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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Rodriguez) recommended the following:

1           **Senate Substitute for Amendment (694526) (with title**  
2 **amendment)**

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4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Present subsections (37) through (47) of section  
7 327.02, Florida Statutes, are redesignated as subsections (38)  
8 through (48), respectively, and a new subsection (37) is added  
9 to that section, to read:

10           327.02 Definitions.—As used in this chapter and in chapter  
11 328, unless the context clearly requires a different meaning,



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12 the term:

13 (37) "Pleasure vessel" means a watercraft no more than 60  
14 feet in length used solely for personal and family use and  
15 guests of the owner.

16 Section 2. Section 327.511, Florida Statutes is created to  
17 read:

18 327.511 Salvage of a pleasure vessel.-

19 (1) If a salvor intends to engage in a salvage operation  
20 and renders assistance to a pleasure vessel outside the scope of  
21 simple towage, the salvor shall inform the operator, per the  
22 terms of a declaration of salvage, that the offer of services  
23 rendered is salvage and not towage. The salvor shall provide a  
24 written notice of the declaration of salvage which must be  
25 signed by the customer. The written notice must be in capital  
26 letters of at least 12-point type and must include the following  
27 statement:

28  
29 THE CONDITION OF YOUR VESSEL IS NOT A TOWAGE BUT IS A SALVAGE. A  
30 SALVAGE IS NOT CONSIDERED TOWAGE AND MAY BE OUTSIDE THE COVERAGE  
31 PROVIDED BY YOUR TOWING AGREEMENT. THE COST OF A SALVAGE IS NOT  
32 DETERMINABLE BEFORE COMPLETION OF SALVAGE SERVICES. THE COST OF  
33 A SALVAGE CLAIM IS DEPENDENT ON SEVERAL FACTORS, INCLUDING THE  
34 POST-CASUALTY VALUE OF THE VESSEL. THERE ARE OTHER  
35 CONSIDERATIONS ASSOCIATED WITH A SALVAGE, AND IT IS RECOMMENDED  
36 THAT IF YOU HAVE ANY QUESTIONS OR CONCERNS REGARDING A SALVAGE  
37 TO CONTACT YOUR ATTORNEY AND INSURANCE AGENT.

38  
39 (2) At the discretion of the salvor, if maritime conditions  
40 do not allow for immediate disclosure of the declaration of



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41 salvage as specified in subsection (1), disclosure must occur at  
42 a time when the salvor deems it is safe to do so.

43 (3) The Legislature intends that the declaration of salvage  
44 specified in subsection (1) is to provide informed consent as to  
45 the terms of a salvage. A salvor does not assume any liability  
46 based solely upon disclosure of the terms of a declaration of  
47 salvage.

48 (4) The Fish and Wildlife Conservation Commission shall  
49 receive complaints from operators of pleasure vessels who do not  
50 receive disclosure of a declaration of salvage and must address  
51 such complaints in an expeditious manner by assisting in the  
52 resolution of complaints between operators and salvors. The Fish  
53 and Wildlife Conservation Commission may adopt procedural rules  
54 necessary to administer this section. However, the commission  
55 does not have authority to impose penalties inconsistent with  
56 those established by federal maritime and admiralty law, binding  
57 treatises, and other binding bodies of governing law.

58 (5) This section may not be construed to limit or restrict  
59 the continued applicability of federal maritime and admiralty  
60 law, binding treatises, and other binding bodies of governing  
61 law. In the event of any inconsistency between any provision of  
62 this section and any provision of federal maritime and admiralty  
63 law, binding treatises, or other binding bodies of governing  
64 law, there is an irrefutable presumption that federal maritime  
65 and admiralty law, binding treatises, and other binding bodies  
66 of governing law supersede this section.

67 Section 3. Paragraph (cc) is added to subsection (1) of  
68 section 327.73, Florida Statutes, to read:

69 327.73 Noncriminal infractions.—



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70 (1) Violations of the following provisions of the vessel  
71 laws of this state are noncriminal infractions:

72 (cc) Section 327.511, relating to salvage of pleasure  
73 vessels.

74

75 Any person cited for a violation of any provision of this  
76 subsection shall be deemed to be charged with a noncriminal  
77 infraction, shall be cited for such an infraction, and shall be  
78 cited to appear before the county court. The civil penalty for  
79 any such infraction is \$50, except as otherwise provided in this  
80 section. Any person who fails to appear or otherwise properly  
81 respond to a uniform boating citation shall, in addition to the  
82 charge relating to the violation of the boating laws of this  
83 state, be charged with the offense of failing to respond to such  
84 citation and, upon conviction, be guilty of a misdemeanor of the  
85 second degree, punishable as provided in s. 775.082 or s.  
86 775.083. A written warning to this effect shall be provided at  
87 the time such uniform boating citation is issued.

88 Section 4. This act shall take effect July 1, 2018.

89

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

91 And the title is amended as follows:

92 Delete everything before the enacting clause  
93 and insert:

94 A bill to be entitled  
95 An act relating to salvage of pleasure vessels;  
96 amending s. 327.02, F.S.; defining the term "pleasure  
97 vessel"; creating s. 327.511, F.S.; requiring salvors  
98 of pleasure vessels to inform operators of certain



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99 terms under certain conditions; requiring such salvors  
100 to include a certain statement in a declaration of  
101 salvage; providing an exception; specifying  
102 legislative intent and salvor liability pertaining to  
103 a declaration of salvage; requiring the Fish and  
104 Wildlife Conservation Commission to receive and  
105 resolve complaints; authorizing the commission to  
106 adopt certain rules; providing construction and  
107 applicability; amending s. 327.73, F.S.; revising  
108 noncriminal infractions to include violations of  
109 requirements relating to the salvage of pleasure  
110 vessels; providing an effective date.