

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 create a new part XIII of chapter 559, Florida Statutes,  
 29 | consisting of ss. 559.9601-559.9608, Florida Statutes, to be  
 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-  
 49 | based repair facility and is in the business of repairing  
 50 | pleasure vessels, where the salvage work takes place exclusively

51 at that person's facility.

52 (4) Any person who is in the business of repairing  
53 pleasure vessels who performs the repair work at a landside or  
54 shoreside 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  
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,  
74 repairs, or other efforts rendered by a salvor relating to  
75 saving, preserving, or rescuing a pleasure vessel or its

76 | passengers and crew which are in marine peril. Salvage work does  
 77 | not include 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 will exceed \$500, the  
 88 | customer is present on the vessel, and there is no imminent  
 89 | threat of injury or death to any person, the salvor must present  
 90 | to the customer a written notice conspicuously disclosing in a  
 91 | separate, blocked section only the following statement, in  
 92 | capital letters of at least 12-point type:

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

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

98 |  
 99 | .... I REQUEST A WRITTEN ESTIMATE.  
 100 |

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

105        .... I DO NOT REQUEST A WRITTEN ESTIMATE.

107 SIGNED .....DATE ....

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

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

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

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

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

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

125        (f) A statement as to the basis on which the customer is

126 being charged, such as a flat rate, an hourly rate, or both.

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

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

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

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

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

151 a potential customer.

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

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

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

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

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

173 (a) The customer waives that effort; or

174 (b) To do so would be unsafe.

175

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

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

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

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

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

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

200 (2) Misrepresent that a pleasure vessel being inspected is



201 in a dangerous condition or that the customer's continued use of  
202 the pleasure vessel may be hazardous to the customer or cause  
203 great damage to, or loss of, the vessel.

204 (3) Fraudulently alter any customer contract, estimate,  
205 invoice, or other document.

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

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

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

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

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

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

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

226        559.9608 Remedies.—

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

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

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