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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Young) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

559.9602 Salvage of pleasure vessels.-

(1) This section applies to all salvors operating within
the waters of this state, as defined in s. 327.02(47), except:

(a) Any person who performs salvage work while employed by
a municipal, county, state, or federal government when carrying



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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 owner of the pleasure vessel or
31 the person who has been given the authority by the owner to
32 authorize salvage work of the pleasure vessel.

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

37 (c) "Salvage work" means any assistance, services, repairs,
38 or other efforts rendered by a salvor relating to saving,
39 preserving, or rescuing a pleasure vessel or its passengers and
40 crew which are in marine peril. Salvage work does not include



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41 towing a pleasure vessel.

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

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

54
55 THE SERVICE OFFERED BY THE SALVOR IS CONSIDERED SALVAGE WORK AND
56 IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE WORK
57 ALLOWS THE SALVOR TO PRESENT YOU OR YOUR INSURANCE COMPANY WITH
58 A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR SHALL
59 CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND SUCH
60 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, INCLUDING ITS GEAR AND EQUIPMENT.

63
64 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED WORK
65 WITHOUT AN AGREEMENT FOR A FIXED CHARGE FOR THE SALVAGE, YOUR
66 ONLY RECOURSE TO CHALLENGE THE ASSESSED CHARGES IS BY A LAWSUIT
67 IN FEDERAL COURT OR, IF YOU AND THE SALVOR AGREE IN WRITING, BY
68 BINDING ARBITRATION.

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70 YOU MAY AGREE TO A FIXED CHARGE FOR THE SALVAGE WITH THE SALVOR
71 BEFORE WORK BEGINS, AND THE AGREED CHARGE SHALL BE DOCUMENTED ON
72 THE U.S. OPEN FORM SALVAGE AGREEMENT OR OTHER SUCH SALVAGE
73 CONTRACT SIGNED BY YOU AND THE SALVOR. YOU HAVE A RIGHT TO
74 REJECT THE SALVOR'S OFFER OF SERVICES IF THE SALVOR WILL NOT
75 AGREE TO A FIXED CHARGE BEFORE BEGINNING WORK.

76
77 CUSTOMER SIGNATURE:...(Signature of customer)...

78
79 DATE:...(Date signed by customer)... TIME:...(Time signed by
80 customer)...

81
82 (b) The salvor is relieved of providing the written notice
83 required by this subsection if there is an imminent threat of
84 injury or death to any person on board the pleasure vessel. The
85 salvor must provide the written notice required by this
86 subsection when there is no longer an imminent threat of injury
87 or death to any person on board the pleasure vessel.

88 (4) (a) If a written notice is not provided before a salvage
89 operation as required by this section, the owner of a pleasure
90 vessel may bring an action in the appropriate court of competent
91 jurisdiction. An owner who prevails in such an action is
92 entitled to damages equal to 1.5 times the amount paid or
93 awarded to the salvor, plus court costs and reasonable attorney
94 fees.

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

97 Section 2. This act shall take effect July 1, 2018.
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99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:

101 Delete everything before the enacting clause

102 and insert:

103 A bill to be entitled

104 An act relating to the salvage of pleasure vessels;
105 creating s. 559.9602, F.S.; providing applicability;
106 providing definitions; requiring salvors of pleasure
107 vessels to provide specified written notice to a
108 customer who is present on a pleasure vessel before
109 engaging in a salvage operation of the vessel;
110 providing an exception; providing a cause of action
111 and remedies; specifying that such remedies are in
112 addition to others provided by law; providing an
113 effective date.