

1                                   A bill to be entitled  
 2           An act relating to the salvage of pleasure vessels;  
 3           creating s. 559.9602, 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:

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

15           559.9602 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  
 26 of 30 days or less.

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

31        (d) Any person who is in the business of repairing  
 32 pleasure vessels who performs the repair work at a landside or  
 33 shoreside 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,  
 47 repairs, or other efforts rendered by a salvor relating to  
 48 saving, preserving, or rescuing a pleasure vessel or its

49 passengers and crew which are in marine peril. Salvage work does  
 50 not include 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  
 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:

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.

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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  
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.