVOR BEFORE WORK
76 BEGINS, AND THAT AGREED AMOUNT SHALL BE THE MAXIMUM AMOUNT THE
77 SALVOR MAY CHARGE. YOU HAVE A RIGHT TO REJECT THE SALVOR'S OFFER
78 OF SERVICES IF THE SALVOR WILL NOT AGREE TO A CHARGE BEFORE
79 BEGINNING WORK.

80
81 (b) The salvor is relieved of providing the verbal and
82 written notice pursuant to this subsection if there is an
83 imminent threat of injury or death to any person on board the
84 vessel.

85 (4) (a) Any customer injured by a violation of this section
86 may bring an action in the appropriate court for relief. A
87 customer who prevails in such an action is entitled to damages

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88 equal to 1.5 times the amount charged by the salvor, plus actual
89 damages, court costs, and reasonable attorney fees. The customer
90 may also bring an action for injunctive relief in the circuit
91 court.

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

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