

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
IN ADMIRALTY**

Case No. 07-10051-CIV-MOORE

IN RE: Petition of CAPT. CHRISTOPHER S.
SMITH, and ISLAMORADA BOAT CLUB, LLC,
D/B/A SEA TOW KEY LARGO and certain
vessels, for a License to Engage in Maritime
Salvage on the Coast of Florida pursuant to
46 U.S.C. § 80102

**CLOSED
CIVIL
CASE**

**ORDER GRANTING IN PART VERIFIED PETITION OF CAPTAIN CHRISTOPHER
S. SMITH, ISLAMORADA BOAT CLUB, LLC., D/B/A SEA TOW KEY LARGO AND
CERTAIN VESSELS FOR A LICENSE TO ENGAGE IN MARITIME SALVAGE &
WRECKING ON THE COAST OF FLORIDA PURSUANT TO 46 U.S.C. § 80102**

THIS CAUSE came before the Court upon the Verified Petition of Captain Christopher S. Smith, Islamorada Boat Club, LLC., D/B/A Sea Tow Key Largo and Certain Vessels for a License to Engage in Maritime Salvage & Wrecking on the Coast of Florida Pursuant to 46 U.S.C. § 80102 (DE # 1).

UPON CONSIDERATION of the motion and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the Verified Petition of Captain Christopher S. Smith, Islamorada Boat Club, LLC., D/B/A Sea Tow Key Largo and Certain Vessels for a License to Engage in Maritime Salvage & Wrecking on the Coast of Florida Pursuant to 46 U.S.C. § 80102 (DE # 1) is GRANTED IN PART. Plaintiffs seek these licenses pursuant to 46 U.S.C. § 80102, which provides:

- (a) LICENSING REQUIREMENTS: To be regularly employed in the business of salvaging on the coast of Florida, a vessel and its master each must have a license issued by a judge of the district court of the united States for a judicial district of Florida.
- (b) JUDICIAL FINDINGS: Before issuing a license under this section, the judge must be satisfied, when the license is for
 - (1) a vessel, that the vessel is seaworthy and properly equipped for the

business of saving property shipwrecked and in distress; or
(2) a master, that the master is trustworthy and innocent of any fraud or
misconduct related to property shipwrecked or saved on the coast.

This statute updates and replaces 46 U.S.C. Appx. § 724, which provided:

No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is seaworthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

Petitioners seek a license to engage in salvage operations for Captain Christopher S. Smith, the Islamorada Boat Club LLC d/b/a Sea Tow Key Largo and the 2000 vessel "Flash," the 2001 vessel "Hornet," and the 2002 vessel "Seminole." Upon review of the Petition and the accompanying documentation, this Court finds that the Flash, the Hornet, and the Seminole are seaworthy and properly equipped for the business of saving property shipwrecked and in distress. Furthermore, the Court is satisfied that Captain Christopher S. Smith is trustworthy and innocent of any fraud or misconduct related to property shipwrecked or saved on the coast. Accordingly, it is

ORDERED AND ADJUDGED that as far as the Petition seeks for Captain Christopher S. Smith, the 2000 Aquascan Tecno 25 center console Utility Tow vessel "Flash" (Vessel Identification # HINXIW25001L001), the 2001 Aquascan CC Utility-Tecno 25 vessel "Green Hornet" (Vessel Identification # XIW25003E012 CSAX1W25002E01(2)), and the 2002 Aquascan Techno 25 vessel "Seminole" (Vessel Identification # HIN: USAXIW25010G202) to be granted licenses to engage in maritime salvage and wrecking on the coast of Florida pursuant to 46 U.S.C. § 80102, the Petition is GRANTED. The requested licenses shall be

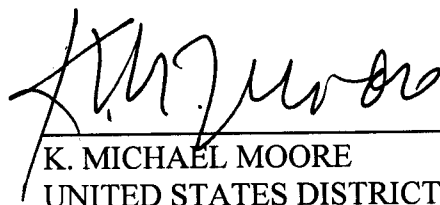
issued by separate Order of the Court. It is further

ORDERED AND ADJUDGED that as far as the Petition seeks for the Islamorada Boat Club, LLC., D/B/A Sea Tow Key Largo to be granted a license to engage in maritime salvage and wrecking on the coast of Florida pursuant to 46 U.S.C. § 80102, the Petition is DENIED. The applicable statute, 46 U.S.C. § 80102, does not provide for a license to be granted to a corporate owner of licensed vessels. Nor did the current statute's predecessor, 46 U.S.C. Appx. § 724. See In Re Marine Archaeological Enterprises, Inc., 280 F. Supp. 477, 477 (S.D. Fla. 1968).

It is finally

ORDERED AND ADJUDGED that the Clerk is instructed to administratively CLOSE this case. All pending motions not otherwise ruled on are DENIED AS MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this 20th day of June, 2007.


K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record