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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Young) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

559.952 Salvage of pleasure vessels.-

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

(a) Any person who performs salvage work while employed by



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11 a municipal, county, state, or federal government when carrying
12 out the functions of that government.

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

14 1. Pleasure vessels that are owned, maintained, and
15 operated exclusively by such person and for that person's own
16 use; or

17 2. For-hire pleasure vessels that are rented for periods of
18 30 days or less.

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

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

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

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

30 (a) "Customer" means the person to whom a salvor offers
31 salvage work.

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

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

38 (d) "Salvage work" means any assistance, services, repairs,
39 or other efforts rendered by a salvor relating to saving,



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40 preserving, or rescuing a pleasure vessel or its passengers and
41 crew which are in marine peril. Salvage work does not include
42 towing a pleasure vessel.

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

48 (3) (a) Before a salvor may engage in the salvage operation
49 of a pleasure vessel, the salvor shall provide the customer with
50 verbal and written notice that the service offered is not
51 covered by any towing contract. The written notice must include
52 the following statement, in capital letters of at least 12-point
53 type:

54
55 THE SERVICE OFFERED BY THE SALVOR IS CONSIDERED SALVAGE
56 WORK AND IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE
57 WORK ALLOWS THE SALVOR TO PRESENT YOU, OR YOUR INSURANCE
58 COMPANY, WITH A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR
59 SHALL CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND
60 SUCH CHARGES MAY EXCEED A CHARGE BASED ON A TIME AND MATERIALS
61 CALCULATION. THE CHARGES COULD AMOUNT TO AS MUCH AS THE ENTIRE
62 VALUE OF YOUR VESSEL AND ITS CONTENTS.

63 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED
64 WORK, YOUR ONLY RECOURSE TO CHALLENGE THE ASSESSED CHARGES IS BY
65 A LAWSUIT IN FEDERAL COURT OR, IF YOU AGREE, BY BINDING
66 ARBITRATION.

67 YOU MAY AGREE TO THE CHARGES WITH THE SALVOR BEFORE WORK
68 BEGINS, AND THAT AGREED AMOUNT SHALL BE THE MAXIMUM AMOUNT THE



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69 SALVOR MAY CHARGE. YOU HAVE A RIGHT TO REJECT THE SALVOR'S OFFER
70 OF SERVICES IF THE SALVOR WILL NOT AGREE TO A CHARGE BEFORE
71 BEGINNING WORK.

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73 (b) The salvor is relieved of providing the verbal and
74 written notice pursuant to this subsection if there is an
75 imminent threat of injury or death to any person on board the
76 vessel.

77 (4) (a) Any customer injured by a violation of this section
78 may bring an action in the appropriate court for relief. A
79 customer who prevails in such an action is entitled to damages
80 equal to 1.5 times the amount charged by the salvor, plus actual
81 damages, court costs, and reasonable attorney fees. The customer
82 may also bring an action for injunctive relief in the circuit
83 court.

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

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

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

89 And the title is amended as follows:

90 Delete everything before the enacting clause
91 and insert:

92 A bill to be entitled
93 An act relating to the salvage of pleasure vessels;
94 creating s. 559.952, F.S.; providing scope and
95 applicability; providing definitions; requiring
96 salvors of pleasure vessels to provide specified
97 verbal and written notice; providing an exception;



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98 providing remedies; specifying that such remedies are
99 in addition to others provided by law; providing an
100 effective date.