

|              |  |  |  |  |  |  |  |
|--------------|--|--|--|--|--|--|--|
| <b>Tab 2</b> | <b>SB 164 by Rodriguez;</b> Identical to H 01149 Vessel Accountability |  |  |  |  |  |  |
|--------------|--|--|--|--|--|--|--|

|        |   |   |     |               |                     |                |
|--------|---|---|-----|---------------|---------------------|----------------|
| 974618 | A | S | RCS | EN, Rodriguez | Delete L.304:       | 03/03 04:42 PM |
| 446196 | A | S | RCS | EN, Rodriguez | Delete L.821 - 838: | 03/03 04:42 PM |

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|--------------|--|--|--|--|--|--|--|
| <b>Tab 3</b> | <b>SB 388 by Rodriguez;</b> Similar to H 00843 Trust Funds for Wildlife Management |  |  |  |  |  |  |
|--------------|--|--|--|--|--|--|--|

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ENVIRONMENT AND NATURAL RESOURCES**

**Senator Rodriguez, Chair**  
**Senator Ingoglia, Vice Chair**

**MEETING DATE:** Monday, March 3, 2025  
**TIME:** 3:30—5:30 p.m.  
**PLACE:** *Toni Jennings Committee Room, 110 Senate Building*

**MEMBERS:** Senator Rodriguez, Chair; Senator Ingoglia, Vice Chair; Senators Arrington, Avila, Brodeur, DiCeglie, Harrell, Polsky, and Smith

| TAB | BILL NO. and INTRODUCER   | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION           |
|-----|---|--|----------------------------|
| 1   | Presentation by the Florida Onsite Wastewater Association on Advanced Treatment Systems in the Onsite Wastewater Industry |  | Presented                  |
| 2   | <b>SB 164</b><br>Rodriguez<br>(Identical H 1149)  | Vessel Accountability; Defining the term "vessel owner"; providing a penalty for a person anchoring, mooring, or allowing certain vessels to occupy the waters of this state if an officer of the Fish and Wildlife Conservation Commission or a law enforcement agency finds that specified conditions exist; requiring the commission to issue, at no cost, a permit for the long-term anchoring of a vessel which includes specified information; requiring that a vessel subject to a specified number of violations within a 24-month period which result in certain dispositions be declared a public nuisance, etc.<br><br>EN      03/03/2025 Fav/CS<br>AEG<br>FP | Fav/CS<br>Yeas 9 Nays 0    |
| 3   | <b>SB 388</b><br>Rodriguez<br>(Similar H 843)   | Trust Funds for Wildlife Management; Authorizing the Fish and Wildlife Conservation Commission to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund; revising the purposes for which the commission may spend money from the Florida Panther Research and Management Trust Fund; deleting the requirement that the commission designate an identifiable unit to administer the Nongame Wildlife Trust Fund, etc.<br><br>EN      03/03/2025 Favorable<br>AEG<br>AP  | Favorable<br>Yeas 9 Nays 0 |
| 4   | Other Related Meeting Documents   |  |                            |

# Advanced Treatment Systems in the Onsite Wastewater Industry

Roxanne Groover

Florida Onsite Wastewater Association (FOWA)

# Types of treatment

PBTS

**NSF 245**

INRB

**NSF Standard 245 (Nitrogen-Reducing) Certified Aerobic Treatment Units (ATUs) in Florida  
(Rule 62-6.012, Florida Administrative Code)**

| Manufacturer                                | Equipment Series       | NSF Tested Model             | Third Party Certifying Organization | Florida-Approved NSF 245-Certified Models   | Average Total Nitrogen Reduction - NSF 245 Completion Report <sup>1</sup> | NSF 245 Report Date |
|---|------------------------|------------------------------|-------------------------------------|---|---|---------------------|
| <b>Anua</b>                                 | PuraSys                | PekaSys CRB1 (PuraSys PS1-4) | NSF International                   | PS1-5, PS1-6, PS1-7, PS1-8, PS1-9, PS1-10, PS1-11, PS1-12, PS1-13, and PS1-14     | 58%   | July 2011           |
| <b>Aquaklear, Inc.</b>                      | AquaKlear              | AK6S245                      | Gulf Coast Testing                  | AK6S245C, AK10S245C, AK6S245F, AK6S245C/UV <sup>5</sup>                           | 59.4%   | April 2021          |
| <b>Bio-Microbics, Inc.</b>                  | BioBarrier             | MBR 0.5                      | NSF International                   | MBR 0.5-N; MBR 1.0-N; MBR 1.5-N   | 79%   | October 2011        |
| <b>Bio-Microbics, Inc.</b>                  | MicroFAST <sup>2</sup> | 0.5                          | NSF International                   | MicroFast 0.4, 0.5, 0.625, 0.75, 0.9, 1.5   | 55%   | October 2008        |
| <b>Clearstream Wastewater Systems, Inc.</b> | Clearstream            | 500 D                        | Gulf Coast Testing                  | 500D, 500DT, 500DST, 600D, 600DT, 600DC3, 750D, 750DT, 800D, 1000D, 1000DT, 1500D | 52.9%   | March 2013          |

# FL NSF 245 Systems

**NSF Standard 245 (Nitrogen-Reducing) Certified Aerobic Treatment Units (ATUs) in Florida  
(Rule 62-6.012, Florida Administrative Code)**

| <b>Manufacturer</b>                         | <b>Equipment Series</b> | <b>NSF Tested Model</b>      | <b>Third Party Certifying Organization</b> | <b>Florida-Approved NSF 245-Certified Models</b>   | <b>Average Total Nitrogen Reduction - NSF 245 Completion Report<sup>1</sup></b> | <b>NSF 245 Report Date</b> |
|---|-------------------------|------------------------------|--|--|---|----------------------------|
| <b>Anua</b>                                 | PuraSys                 | PekaSys CRB1 (PuraSys PS1-4) | NSF International                          | PS1-5, PS1-6, PS1-7, PS1-8, PS1-9, PS1-10, PS1-11, PS1-12, PS1-13, and PS1-14                | 58%   | July 2011                  |
| <b>Aquaklear, Inc.</b>                      | AquaKlear               | AK6S245                      | Gulf Coast Testing                         | AK6S245C, AK10S245C, AK6S245F, AK6S245C/UV <sup>5</sup>                                      | 59.4%   | April 2021                 |
| <b>Bio-Microbics, Inc.</b>                  | BioBarrier              | MBR 0.5                      | NSF International                          | MBR 0.5-N; MBR 1.0-N; MBR 1.5-N  | 79%   | October 2011               |
| <b>Bio-Microbics, Inc.</b>                  | MicroFAST <sup>2</sup>  | 0.5                          | NSF International                          | MicroFast 0.4, 0.5, 0.625, 0.75, 0.9, 1.5  | 55%   | October 2008               |
| <b>Clearstream Wastewater Systems, Inc.</b> | Clearstream             | 500 D                        | Gulf Coast Testing                         | 500D, 500DT, 500DST, 600D, 600DT, 600DC3, 750D, 750DT, 800D, 1000D, 1000DT, 1500D            | 52.9%   | March 2013                 |
| <b>Clearstream Wastewater Systems, Inc.</b> | Clearstream             | 500 DA                       | Gulf Coast Testing                         | 500DA, 500DAT, 500DAST, 600DA, 600DAT, 600DAC3, 800DA  | 54.1%   | August 2015                |
| <b>Delta Treatment Systems, LLC.</b>        | ECOPOD-N                | E50-N                        | NSF International                          | E50-N, E-50-N-IM1060, E-60-N E-60-N-IM1060, E75-N, E-75-N-IM1060, E100-N, and E-100-N-IM1530 | 53%   | February 2010              |
| <b>Delta Treatment Systems, LLC.</b>        | ECOPOD-NR               | E50-NR                       | Gulf Coast Testing                         | E50-NR   | 68.3%   | March 2023                 |

**NSF Standard 245 (Nitrogen-Reducing) Certified Aerobic Treatment Units (ATUs) in Florida  
(Rule 62-6.012, Florida Administrative Code)**

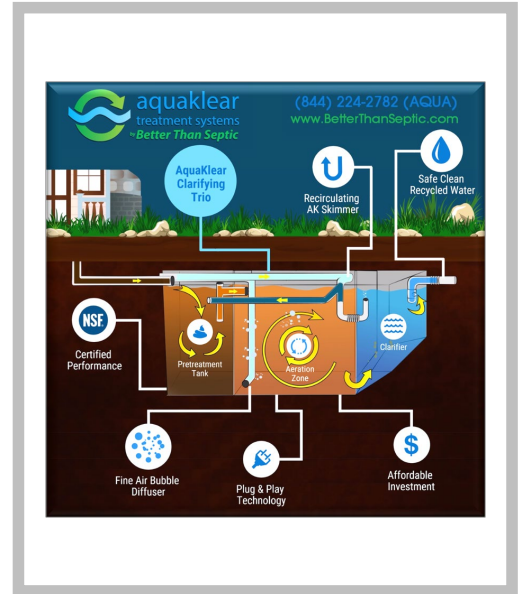
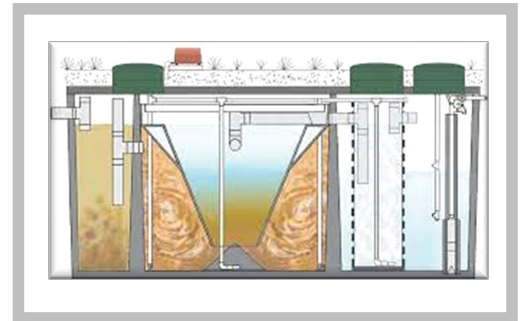
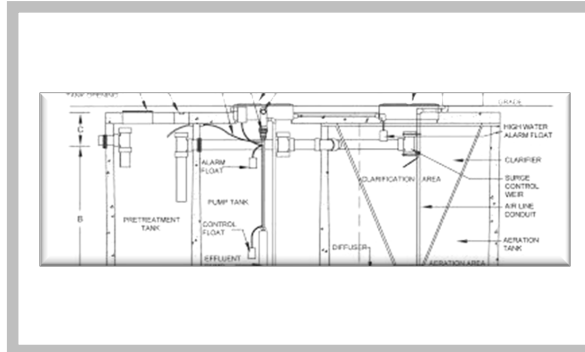
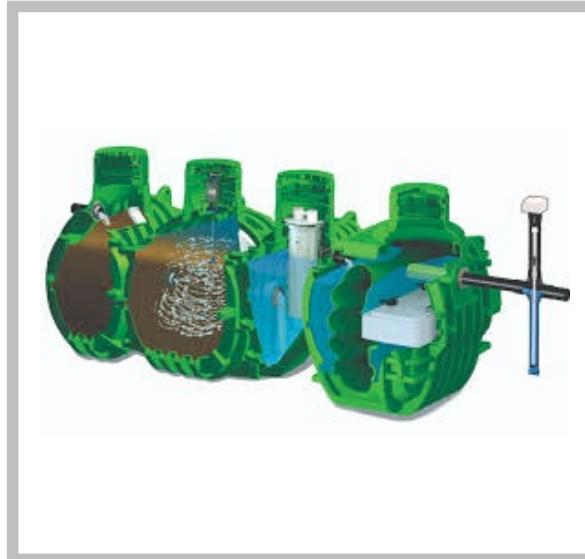
| <b>Manufacturer</b>                  | <b>Equipment Series</b> | <b>NSF Tested Model</b> | <b>Third Party Certifying Organization</b> | <b>Florida-Approved NSF 245-Certified Models</b>  | <b>Average Total Nitrogen Reduction - NSF 245 Completion Report<sup>1</sup></b> | <b>NSF 245 Report Date</b>               |
|--------------------------------------|-------------------------|-------------------------|--|---|---|--|
| <b>Delta Treatment Systems, LLC.</b> | ECOPOD-NX               | E50-NX                  | Gulf Coast Testing                         | E50-NX  | 80.1%   | June 2023                                |
| <b>Ecological Tanks</b>              | Aqua Aire NR            | AA500-35NR              | Gulf Coast Testing                         | AA500-35NR, AA600-4NR, AA800-5NR, AA1000-75NR, AA1200-75NR  | 63.1%   | October 2023                             |
| <b>Fuji Clean USA</b>                | CEN                     | 5                       | NSF International                          | CEN 5, 7, 10, 14  | 74%   | April 2015                               |
| <b>Hoot Systems, LLC</b>             | Hoot ANR                | Hoot ANR-450            | NSF International                          | Hoot ANR-450, ANR-500   | 85%   | August 2007                              |
| <b>Hoot Systems, LLC</b>             | Hoot NR-600             | Hoot NR-600             | NSF International                          | Hoot NR-600   | 54.3%   | January 2025                             |
| <b>Jet</b>                           | Jet-CF                  | 500                     | Gulf Coast Testing                         | J-500CF, J-750CF, J-1000CF, J-1250CF, J-1500CF  | 67%   | December 2008<br>(revised December 2018) |
| <b>Norweco, Inc.</b>                 | Singulair TNT           | TNT-500                 | NSF International                          | Singulair TNT-500 <sup>3</sup> , Singulair Green TNT-500 <sup>3</sup> , Singulair TNT-750 <sup>4</sup> , Singulair TNT 1000, Singulair TNT 1250, Singulair TNT 1500 | 68%   | November 2007                            |
| <b>Norweco, Inc.</b>                 | Singulair               | R3-500                  | North American Testing, LLC                | Singulair R3-500 <sup>5</sup>   | 66%   | December 2017                            |
| <b>Orengo Systems</b>                | Advantex                | AX20RTN                 | NSF International                          | AX20RTN   | 55%   | May 2015                                 |

# TYPES OF SYSTEMS

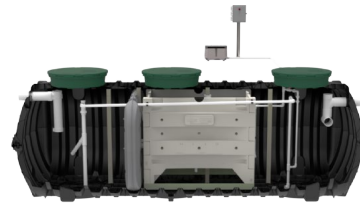
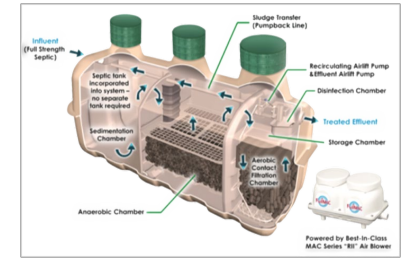
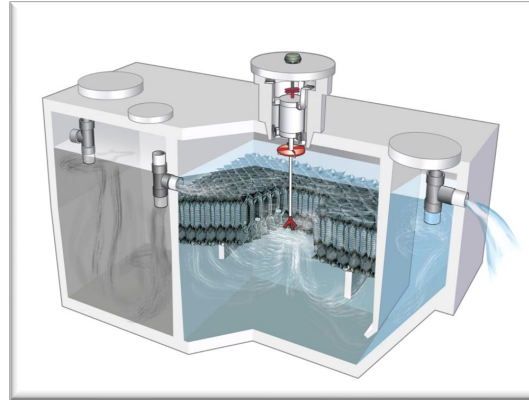
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- SUBMERGED FIXED FILM
- MEDIA/MEMBRANE FILTERS
- SEQUENCING BATCH REACTORS (SBR)



# SUSPENDED AERATION



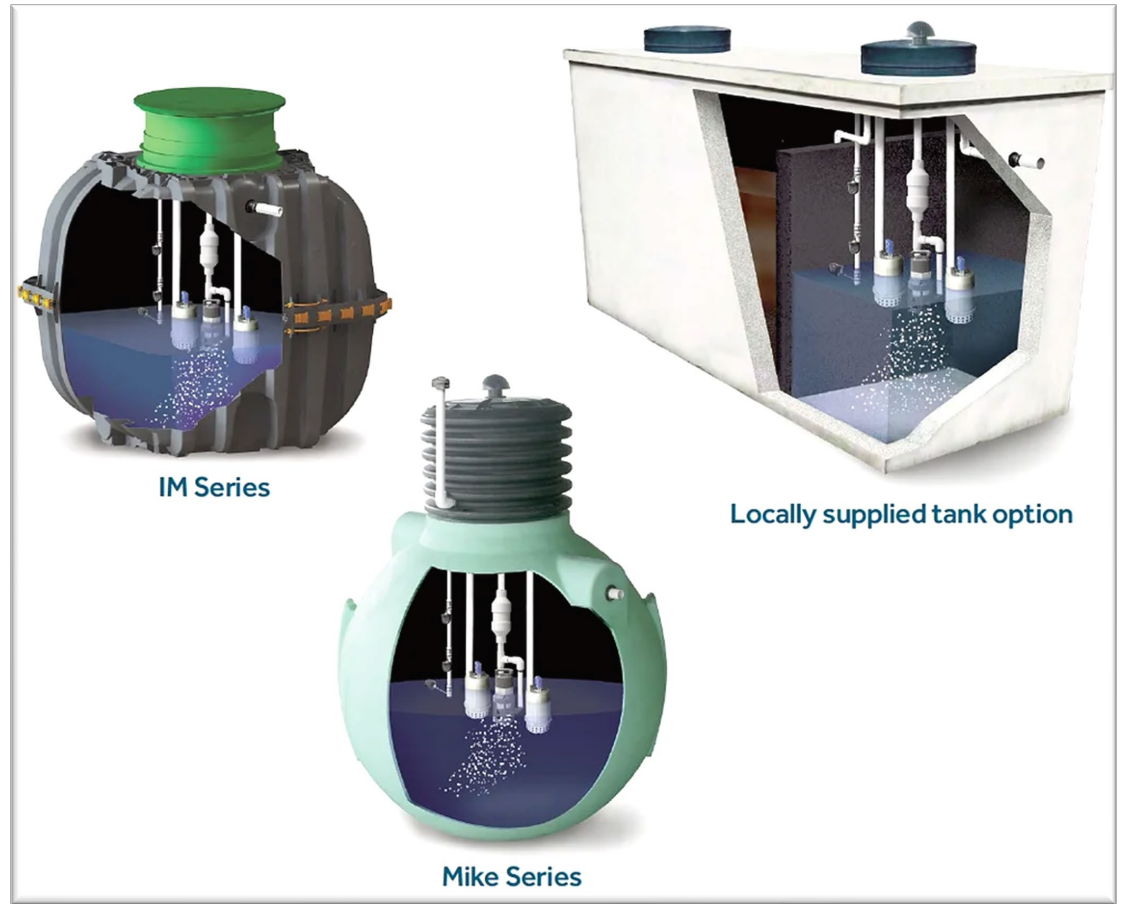
# SUBMERGED FIXED FILM



# MEDIA/ MEMBRANE FILTERS



# SEQUENCING BATCH REACTORS (SBR)

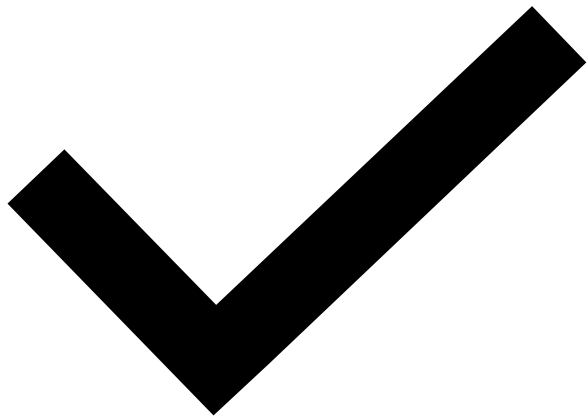


# Types of treatment

**PBTS**

**NSF 245**

**INRB**



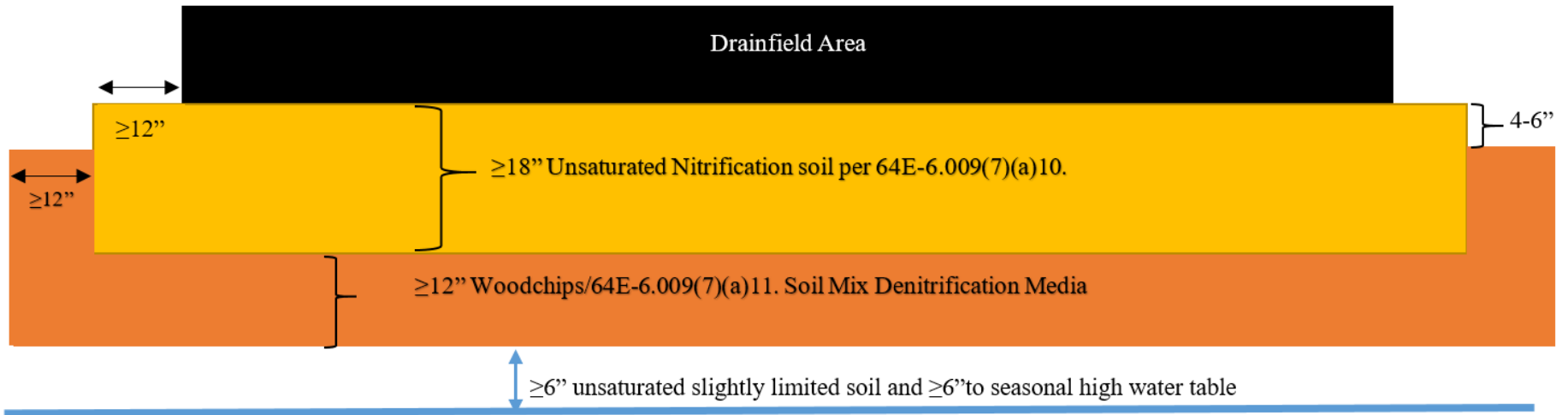
FL approved  
PBTS/Innovative  
OSTDS  
Technologies

# Types of treatment

**PBTS**

**NSF 245**

**INRB**



## Inground Nitrogen Reducing Biofilters (INRB)



# Water Quality Restoration Program

## Springs BMAPs: Existing System Requirements

| <b>Springs BMAP</b>                         | <b>Where BMAPs require existing systems to be upgraded to nitrogen reducing systems</b> | <b>Contact for funding information</b>  |
|---|---|---|
| <b>Crystal River/Kings Bay</b>              | All lot sizes/in the Priority Focus Area  | <a href="#">Citrus County Septic Upgrade Program</a>  |
| <b>DeLeon Springs</b>                       | Lots less than one acre/in the Priority Focus Area                                      | <a href="#">Volusia County Septic Upgrade Incentive Program</a>   |
| <b>Gemini Spring</b>                        | Lots less than one acre/in the Priority Focus Area                                      | To be determined  |
| <b>Homosassa and Chassahowitzka Springs</b> | All lot sizes/in the Priority Focus Area  | <a href="#">Citrus County Septic Upgrade Program</a>  |
| <b>Silver/Rainbow</b>                       | All lot sizes/in the BMAP area  | To be determined  |
| <b>Volusia Blue Spring</b>                  | Lots less than one acre/in the Priority Focus Area                                      | To be determined  |
| <b>Wakulla River and Spring</b>             | All lot sizes/in the PFA  | <ul style="list-style-type: none"> <li>• <a href="#">Leon County Septic Upgrade Program</a></li> <li>• <a href="#">Wakulla County Septic Upgrade Program</a></li> </ul> |
| <b>Weeki Wachee</b>                         | All lot sizes/in the Priority Focus Area  | <a href="#">Hernando County Septic Upgrade Program</a>  |
| <b>Wekiwa Spring and Rock Springs</b>       | Lots less than one acre/in the Priority Focus Area                                      | <a href="#">Orange County Septic Tank Incentive Program</a>   |



# Septic Upgrade Incentive Program Contractors Information

[Home](#) > [Departments and Divisions](#) > [Growth and Resource Management](#) > [Environmental Management](#) > [Septic Upgrade Incentive Program Contractors Information](#)

The Florida Department of Environmental Protection (DEP) has requirements for existing septic systems in the DeLeo Springs Priority Focus Area (PFA) to upgrade to enhanced nutrient reducing systems (ENR).

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[Be Floridian Now](#)

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[Calendar of Events](#)

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[Connect Live \(Online Permitting\)](#)

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[Educational opportunities and material](#)

---

[Environmental Permitting](#)

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[Explore Volusia](#)

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[Get involved](#)

# The Hernando County Septic Upgrade Incentive Program

A program that offered grants to homeowners who upgraded their septic systems

- The program offered up to \$7,500 per installation
- Payments were made directly to the licensed contractor on the homeowner's behalf
- The program was intended to encourage homeowners to improve their septic systems to reduce nitrogen
- To qualify, a home had to be located in the Weeki Wachee Springs Priority Focus Area
- The home could not be slated for sewer connection within five years
- The homeowner had to be the property owner and up-to-date on property taxes

*Brevard County's*  
**Save**  
*our*  
**LAGOON**

A decorative horizontal band with a light blue background. It features a series of wavy, darker blue lines across the top. Below the waves, several small, light blue fish icons are scattered across the width of the band.

**Anthony Gubler, Environmental Specialist**  
**Brevard County Natural Resources Management Department**  
**[Anthony.Gubler@BrevardFL.gov](mailto:Anthony.Gubler@BrevardFL.gov)**

# SAVE OUR INDIAN RIVER LAGOON

## Septic to Sewer



Budget: \$135,374,605  
TN Reduction: 114,440 lbs/year  
Average Cost/lb TN: \$1,196  
Homes Connected: 513  
Homes in Construction: 256  
Homes in the Plan: 4,822

## Septic System Upgrades



Budget: \$29,250,000  
TN Reduction: 37,981 lbs/year  
Average Cost/lb TN: \$770  
Homes Upgraded: 229  
Homes Contracted: 394  
Homes in the Plan: 1,625

# Septic Upgrades



# 287

## Homeowner Septic Upgrades Completed



# A SPECIAL THANKS TO:

**Jennifer S. Spain**

Water Quality and Pollution Control Manager  
Environmental Management  
Growth and Resource Management  
County of Volusia  
123 West Indiana Avenue  
DeLand, FL 32720  
Office: (386)736-5927 ext. 12073

**Alys Brockway | Water Resource Manager**

Hernando County Utilities Department  
15365 Cortez Blvd, Brooksville, FL 34613  
(352) 754-4749  
Email: [ABrockway@co.hernando.fl.us](mailto:ABrockway@co.hernando.fl.us)

**Anthony Gubler**

Save Our Indian River Lagoon Program  
Office: 321-633-2016  
[Anthony.Gubler@brevardfl.gov](mailto:Anthony.Gubler@brevardfl.gov)

THANKYOU

**Roxanne Groover**

Executive Director

Florida Onsite Wastewater  
Association (FOWA)

(813)504-8340

[rgroover@myfowa.com](mailto:rgroover@myfowa.com)



# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

**PRESENTER**

Bill Number or Topic

3/3/2025  
Meeting Date

NAT RESOURCES  
Committee

Amendment Barcode (if applicable)

ROXANNE GROOVER  
Name

813 504 8340  
Phone

5115 SR 557  
Address  
Street

rgroover@myfowa.com  
Email

LAKE ALFRED FL 33850  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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BILL: CS/SB 164

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Vessel Accountability

DATE: March 4, 2025

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION        |
|----|---------|----------------|-----------|---------------|
| 1. | Carroll | Rogers         | EN        | <b>Fav/CS</b> |
| 2. |         |                | AEG       |               |
| 3. |         |                | FP        |               |

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 164 amends and creates statutes concerning vessel ownership, nuisance and derelict vessels, and anchoring and mooring practices.

The bill clarifies and expands the definition of a “vessel owner.” For vessels at risk of becoming derelict, the bill provides that if the owner or operator is present on the vessel, a law enforcement officer can immediately conduct a test of the vessel’s effective means of propulsion for safe navigation. The bill provides that a vessel will be declared a public nuisance if it is found to be at risk of becoming derelict three times within a 24-month period.

The bill creates a free long-term anchoring permit for vessel owners or operators who intend to anchor a vessel within 1 linear nautical mile of an anchorage point for 14 days or more within a 30-day period.

Regarding civil and criminal penalties, the bill:

- Adds violations relating to expired registration and long-term anchoring to the list of noncriminal violations that may be enforced by a uniform boating citation.
- Provides penalties for long-term anchoring violations.
- Increases penalties for subsequent violations of derelict vessel laws and makes residing or dwelling on a derelict vessel a criminal offense.

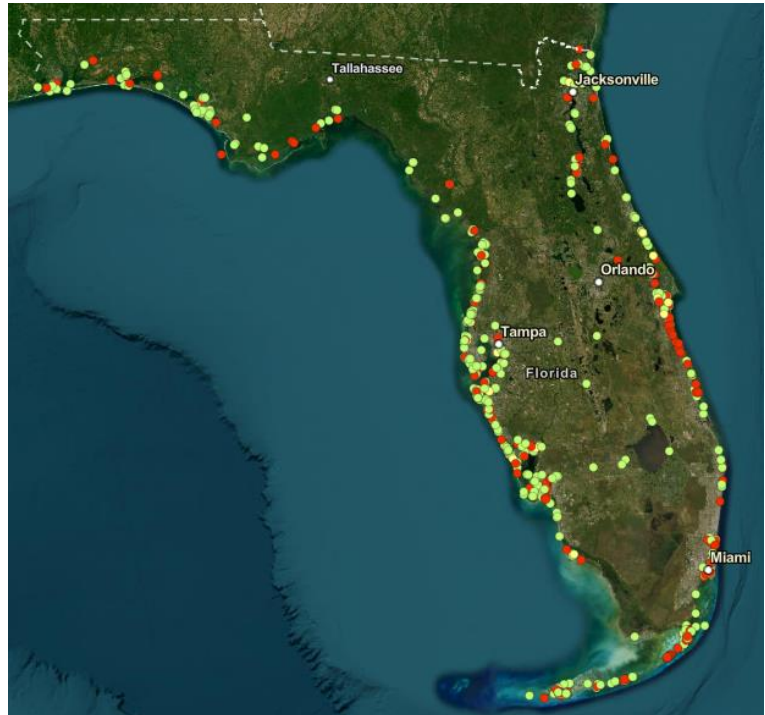
The bill also expands the Florida Fish and Wildlife Conservation Commission's existing local government grant program to support the derelict vessel prevention and voluntary turn-in program.

## II. Present Situation:

### Derelict Vessels

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.<sup>1</sup> As of January 2025, there were 1,040 derelict vessels in the Florida Fish and Wildlife Conservation Commission's (FWC's) derelict vessel database.<sup>2</sup>

A derelict vessel is a vessel that is in a wrecked,<sup>3</sup> junked,<sup>4</sup> or substantially dismantled<sup>5</sup> condition upon any public waters of this state;<sup>6</sup> at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached on the property of another without their consent.<sup>7</sup> It is unlawful for a person,



This map shows the locations of derelict vessels and denotes the status of each vessel. Map courtesy of FWC.

<sup>1</sup> Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study*, 61 (Sept. 2023), available at <https://myfwc.com/media/lonelypyo/long-term-stored-vessel-study.pdf>.

<sup>2</sup> FWC, *Derelict Vessels Presentation*, 2 (Feb. 4, 2025), available at [https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/6285/10953\\_MeetingPacket\\_6285.pdf](https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/6285/10953_MeetingPacket_6285.pdf); See the map on this page for the location and status of derelict vessels. FWC, *Derelict Vessels*, <https://experience.arcgis.com/experience/decfb6b7ca024ac98f6f900d86784d09?views=View-5> (last visited Feb. 20, 2025).

<sup>3</sup> A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. Section 823.11(1)(b), F.S.

<sup>4</sup> A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

<sup>5</sup> A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

<sup>6</sup> "Waters of this state" are defined as any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.

<sup>7</sup> Section 823.11(1)(b), F.S.

firm, or corporation to leave any derelict vessel on waters of this state.<sup>8</sup>

An FWC officer, or other law enforcement agency or officer<sup>9</sup> is authorized to relocate, remove, and store a derelict vessel if it obstructs or might obstruct navigation or if it endangers property, persons, or the environment.<sup>10</sup> Law enforcement officers who relocate, remove, and store a derelict vessel are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>11</sup>

When a derelict vessel is docked, grounded, or beached on private property without the property owner's consent, the property owner may remove the vessel at the vessel owner's expense 60 days after providing written notice to the vessel owner.<sup>12</sup> The notice must be delivered in person or by certified mail and conspicuously posted at the marina and on the vessel.<sup>13</sup>

It is a first degree misdemeanor to leave a derelict vessel on waters of the state and a court may order the imposition of a civil penalty in addition to any sentence imposed for the first offense.<sup>14</sup> A conviction will not bar the assessment and collection of a civil penalty.<sup>15</sup> If the owner or responsible party has been convicted of leaving a derelict vessel on waters of the state, they are prohibited from residing or dwelling on the vessel until it is permanently removed.<sup>16</sup> They may reside or dwell on the vessel if it is returned to waters of the state when it is no longer derelict.<sup>17</sup>

The average cost to remove a derelict vessel from waters of the state is \$750 per foot.<sup>18</sup> The average length of derelict vessels removed is 32 feet. In 2020, the total cost of derelict vessel removal was almost \$2 million. That increased to almost \$5 million in 2021, to approximately \$6 million in 2022, to approximately \$7 million in 2023, and almost \$13 million in 2024.<sup>19</sup>

### ***Vessels at Risk of Becoming Derelict***

To prevent neglected or deteriorating vessels from reaching a likely and foreseeable state of disrepair, a vessel that is at risk of becoming derelict may not be present on waters of this state.<sup>20</sup>

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<sup>8</sup> Section 823.11(2), F.S. The term "leave" means to allow a vessel to remain occupied or unoccupied on waters of this state for more than 24 hours.

<sup>9</sup> Law enforcement agencies or officers specified in section 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

<sup>10</sup> Section 823.11(3), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 823.11(5), F.S.

<sup>13</sup> *Id.* These notice requirements are found in section 328.17(5), F.S.

<sup>14</sup> Section 823.11(6), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 823.11(7), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> FWC, *Derelict Vessels Presentation*, 9 (Feb. 5, 2025), available at [https://www.flsenate.gov/Committees/Show/AEG/MeetingPacket/6293/10975\\_MeetingPacket\\_6293\\_2.pdf](https://www.flsenate.gov/Committees/Show/AEG/MeetingPacket/6293/10975_MeetingPacket_6293_2.pdf).

<sup>19</sup> *Id.*

<sup>20</sup> Section 327.4107(1), F.S.

A vessel may be determined to be at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion;
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives notice;<sup>21</sup> or
- The vessel is tied to an unlawful or unpermitted structure or mooring.<sup>22</sup>

If a vessel does not have an effective means of propulsion, a vessel owner or operator may provide a receipt, proof of purchase, or other documentation showing that the parts necessary to repair the vessel have been ordered.<sup>23</sup>

It is a noncriminal infraction to anchor or moor a vessel at risk of becoming derelict on waters of the state, which is punishable by a civil penalty that increases for subsequent violations.<sup>24</sup> A first offense results in a \$100 fine, a second offense that occurs at least 30 days after the first results in a \$250 fine, and a third or subsequent offense that occurs at least 30 days after the previous offense results in a \$500 fine.<sup>25</sup>

A law enforcement officer may relocate a vessel that is at risk of becoming derelict to a distance greater than 20 feet from mangroves or upland vegetation and is protected from liability for damages caused by relocating the vessel, unless the damage is the result of gross negligence or willful conduct.<sup>26</sup>

### ***Vessels Declared to be a Public Nuisance***

If a vessel is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 18-month period, the vessel may be declared a public nuisance.<sup>27</sup> Law enforcement officers may relocate or remove public nuisance vessels from waters of the state and are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>28</sup>

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<sup>21</sup> Notice may be telephonic, in-person recorded on an agency-approved body camera, or written and provided by facsimile, electronic mail, or other electronic means. Section 327.4107(2), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Section 327.4107(3), F.S.; section 327.73(1)(aa), F.S.

<sup>25</sup> Section 327.73(1)(aa), F.S.

<sup>26</sup> Section 327.4107(5), F.S.

<sup>27</sup> Section 327.73(1), F.S.

<sup>28</sup> *Id.* Gross negligence is defined as “conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.” Willful misconduct is defined as “conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.” Section 823.11(1)(c) and (d), F.S.

### **Derelict and Public Nuisance Vessel Removal Procedure**

If a law enforcement officer ascertains that a derelict vessel or a vessel declared a public nuisance is present on waters of the state, the officer must place a notice on the vessel stating that the vessel must be removed by the owner within 21 days.<sup>29</sup> The notice must inform the owner or interested parties that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law. It must also give notice that if the vessel is not removed by the owner, then the owner or responsible party will be liable for the costs of removal, destruction, and disposal.<sup>30</sup>

In addition to posting the notice on the vessel, the law enforcement officer must also mail a copy of the notice to the owner, if the officer is able to determine the owner's name and address after reasonable efforts.<sup>31</sup> If the owner or any interested person has not removed the vessel or requested a hearing within 21 days of the notice being posted and mailed, the law enforcement agency or its designee may:

- Remove, destroy, and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef if all necessary authorizations are received.<sup>32</sup>

The owner or responsible party who does not remove the derelict or public nuisance vessel from waters of the state following the receipt of notice will be liable for all costs of removal, storage, destruction, and disposal of the vessel, less any salvage value.<sup>33</sup> The owner or responsible party who refuses to pay these costs will not be issued a certificate of registration for the derelict or public nuisance vessel or any other vessel.<sup>34</sup>

### **Derelict Vessel Prevention Programs**

FWC is authorized to establish a derelict vessel prevention program to address vessels at risk of becoming derelict.<sup>35</sup> The program is not required to, but may include:

- Removing, relocating, and destroying vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned;
- Creating a vessel turn-in program that allows the owner of a vessel at risk of becoming derelict to turn over their vessel and title to FWC to be destroyed without penalty;
- Removing and destroying abandoned vessels;
- Purchasing anchor lines, anchors, and other equipment to secure vessels at risk of becoming derelict; and
- Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.<sup>36</sup>

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<sup>29</sup> Section 705.103(2)(a)1.b., F.S.

<sup>30</sup> *Id.*

<sup>31</sup> Section 705.103(2)(a)2., F.S.

<sup>32</sup> *Id.*

<sup>33</sup> Section 705.103(4), F.S.

<sup>34</sup> *Id.*

<sup>35</sup> Section 327.4107(7), F.S.

<sup>36</sup> *Id.*

Pursuant to this authorization, FWC established the Florida Vessel Turn-In Program, which allows vessel owners who have received a written citation or warning that their vessel is at risk to have the vessel removed, destroyed, and disposed of at no cost to the owner.<sup>37</sup>

Removal of vessels eligible for the Vessel Turn-In Program and local government efforts to remove derelict and public nuisance vessels are funded by grants from FWC.<sup>38</sup>

### Florida Anchoring Practices

FWC's Long-Term Stored Vessel Study found that a correlation exists between the number of "long-term stored vessels" and the incidence of derelict vessels.<sup>39</sup> The study was unable to conclude the extent to which long-term stored vessels contribute to the number of derelict vessels because of the absence of tracking data.<sup>40</sup> As part of the study, FWC identified 691 popular overnight anchoring locations.<sup>41</sup> Of these unmanaged anchoring areas, 319 were used primarily for long-term storage, 243 were used primarily by transient cruising vessels for short overnight stays, and 129 were used for an indeterminate mixture of storage and cruising.<sup>42</sup>



A photo taken at the Dinner Key and Coconut Grove Sailing Club mooring fields. Vessels can be seen anchored outside of the mooring field. *Photo from the Long-Term Stored Vessel Study.*

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<sup>37</sup> FWC, *Florida Vessel Turn-In Program*, <https://myfwc.com/boating/waterway/vtip/> (last visited Feb. 20, 2025).

<sup>38</sup> *Id.*; FWC, *Derelict Vessel Removal Grant Program*, <https://myfwc.com/boating/grants-programs/derelict-vessel/> (last visited Feb. 20, 2025).

<sup>39</sup> Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study* at 129. A long-term stored vessel is a vessel on waters of the state which is not under the supervision and control of a person capable of operating, maintaining, or moving it from one location to another and which has remained anchored or moored outside of a public mooring field for at least 30 days out of a 60-day period. *Id.* at 136.

<sup>40</sup> *Id.* at 129.

<sup>41</sup> *Id.* at 48.

<sup>42</sup> *Id.* The photo on this page can be found on page 60 of the *Long-Term Stored Vessel Study*.

## Georgia’s Long-Term Anchoring Permit

In 2020, the Georgia General Assembly passed HB 833, which prohibited long-term anchoring in estuarine areas of the state without having first obtained a long-term anchoring permit.<sup>43</sup> “Estuarine areas” are all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.<sup>44</sup> Additionally, the Georgia code defines “long-term anchoring” as anchoring a vessel within a mile radius of a documented anchoring point where a vessel is anchored for over 14 cumulative days in a calendar year.<sup>45</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 327.02, F.S., to clarify the definition of an owner. Current law defines an “owner” as a person, other than a lienholder, having the property in or title to a vessel. This includes a person entitled to the use or possession of a vessel subject to an interest in another person, which is reserved or created by agreement and securing payment of performance of an obligation. The term does not include a lessee under a lease not intended as security.

The bill revises the term “owner” to specify that the definition is for a “vessel owner.” The bill also adds the following persons to the definition above:

- A person identified in the records of the Department of Highway Safety and Motor Vehicles, or other state equivalent, as the title certificate holder of the vessel.
- A person identified as the buyer, transferee, or new owner in a notice filed with the Department of Highway Safety and Motor Vehicles of the transfer of all or part of a person’s interest in a vessel or of the destruction or abandonment of a vessel.<sup>46</sup>
- A person who has signed a written agreement for the purchase and sale of the vessel and paid the consideration, if any, required under the agreement.
- A person who has provided a written, signed receipt to the seller or transferor of the vessel acknowledging actual receipt and possession of the vessel.

**Section 2** amends s. 327.4107, F.S., concerning vessels that are at risk of becoming derelict on waters of the state. The bill authorizes a law enforcement officer to require a test of a vessel’s effective means of propulsion for safe navigation to be conducted immediately if the owner or operator is present on the vessel. The bill provides that if the owner or operator is not present on the vessel, the owner or operator must conduct the test for effective means of propulsion in the presence of law enforcement within 48 hours of receiving notice. The bill shortens this deadline from the current requirement of 72 hours.

Current law specifies that notice stating a vessel lacks an effective means of propulsion must be telephonic notice, in-person notice recorded on an agency-approved body camera, or written notice, which may be provided by facsimile, electronic mail, or other electronic means. The bill reduces this requirement to “notice from a law enforcement officer.”

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<sup>43</sup> Georgia General Assembly, *HB 833*, <https://www.legis.ga.gov/legislation/56927> (last visited Feb. 20, 2025); O.C.G.A. §52-7-8.4.

<sup>44</sup> O.C.G.A. §52-7-8.4.

<sup>45</sup> *Id.*

<sup>46</sup> This notice is filed pursuant to section 328.64(1), F.S.



**Section 3** creates s. 327.4111, F.S., to require vessel owners or operators to obtain a long-term, no-cost anchoring permit when engaging in long-term anchoring. A permit will be required for long-term anchoring beginning on January 1, 2026.

The bill defines “long-term anchoring” as anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 days or more within a 30-day period.

The bill requires the Florida Fish and Wildlife Conservation Commission (FWC) to issue a free permit for long-term anchoring on waters of the state. The bill requires the permit to include the following information on the vessel owner or operator:

- Name,
- Mailing address,
- Telephone number,
- Email address,
- Birth date, and
- Driver’s license number, if applicable.

The bill requires the permit to include the following information on the vessel itself:

- Make,
- Model,
- Year,
- Style,
- Hull identification number,
- Registration number or U.S. Coast Guard documentation, if applicable, and
- Vessel name, if applicable.

The permit also must include information regarding the location where the vessel will be anchored. It must also provide notice that the permit may be revoked if the vessel is derelict, is at risk of becoming derelict, or is in violation of marine sanitation provisions.

The bill allows a person to obtain more than one permit, however each permit is specific to one vessel. A permit must be renewed or updated for each long-term anchoring location and will expire one year from its date of issuance. The bill provides that a permit may be revoked if the permitted vessel is derelict, at risk of becoming derelict, or is operated or occupied on waters of the state in violation of marine sanitation laws.<sup>47</sup>

A long-term anchoring permit is not required if a vessel is docked at a public or private dock or moored to a permitted mooring buoy. The following vessels are exempt from long-term permitting requirements:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.

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<sup>47</sup> Marine sanitation laws are found in section 327.53, F.S.

The bill provides that a person who engages in long-term anchoring without a valid permit commits a noncriminal infraction, punishable as provided in Section 5 of the bill.

The bill requires FWC to use an electronic application and permitting system in implementing the long-term anchoring permit program. It also clarifies that the long-term anchoring permit requirements do not supersede any other anchoring limitations established pursuant to law.

The bill authorizes FWC to adopt rules to implement the long-term anchoring permit.

**Section 4** amends provisions of s. 327.70, F.S., concerning noncriminal violations of vessel laws in ch. 327 and 328, F.S. The bill provides that the following noncriminal violations may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on waters of the state:

- Operating, using, or storing a vessel with an expired registration on waters of the state and
- Anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 or more days within a 30-day period without a long-term anchoring permit.

The bill clarifies that the uniform boating citation may be issued to the *owner or operator* of a vessel engaged in unlawful long-term anchoring.

**Section 5** amends s. 327.73, F.S., concerning noncriminal infractions. Current law provides that a vessel will be declared a public nuisance if it is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 18-month period.<sup>48</sup> The bill removes the limitation that the violations must be issued pursuant to the same condition and extends the time during which the violations must occur to 24 months. The bill also adds that failure to appear at a hearing or failure to pay the civil penalty is categorized as a disposition other than acquittal or dismissal, unless it is excused or set aside by the court for good cause shown.

The bill provides that a violation of s. 327.4111, F.S., relating to long-term anchoring, is a noncriminal infraction for which the penalty is:

- Up to \$100 for a first offense,
- Up to \$250 for a second offense, and
- Up to \$500 for a third or subsequent offense.

The bill provides that a vessel that is a subject of three or more violations of engaging in long-term anchoring without a permit within a 24-month period, which all result in dispositions other than acquittal or dismissal, must be declared a public nuisance and subject to removal or disposal. Failure to appear at a hearing or to pay the required civil penalty<sup>49</sup> is categorized as a

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<sup>48</sup> The conditions used to determine whether a vessel is at risk of becoming derelict are as follows: the vessel is taking on or has taken on water without an effective means to dewater; spaces on the vessel designed to be enclosed are incapable of being sealed or remain open to the elements for extended periods of time; the vessel has broken loose or is in danger of breaking loose from its anchor; the vessel is listing due to water intrusion; and the vessel does not have an effective means of propulsion for safe navigation. Section 327.4107(2), F.S.

<sup>49</sup> The civil penalty is required by section 327.72, F.S., which provides that any person failing to comply with the provisions of chapter 327, F.S., or not paying the civil penalty specified in s. 327.73, F.S., within 30 days, except as otherwise provided

disposition other than acquittal or dismissal, unless it is excused or set aside by the court for good cause shown.

The bill ensures that FWC or a law enforcement officer may relocate or remove public nuisance vessels or cause public nuisance vessels to be relocated or removed from waters of the state. Law enforcement will not be held responsible for damages to the vessel resulting from relocation or removal, unless the damage is the result of gross negligence or willful misconduct.<sup>50</sup>

**Section 6** amends s. 705.103, F.S., to clarify that, for the purposes of the procedure for lost or abandoned property, the term “owner” has the same meaning as “vessel owner” as defined in Section 1 of the bill. The bill makes technical changes.

**Section 7** amends s. 823.11, F.S., relating to the relocation or removal of derelict vessels. The bill clarifies that, for the purposes of this section, an “owner” is a “vessel owner” as defined in Section 1 of the bill, and it makes changes consistent with the amended definition.

The bill also provides that the title of a derelict vessel is prima facie evidence of ownership for any derelict vessel left on waters of the state. An owner who attempts to transfer ownership of a vessel through means other than the process outlined in law will not be exonerated from the responsibility of having a derelict vessel on waters of the state without a written agreement of ownership by the transferee or evidence of agreement to transfer ownership to the transferee and the exchange of consideration between the parties.

The bill expands the scope of FWC’s local government grant program that funds derelict vessel removal and disposal. The grant program will support FWC’s derelict vessel prevention program.

The bill creates increasing penalties for subsequent violations of s. 823.11, F.S., relating to leaving a derelict vessel on waters of the state. Current law provides that a first offense will result in a first degree misdemeanor. The bill adds that a second offense will result in a third degree felony and a third or subsequent offense will result in a second degree felony.

The bill also creates a first degree misdemeanor offense for residing or dwelling on a vessel determined to be derelict. The vessel’s derelict status must be determined by disposition of a court or administrative order or remain unchallenged.<sup>51</sup> This offense is punishable by imprisonment of up to one year. The bill provides that law enforcement officers have the power and duty to issue orders, perform investigations, complete reports, and perform arrests to enforce this provision. The bill authorizes FWC to adopt implementing rules.

**Section 8** reenacts s. 327.04, F.S., to incorporate an amendment made by this bill to s. 823.11, F.S., which is referenced in the reenacted section.

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in chapters 327 or 328, F.S., commits a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083, F.S.

<sup>50</sup> Gross negligence and willful misconduct are defined in section 823.11(1)(c) and (d), F.S. See footnote 28 for definitions of these two terms.

<sup>51</sup> The derelict determination may be challenged pursuant to chapter 120, F.S., relating to administrative procedure.

**Section 9** reenacts s. 327.4108, F.S., to incorporate an amendment made by this bill to s. 823.11, F.S., which is referenced in the reenacted section.

**Section 10** reenacts s. 327.54, F.S., to incorporate amendments made by this bill to ss. 327.4107 and 823.11, F.S., which are referenced in the reenacted section.

**Section 11** reenacts s. 705.101, F.S., to incorporate an amendment made by this bill to s. 327.73, F.S., which is referenced in the reenacted section.

**Section 12** reenacts s. 705.104, F.S., to incorporate an amendment made by this bill to s. 705.103, F.S., which is referenced in the reenacted section.

**Section 13** reenacts s. 713.585, F.S., to incorporate an amendment made by this bill to s. 705.103, F.S., which is referenced in the reenacted section.

**Section 14** provides that, except as otherwise provided by the bill, the bill will take effect July 1, 2025.<sup>52</sup>

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

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<sup>52</sup> Section 327.4111, F.S., creating the long-term anchoring permit program, will take effect on January 1, 2026.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Florida Fish and Wildlife Conservation Commission will incur indeterminate costs related to the issuance and enforcement of long-term anchoring permits required by the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 327.02, 327.4107, 327.70, 327.73, 705.103, and 823.11 of the Florida Statutes.

This bill creates section 327.4111 of the Florida Statutes.

This bill reenacts sections 327.04, 327.4108, 327.54, 705.101, 705.104, and 713.585 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Environment and Natural Resources on March 3, 2025:**

- Requires the Florida Fish and Wildlife Conservation Commission to use an electronic application and permitting system in implementing the long-term anchoring permit program created by the bill.
- Clarifies that the long-term anchoring permit requirements do not supersede any other anchoring limitations established pursuant to law.
- Makes a technical change to fix a drafting error.

**B. Amendments:**

None.



974618

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/03/2025 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Environment and Natural Resources (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 304

and insert:

(7) In implementing this section, the commission must use an electronic application and permitting system.

(8) The provisions of this section do not supersede any other anchoring limitations established pursuant to law.

(9) The commission may adopt rules to implement this



974618

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

12 And the title is amended as follows:

13       Delete line 22

14 and insert:

15       not required under certain circumstances; requiring  
16       the commission to use an electronic application and  
17       permitting system; clarifying that this section does  
18       not supersede any other anchoring limitations  
19       established pursuant to law; authorizing



446196

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/03/2025 | . |       |
|            | . |       |
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The Committee on Environment and Natural Resources (Rodriguez) recommended the following:

**Senate Amendment**

Delete lines 821 - 838

and insert:

(6) ~~A person, firm, or corporation violating this section commits a misdemeanor of the first degree and shall be punished as provided by law.~~ A conviction under this section does not bar the assessment and collection of a civil penalty. The court having jurisdiction over the criminal offense, notwithstanding any jurisdictional limitations on the amount in controversy, may





446196

11 order the imposition of such civil penalty in addition to any  
12 sentence imposed for ~~the first~~ the criminal offense.

13 (a) For a first offense, a person, firm, or corporation  
14 violating this section commits a misdemeanor of the first degree  
15 and shall be punished as provided by law.

16 (b) For a second offense, a person, firm, or corporation  
17 violating this section commits a felony of the third degree,  
18 punishable as provided by law.

19 (c) For a third and subsequent offenses, a person, firm, or  
20 corporation violating this section commits a felony of the  
21 second degree, punishable as provided by law.

By Senator Rodriguez

40-00585C-25

2025164\_\_

1                                   A bill to be entitled  
2       An act relating to vessel accountability; amending s.  
3       327.02, F.S.; deleting the term "owner"; defining the  
4       term "vessel owner"; reenacting and amending s.  
5       327.4107, F.S.; providing a penalty for a person  
6       anchoring, mooring, or allowing certain vessels to  
7       occupy the waters of this state if an officer of the  
8       Fish and Wildlife Conservation Commission or a law  
9       enforcement agency finds that specified conditions  
10      exist; revising the manner and timeframe for vessel  
11      owners or operators to demonstrate a vessel's  
12      effective means of propulsion for safe navigation;  
13      deleting provisions providing a penalty for a person  
14      who anchors or moors certain vessels on the waters of  
15      this state; creating s. 327.4111, F.S.; defining the  
16      term "long-term anchoring"; requiring the commission  
17      to issue, at no cost, a permit for the long-term  
18      anchoring of a vessel which includes specified  
19      information; providing construction; providing a  
20      penalty for long-term anchoring without a permit;  
21      providing applicability; providing that a permit is  
22      not required under certain circumstances; authorizing  
23      the commission to adopt rules; amending s. 327.70,  
24      F.S.; authorizing the enforcement of certain  
25      noncriminal violations by citation mailed or issued to  
26      the owner of certain vessels; amending s. 327.73,  
27      F.S.; requiring that a vessel subject to a specified  
28      number of violations within a 24-month period which  
29      result in certain dispositions be declared a public

40-00585C-25

2025164\_\_

30 nuisance; providing that failure to appear at a  
31 hearing or failure to pay civil penalties constitutes  
32 a certain disposition; providing penalties related to  
33 long-term anchoring; requiring that a vessel subject  
34 to a specified number of violations relating to long-  
35 term anchoring within a 24-month period which result  
36 in certain dispositions be declared a public nuisance;  
37 providing that failure to appear at a hearing or  
38 failure to pay a certain civil penalty constitutes a  
39 disposition other than acquittal or dismissal;  
40 providing an exception; authorizing certain persons to  
41 relocate, remove, or cause to be relocated or removed  
42 certain vessels; requiring that certain persons be  
43 held harmless for all damages to a vessel resulting  
44 from such relocation or removal; providing exceptions;  
45 amending s. 705.103, F.S.; revising the notice placed  
46 upon a derelict vessel declared a public nuisance  
47 which is present upon the waters of this state;  
48 deleting a provision specifying that a party  
49 responsible for a derelict vessel or a vessel declared  
50 a public nuisance has the right to a certain hearing;  
51 deleting provisions assigning liability to a party  
52 deemed legally responsible for a derelict vessel or  
53 vessel declared a public nuisance; deleting provisions  
54 allowing a law enforcement officer or a representative  
55 of a law enforcement agency or other governmental  
56 entity to notify a party deemed legally responsible  
57 for a derelict vessel or a vessel declared a public  
58 nuisance of the final disposition of the derelict

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59 vessel; reenacting and amending s. 823.11, F.S.;

60 prohibiting a vessel owner from leaving a derelict

61 vessel upon the waters of this state; deleting

62 provisions related to a party responsible for a

63 derelict vessel; providing prima facie evidence of

64 ownership or control of a derelict vessel left upon

65 the waters of this state; providing a means of

66 exonerating an owner of a vessel or derelict vessel of

67 responsibility if such owner attempts to transfer

68 ownership or control of such vessel; providing that

69 the owner of a derelict vessel is exclusively

70 responsible for all costs associated with the

71 relocation, removal, storage, destruction, or disposal

72 of the derelict vessel; authorizing the commission to

73 use grant funds allocated for the removal, storage,

74 destruction, and disposal of derelict vessels from the

75 waters of this state for the derelict vessel

76 prevention program; providing penalties; prohibiting a

77 person from dwelling or residing on a derelict vessel;

78 providing penalties; authorizing law enforcement

79 officers to enforce such provisions; authorizing a

80 person to reside on a vessel if the vessel is in a

81 state or condition that is no longer derelict;

82 authorizing the commission to adopt rules; reenacting

83 ss. 327.04 and 327.4108(6)(d), F.S., relating to rules

84 and the anchoring of vessels in anchoring limitation

85 areas, respectively, to incorporate the amendment made

86 to s. 832.11, F.S., in references thereto; reenacting

87 s. 327.54(3)(d), F.S., relating to liveries, safety

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88 regulations, and penalties, to incorporate the  
89 amendments made to ss. 327.4107 and 823.11, F.S., in  
90 references thereto; reenacting s. 705.101(1), F.S.,  
91 relating to definitions, to incorporate the amendment  
92 made to s. 327.73, F.S., in a reference thereto;  
93 reenacting ss. 705.104(1) and 713.585(8), F.S.,  
94 relating to the title to lost or abandoned property  
95 and the enforcement of a lien by sale of motor  
96 vehicle, respectively, to incorporate the amendment  
97 made to s. 705.103, F.S., in references thereto;  
98 providing effective dates.

99

100 Be It Enacted by the Legislature of the State of Florida:

101

102 Section 1. Subsections (35) through (47) of section 327.02,  
103 Florida Statutes, are amended to read:

104 327.02 Definitions.—As used in this chapter and in chapter  
105 328, unless the context clearly requires a different meaning,  
106 the term:

107 (35) ~~“Owner” means a person, other than a lienholder,~~  
108 ~~having the property in or title to a vessel. The term includes a~~  
109 ~~person entitled to the use or possession of a vessel subject to~~  
110 ~~an interest in another person which is reserved or created by~~  
111 ~~agreement and securing payment of performance of an obligation.~~  
112 ~~The term does not include a lessee under a lease not intended as~~  
113 ~~security.~~

114 ~~(36)~~ “Person” means an individual, partnership, firm,  
115 corporation, association, or other entity.

116 (36) ~~(37)~~ “Personal watercraft” means a vessel less than 16

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117 feet in length which uses an inboard motor powering a water jet  
118 pump as its primary source of motive power and which is designed  
119 to be operated by a person sitting, standing, or kneeling on the  
120 vessel, rather than in the conventional manner of sitting or  
121 standing inside the vessel.

122 (37)~~(38)~~ "Portable toilet" means a device consisting of a  
123 lid, seat, containment vessel, and support structure which is  
124 specifically designed to receive, retain, and discharge human  
125 waste and which is capable of being removed from a vessel by  
126 hand.

127 (38)~~(39)~~ "Prohibited activity" means activity that will  
128 impede or disturb navigation or creates a safety hazard on  
129 waterways of this state.

130 (39)~~(40)~~ "Racing shell," "rowing scull," or "racing kayak"  
131 means a manually propelled vessel that is recognized by national  
132 or international racing associations for use in competitive  
133 racing and in which all occupants, with the exception of a  
134 coxswain, if one is provided, row, scull, or paddle and that is  
135 not designed to carry and does not carry any equipment not  
136 solely for competitive racing.

137 (40)~~(41)~~ "Recreational vessel" means a vessel:

138 (a) Manufactured and used primarily for noncommercial  
139 purposes; or

140 (b) Leased, rented, or chartered to a person for his or her  
141 noncommercial use.

142 (41)~~(42)~~ "Registration" means a state operating license on  
143 a vessel which is issued with an identifying number, an annual  
144 certificate of registration, and a decal designating the year  
145 for which a registration fee is paid.

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146       ~~(42)-(43)~~ "Resident" means a citizen of the United States  
147 who has established residence in this state and has continuously  
148 resided in this state for 1 year and in one county for the 6  
149 months immediately preceding the initiation of a vessel titling  
150 or registration action.

151       ~~(43)-(44)~~ "Sailboat" means a vessel whose sole source of  
152 propulsion is the wind.

153       ~~(44)-(45)~~ "Sustained wind speed" means a wind speed  
154 determined by averaging the observed wind speed rounded up to  
155 the nearest mile per hour over a 2-minute period.

156       ~~(45)-(46)~~ "Unclaimed vessel" means an undocumented vessel,  
157 including its machinery, rigging, and accessories, which is in  
158 the physical possession of a marina, garage, or repair shop for  
159 repairs, improvements, or other work with the knowledge of the  
160 vessel owner and for which the costs of such services have been  
161 unpaid for more than 90 days after the date written notice of  
162 the completed work is given by the marina, garage, or repair  
163 shop to the vessel owner.

164       ~~(46)-(47)~~ "Vessel" is synonymous with boat as referenced in  
165 s. 1(b), Art. VII of the State Constitution and includes every  
166 description of watercraft, barge, and airboat, other than a  
167 seaplane on the water, used or capable of being used as a means  
168 of transportation on water.

169       (47) "Vessel owner" means a person, other than a lienholder  
170 or lessee under a lease that is not intended as security, having  
171 the property in or title to a vessel. The term includes all of  
172 the following:

173       (a) A person entitled to the use or possession of a vessel  
174 subject to an interest in another person which is reserved or

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175 created by agreement and securing payment of performance of an  
176 obligation. The term does not include a lessee under a lease not  
177 intended as security.

178 (b) A person identified in the records of the Department of  
179 Highway Safety and Motor Vehicles, or other state equivalent, as  
180 the title certificate holder of the vessel.

181 (c) A person identified as the buyer, transferee, or new  
182 owner in a notice filed pursuant to s. 328.64(1).

183 (d) A person who has signed a written agreement for the  
184 purchase and sale of the vessel and paid the consideration, if  
185 any, required under the agreement.

186 (e) A person who has provided a written, signed receipt to  
187 the seller or transferor of the vessel acknowledging actual  
188 receipt and possession of the vessel.

189 Section 2. Subsections (2) and (3) of section 327.4107,  
190 Florida Statutes, are amended, and paragraph (a) of present  
191 subsection (7) of that section is reenacted, to read:

192 327.4107 Vessels at risk of becoming derelict on waters of  
193 this state.—

194 (2) It is a noncriminal infraction punishable as provided  
195 in s. 327.73 for a person to anchor or moor ~~an officer of the~~  
196 ~~commission or of a law enforcement agency specified in s. 327.70~~  
197 ~~may determine that~~ a vessel ~~is~~ at risk of becoming derelict on  
198 the waters of this state or to allow such vessel to occupy such  
199 waters. A vessel is at risk of becoming derelict if, as  
200 determined by an officer of the commission or a law enforcement  
201 agency, ~~if~~ any of the following conditions exist:

202 (a) The vessel is taking on or has taken on water without  
203 an effective means to dewater.



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204 (b) Spaces on the vessel which ~~that~~ are designed to be  
205 enclosed are incapable of being sealed off or remain open to the  
206 elements for extended periods of time.

207 (c) The vessel has broken loose or is in danger of breaking  
208 loose from its anchor.

209 (d) The vessel is listing due to water intrusion.

210 (e) The vessel does not have an effective means of  
211 propulsion, and the vessel owner or operator is unable to  
212 provide a receipt, proof of purchase, or other documentation of  
213 having ordered necessary parts for repair. If the owner or  
214 operator is present on the vessel, a law enforcement officer may  
215 require a test of the vessel's effective means of propulsion for  
216 safe navigation, to be conducted immediately. If the owner or  
217 operator is not present on the vessel, the owner or operator  
218 must, in the presence of law enforcement, conduct the test for  
219 effective means of propulsion for safe navigation within 48 72  
220 hours after the vessel owner or operator receives telephonic  
221 notice from a law enforcement officer, in-person notice recorded  
222 on an agency-approved body camera, or written notice, which may  
223 be provided by facsimile, electronic mail, or other electronic  
224 means, stating such from an officer, and the vessel owner or  
225 operator is unable to provide a receipt, proof of purchase, or  
226 other documentation of having ordered necessary parts for vessel  
227 repair. The commission may adopt rules to implement this  
228 paragraph.

229 (f) The vessel is tied to an unlawful or unpermitted  
230 structure or mooring.

231 ~~(3) A person who anchors or moors a vessel at risk of~~  
232 ~~becoming derelict on the waters of this state or allows such a~~

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233 ~~vessel to occupy such waters commits a noncriminal infraction,~~  
234 ~~punishable as provided in s. 327.73.~~

235 (6)~~(7)~~ The commission may establish a derelict vessel  
236 prevention program to address vessels at risk of becoming  
237 derelict. Such program may, but is not required to, include:

238 (a) Removal, relocation, and destruction of vessels  
239 declared a public nuisance, derelict or at risk of becoming  
240 derelict, or lost or abandoned in accordance with s. 327.53(7),  
241 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

242

243 The commission may adopt rules to implement this subsection.  
244 Implementation of the derelict vessel prevention program shall  
245 be subject to appropriation by the Legislature and shall be  
246 funded by the Marine Resources Conservation Trust Fund or the  
247 Florida Coastal Protection Trust Fund.

248 Section 3. Effective January 1, 2026, section 327.4111,  
249 Florida Statutes, is created to read:

250 327.4111 Long-term anchoring.—

251 (1) As used in this section, the term "long-term anchoring"  
252 means anchoring a vessel within 1 linear nautical mile of a  
253 documented anchorage point for 14 days or more within a 30-day  
254 period.

255 (2) The commission shall, at no cost to the applicant,  
256 issue a permit for the long-term anchoring of a vessel within  
257 the waters of this state upon receiving an application that  
258 includes, but is not limited to, all of the following  
259 information:

260 (a) For the vessel owner or operator:

261 1. Name.

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- 262       2. Mailing address.
- 263       3. Telephone number.
- 264       4. E-mail address.
- 265       5. Birthdate.
- 266       6. Driver license number, if applicable.
- 267       (b) For the vessel:
- 268           1. Make.
- 269           2. Model.
- 270           3. Year.
- 271           4. Style.
- 272           5. Hull identification number.
- 273           6. Registration number or United States Coast Guard
- 274 documentation, if applicable.
- 275           7. Vessel name, if applicable.
- 276       (c) Location where the vessel will be anchored.
- 277       (d) Notice that the long-term anchoring permit may be
- 278 revoked if the vessel is a derelict vessel as defined in s.
- 279 823.11, or is at risk of becoming derelict as provided in s.
- 280 327.4107, or is in violation of marine sanitation provisions in
- 281 s. 327.53.
- 282       (3) The long-term anchoring permit established under this
- 283 section is specific to one vessel only. However, a person may
- 284 obtain more than one permit. A permit must be renewed or updated
- 285 for each long-term anchoring location. Long-term anchoring
- 286 permits expire 1 year from the date of issuance and may be
- 287 revoked if the permitted vessel is a derelict vessel as defined
- 288 in s. 823.11, is at risk of becoming derelict, or is operated or
- 289 occupied on waters of this state in violation of s. 327.53.
- 290       (4) A person who engages in long-term anchoring of a vessel

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291 within the waters of this state without a valid long-term  
292 anchoring permit commits a noncriminal infraction, punishable as  
293 provided is s. 327.73.

294 (5) This section does not apply to any of the following:

295 (a) Vessels owned or operated by a governmental entity for  
296 law enforcement, firefighting, military, or rescue purposes.

297 (b) Construction or dredging vessels on an active job site.

298 (c) Vessels actively engaged in commercial fishing.

299 (d) Vessels engaged in recreational fishing if the persons  
300 onboard are actively tending hook and line fishing gear or nets.

301 (6) A permit under this section is not required if a vessel  
302 is docked at a public or private dock or moored to a mooring  
303 buoy permitted as provided in s. 327.40.

304 (7) The commission may adopt rules to implement this  
305 section.

306 Section 4. Paragraph (a) of subsection (3) of section  
307 327.70, Florida Statutes, is amended, and paragraph (e) is added  
308 to that subsection, to read:

309 327.70 Enforcement of this chapter and chapter 328.—

310 (3) (a) Noncriminal violations of the following statutes may  
311 be enforced by a uniform boating citation mailed to the  
312 registered owner of an unattended vessel anchored, aground, or  
313 moored on the waters of this state:

314 1. Section 327.33(3) (b), relating to navigation rules.

315 2. Section 327.44, relating to interference with  
316 navigation.

317 3. Section 327.50(2), relating to required lights and  
318 shapes.

319 4. Section 327.53, relating to marine sanitation.

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- 320 5. Section 328.48(5), relating to display of decal.
- 321 6. Section 328.52(2), relating to display of number.
- 322 7. Section 327.4107, relating to vessels at risk of
- 323 becoming derelict.
- 324 8. Section 327.4109, relating to prohibited anchoring or
- 325 mooring.
- 326 9. Section 328.72(13), relating to expired registration.
- 327 10. Section 327.4111, relating to long-term anchoring.
- 328 (e) A noncriminal violation of s. 327.4111 may be enforced
- 329 by a uniform boating citation issued to the owner or operator of
- 330 a vessel engaged in unlawful long-term anchoring.
- 331 Section 5. Subsection (1) of section 327.73, Florida
- 332 Statutes, is amended to read:
- 333 327.73 Noncriminal infractions.—
- 334 (1) Violations of the following provisions of the vessel
- 335 laws of this state are noncriminal infractions:
- 336 (a) Section 328.46, relating to operation of unregistered
- 337 and unnumbered vessels.
- 338 (b) Section 328.48(4), relating to display of number and
- 339 possession of registration certificate.
- 340 (c) Section 328.48(5), relating to display of decal.
- 341 (d) Section 328.52(2), relating to display of number.
- 342 (e) Section 328.54, relating to spacing of digits and
- 343 letters of identification number.
- 344 (f) Section 328.60, relating to military personnel and
- 345 registration of vessels.
- 346 (g) Section 328.72(13), relating to operation with an
- 347 expired registration, for which the penalty is:
- 348 1. For a first or subsequent offense of s. 328.72(13)(a),

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349 up to a maximum of \$100.

350 2. For a first offense of s. 328.72(13)(b), up to a maximum  
351 of \$250.

352 3. For a second or subsequent offense of s. 328.72(13)(b),  
353 up to a maximum of \$500. A ~~Any~~ person cited for a noncriminal  
354 infraction under this subparagraph may not have the provisions  
355 of paragraph (4)(a) available to him or her but must appear  
356 before the designated official at the time and location of the  
357 scheduled hearing.

358 (h) Section 327.33(2), relating to careless operation.

359 (i) Section 327.37, relating to water skiing, aquaplaning,  
360 parasailing, and similar activities.

361 (j) Section 327.44, relating to interference with  
362 navigation.

363 (k) Violations relating to boating-restricted areas and  
364 speed limits:

365 1. Established by the commission or by local governmental  
366 authorities pursuant to s. 327.46.

367 2. Speed limits established pursuant to s. 379.2431(2).

368 (l) Section 327.48, relating to regattas and races.

369 (m) Section 327.50(1) and (2), relating to required safety  
370 equipment, lights, and shapes.

371 (n) Section 327.65, relating to muffling devices.

372 (o) Section 327.33(3)(b), relating to a violation of  
373 navigation rules:

374 1. That does not result in an accident; or

375 2. That results in an accident not causing serious bodily  
376 injury or death, for which the penalty is:

377 a. For a first offense, up to a maximum of \$500.

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- 378           b. For a second offense, up to a maximum of \$1,000.
- 379           c. For a third or subsequent offense, up to a maximum of  
380 \$1,500.
- 381           (p) Section 327.39(1), (2), (3), and (5), relating to  
382 personal watercraft.
- 383           (q) Section 327.53(1), (2), (3), and (8), relating to  
384 marine sanitation.
- 385           (r) Section 327.53(4), (5), and (7), relating to marine  
386 sanitation, and s. 327.60, relating to no-discharge zones, for  
387 which the civil penalty is \$250.
- 388           (s) Section 327.395, relating to boater safety education.  
389 However, a person cited for violating the requirements of s.  
390 327.395 relating to failure to have required proof of boating  
391 safety education in his or her possession may not be convicted  
392 if, before or at the time of a county court hearing, the person  
393 produces proof of the boating safety education identification  
394 card or temporary certificate for verification by the hearing  
395 officer or the court clerk and the identification card or  
396 temporary certificate was valid at the time the person was  
397 cited.
- 398           (t) Section 327.52(3), relating to operation of overloaded  
399 or overpowered vessels.
- 400           (u) Section 327.331, relating to divers-down warning  
401 devices, except for violations meeting the requirements of s.  
402 327.33.
- 403           (v) Section 327.391(1), relating to the requirement for an  
404 adequate muffler on an airboat.
- 405           (w) Section 327.391(3), relating to the display of a flag  
406 on an airboat.

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407 (x) Section 253.04(3)(a), relating to carelessly causing  
408 seagrass scarring, for which the civil penalty upon conviction  
409 is:

410 1. For a first offense, \$100.

411 2. For a second offense occurring within 12 months after a  
412 prior conviction, \$250.

413 3. For a third offense occurring within 36 months after a  
414 prior conviction, \$500.

415 4. For a fourth or subsequent offense occurring within 72  
416 months after a prior conviction, \$1,000.

417 (y) Section 327.45, relating to protection zones for  
418 springs, for which the penalty is:

419 1. For a first offense, \$100.

420 2. For a second offense occurring within 12 months after a  
421 prior conviction, \$250.

422 3. For a third offense occurring within 36 months after a  
423 prior conviction, \$500.

424 4. For a fourth or subsequent offense occurring within 72  
425 months after a prior conviction, \$1,000.

426 (z) Section 327.4108, relating to the anchoring of vessels  
427 in anchoring limitation areas, for which the penalty is:

428 1. For a first offense, up to a maximum of \$100.

429 2. For a second offense, up to a maximum of \$250.

430 3. For a third or subsequent offense, up to a maximum of  
431 \$500.

432 (aa) Section 327.4107, relating to vessels at risk of  
433 becoming derelict on waters of this state, for which the civil  
434 penalty is:

435 1. For a first offense, \$100.



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436           2. For a second offense occurring 30 days or more after a  
437 first offense, \$250.

438           3. For a third or subsequent offense occurring 30 days or  
439 more after a previous offense, \$500.

440

441 A vessel that is the subject of three or more violations ~~issued~~  
442 ~~pursuant to the same paragraph~~ of s. 327.4107(2) which occur  
443 within a 24-month an 18-month period and which result in  
444 dispositions other than acquittal or dismissal must ~~shall~~ be  
445 declared ~~to be~~ a public nuisance and subject to ss. 705.103(2)  
446 and (4) and 823.11(3). For purposes of this paragraph, failure  
447 to appear at a hearing or failure to pay the civil penalty  
448 constitutes a disposition other than acquittal or dismissal  
449 unless such failure to appear or such nonpayment is excused or  
450 set aside by the court for good cause shown. The commission, an  
451 officer of the commission, or a law enforcement agency or  
452 officer specified in s. 327.70 may relocate, remove, or cause to  
453 be relocated or removed such public nuisance vessels from waters  
454 of this state. The commission, an officer of the commission, or  
455 a law enforcement agency or officer acting pursuant to this  
456 paragraph upon waters of this state shall be held harmless for  
457 all damages to the vessel resulting from such relocation or  
458 removal unless the damage results from gross negligence or  
459 willful misconduct as these terms are defined in s. 823.11.

460           (bb) Section 327.4109, relating to anchoring or mooring in  
461 a prohibited area, for which the penalty is:

462           1. For a first offense, up to a maximum of \$100.

463           2. For a second offense, up to a maximum of \$250.

464           3. For a third or subsequent offense, up to a maximum of

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465 \$500.

466 (cc) Section 327.463(4)(a) and (b), relating to vessels  
467 creating special hazards, for which the penalty is:

468 1. For a first offense, \$100.

469 2. For a second offense occurring within 12 months after a  
470 prior offense, \$250.471 3. For a third offense occurring within 36 months after a  
472 prior offense, \$500.473 (dd) Section 327.371, relating to the regulation of human-  
474 powered vessels.475 (ee) Section 328.03, relating to an improper transfer of  
476 title, for which the penalty is up to a maximum of \$500.477 (ff) Section 328.48(9), relating to the failure to update  
478 vessel registration information, for which the penalty is up to  
479 a maximum of \$500.480 (gg) Section 327.4111, relating to long-term anchoring, for  
481 which the penalty is:482 1. For a first offense, up to a maximum of \$100.483 2. For a second offense, up to a maximum of \$250.484 3. For a third or subsequent offense, up to a maximum of  
485 \$500.

486

487 A vessel that is the subject of three or more violations of s.  
488 327.4111 that occur within a 24-month period and that result in  
489 dispositions other than acquittal or dismissal must be declared  
490 a public nuisance and subject to ss. 705.103(2) and (4) and  
491 823.11(3). For purposes of this paragraph, failure to appear at  
492 a hearing or failure to pay the civil penalty required by s.  
493 327.72 constitutes a disposition other than acquittal or

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494 dismissal, unless such failure to appear or such nonpayment is  
495 excused or set aside by the court for good cause shown. The  
496 commission, an officer of the commission, or a law enforcement  
497 agency or officer specified in s. 327.70 may relocate, remove,  
498 or cause to be relocated or removed such public nuisance vessels  
499 from waters of this state. The commission, an officer of the  
500 commission, or a law enforcement agency or officer acting  
501 pursuant to this paragraph shall be held harmless for all  
502 damages to the vessel resulting from such relocation or removal  
503 unless the damage results from gross negligence or willful  
504 misconduct as those terms are defined in s. 823.11.

505  
506 A ~~Any~~ person cited for a violation of this subsection is shall  
507 ~~be~~ deemed to be charged with a noncriminal infraction, must  
508 ~~shall~~ be cited for such an infraction, and must shall be cited  
509 to appear before the county court. The civil penalty for any  
510 such infraction is \$100, except as otherwise provided in this  
511 section. A ~~Any~~ person who fails to appear or otherwise properly  
512 respond to a uniform boating citation, in addition to the charge  
513 relating to the violation of the boating laws of this state,  
514 must be charged with the offense of failing to respond to such  
515 citation and, upon conviction, be guilty of a misdemeanor of the  
516 second degree, punishable as provided in s. 775.082 or s.  
517 775.083. A written warning to this effect must shall be provided  
518 at the time such uniform boating citation is issued.

519 Section 6. Subsection (1), paragraph (a) of subsection (2),  
520 and subsection (4) of section 705.103, Florida Statutes, are  
521 amended to read:

522 705.103 Procedure for abandoned or lost property.-

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523 (1) Whenever a law enforcement officer ascertains that an  
524 article of lost or abandoned property is present on public  
525 property and is of such nature that it can be easily removed,  
526 the officer shall take such article into custody and shall make  
527 a reasonable attempt to ascertain the rightful owner or  
528 lienholder pursuant to the provisions of this section. For the  
529 purposes of this section, the term "owner" has the same meaning  
530 as "vessel owner" as defined in s. 327.02.

531 (2) (a) 1. Whenever a law enforcement officer ascertains  
532 that:

533 a. An article of lost or abandoned property other than a  
534 derelict vessel or a vessel declared a public nuisance pursuant  
535 to s. 327.73(1) (aa) is present on public property and is of such  
536 nature that it cannot be easily removed, the officer shall cause  
537 a notice to be placed upon such article in substantially the  
538 following form:

539

540 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
541 PROPERTY. This property, to wit: ...(setting forth brief  
542 description)... is unlawfully upon public property known as  
543 ...(setting forth brief description of location)... and must be  
544 removed within 5 days; otherwise, it will be removed and  
545 disposed of pursuant to chapter 705, Florida Statutes. The owner  
546 will be liable for the costs of removal, storage, and  
547 publication of notice. Dated this: ...(setting forth the date of  
548 posting of notice)..., signed: ...(setting forth name, title,  
549 address, and telephone number of law enforcement officer)....

550

551 b. A derelict vessel or a vessel declared a public nuisance

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552 pursuant to s. 327.73(1)(aa) is present on the waters of this  
553 state, the officer shall cause a notice to be placed upon such  
554 vessel in substantially the following form:

555

556 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
557 VESSEL. This vessel, to wit: ...(setting forth brief description  
558 of location)... has been determined to be ...(derelict or a  
559 public nuisance)... and is unlawfully upon the waters of this  
560 state ...(setting forth brief description of location)... and  
561 must be removed within 21 days; otherwise, it will be removed  
562 and disposed of pursuant to chapter 705, Florida Statutes. The  
563 owner and other interested parties have the right to a hearing  
564 to challenge the determination that this vessel is derelict or  
565 otherwise in violation of the law. Please contact ...(contact  
566 information for person who can arrange for a hearing in  
567 accordance with this section).... The owner of ~~or the party~~  
568 ~~determined to be legally responsible for~~ the vessel on being  
569 ~~upon~~ the waters of this state in a derelict condition or as a  
570 public nuisance will be liable for the costs of removal,  
571 destruction, and disposal if this vessel is not removed by the  
572 owner. Dated this: ...(setting forth the date of posting of  
573 notice)...., signed: ...(setting forth name, title, address, and  
574 telephone number of law enforcement officer)....

575

576 2. The notices required under subparagraph 1. may not be  
577 less than 8 inches by 10 inches and must be sufficiently  
578 weatherproof to withstand normal exposure to the elements. In  
579 addition to posting, the law enforcement officer shall make a  
580 reasonable effort to ascertain the name and address of the

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581 owner. If such is reasonably available to the officer, he or she  
582 must ~~or he shall~~ mail a copy of such notice to the owner on the  
583 date of posting or as soon thereafter as is practical. If the  
584 property is a motor vehicle as defined in s. 320.01(1) or a  
585 vessel as defined in s. 327.02, the law enforcement agency must  
586 ~~shall~~ contact the Department of Highway Safety and Motor  
587 Vehicles in order to determine the name and address of the owner  
588 and any person who has filed a lien on the vehicle or vessel as  
589 provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this  
590 information, the law enforcement agency shall mail a copy of the  
591 notice by certified mail, return receipt requested, to the owner  
592 and to the lienholder, if any, except that a law enforcement  
593 officer who has issued a citation for a violation of s. 823.11  
594 to the owner of a derelict vessel is not required to mail a copy  
595 of the notice by certified mail, return receipt requested, to  
596 the owner. For a derelict vessel or a vessel declared a public  
597 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must  
598 inform the owner ~~or responsible party~~ that he or she has a right  
599 to a hearing to dispute the determination that the vessel is  
600 derelict or otherwise in violation of the law. If a request for  
601 a hearing is made, a state agency must ~~shall~~ follow the  
602 processes as set forth in s. 120.569. Local governmental  
603 entities shall follow the processes set forth in s. 120.569,  
604 except that a local judge, magistrate, or code enforcement  
605 officer may be designated to conduct such a hearing. If, at the  
606 end of 5 days after posting the notice in sub-subparagraph 1.a.,  
607 or at the end of 21 days after posting the notice in sub-  
608 subparagraph 1.b., and mailing such notice, if required, the  
609 owner or any person interested in the lost or abandoned article

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610 or articles described has not removed the article or articles  
611 from public property or shown reasonable cause for failure to do  
612 so, and, in the case of a derelict vessel or a vessel declared a  
613 public nuisance pursuant to s. 327.73(1)(aa), has not requested  
614 a hearing in accordance with this section, the following applies  
615 ~~shall apply~~:

616 a. For abandoned property other than a derelict vessel or a  
617 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),  
618 the law enforcement agency may retain any ~~or all~~ of the property  
619 for its own use or for use by the state or unit of local  
620 government, trade such property to another unit of local  
621 government or state agency, donate the property to a charitable  
622 organization, sell the property, or notify the appropriate  
623 refuse removal service.

624 b. For a derelict vessel or a vessel declared a public  
625 nuisance pursuant to s. 327.73(1)(aa), the law enforcement  
626 agency or its designee may:

627 (I) Remove the vessel from the waters of this state and  
628 destroy and dispose of the vessel or authorize another  
629 governmental entity or its designee to do so; or

630 (II) Authorize the vessel's use as an artificial reef in  
631 accordance with s. 379.249 if all necessary federal, state, and  
632 local authorizations are received.

633

634 A law enforcement agency or its designee may also take action as  
635 described in this sub-subparagraph if, following a hearing  
636 pursuant to this section, the judge, magistrate, administrative  
637 law judge, or hearing officer has determined the vessel to be  
638 derelict as provided in s. 823.11 or otherwise in violation of

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639 the law in accordance with s. 327.73(1)(aa) and a final order  
640 has been entered or the case is otherwise closed.

641 (4) The owner of any abandoned or lost property, or in the  
642 case of a derelict vessel or a vessel declared a public nuisance  
643 pursuant to s. 327.73(1)(aa), the owner of ~~or other party~~  
644 ~~determined to be legally responsible for~~ the vessel on being  
645 ~~upon~~ the waters of this state in a derelict condition or as a  
646 public nuisance, who, after notice as provided in this section,  
647 does not remove such property within the specified period is  
648 liable to the law enforcement agency, other governmental entity,  
649 or the agency's or entity's designee for all costs of removal,  
650 storage, destruction, and disposal of such property, less any  
651 salvage value obtained by disposal of the property. Upon final  
652 disposition of the property, the law enforcement officer or  
653 representative of the law enforcement agency or other  
654 governmental entity shall notify the owner, or in the case of a  
655 derelict vessel or vessel declared a public nuisance pursuant to  
656 s. 327.73(1)(aa), the owner ~~or other party determined to be~~  
657 ~~legally responsible~~, if known, of the amount owed. In the case  
658 of an abandoned vessel or motor vehicle, a ~~any~~ person who  
659 neglects or refuses to pay such amount is not entitled to be  
660 issued a certificate of registration for such vessel or motor  
661 vehicle, or any other vessel or motor vehicle, until such costs  
662 have been paid. A person who has neglected or refused to pay all  
663 costs of removal, storage, disposal, and destruction of a vessel  
664 or motor vehicle as provided in this section, after having been  
665 provided written notice via certified mail that such costs are  
666 owed, and who applies for and is issued a registration for a  
667 vessel or motor vehicle before such costs have been paid in full



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668 commits a misdemeanor of the first degree, punishable as  
669 provided in s. 775.082 or s. 775.083. The law enforcement  
670 officer or representative of the law enforcement agency or other  
671 governmental entity shall supply the Department of Highway  
672 Safety and Motor Vehicles with a list of persons whose vessel  
673 registration privileges and motor vehicle privileges have been  
674 revoked under this subsection. The department or a person acting  
675 as an agent of the department may not issue a certificate of  
676 registration to a person whose vessel and motor vehicle  
677 registration privileges have been revoked, as provided by this  
678 subsection, until such costs have been paid.

679 Section 7. Paragraphs (a), (c), and (d) of subsection (2),  
680 paragraph (a) of subsection (3), paragraph (c) of subsection  
681 (4), and subsections (6) and (7) of section 823.11, Florida  
682 Statutes, are amended, paragraph (e) is added to subsection (2)  
683 of that section, and paragraph (b) of subsection (1) of that  
684 section is reenacted, to read:

685 823.11 Derelict vessels; relocation or removal; penalty.—

686 (1) As used in this section, the term:

687 (b) "Derelict vessel" means a vessel, as defined in s.  
688 327.02, that is:

689 1. In a wrecked, junked, or substantially dismantled  
690 condition upon any waters of this state.

691 a. A vessel is wrecked if it is sunken or sinking; aground  
692 without the ability to extricate itself absent mechanical  
693 assistance; or remaining after a marine casualty, including, but  
694 not limited to, a boating accident, extreme weather, or a fire.

695 b. A vessel is junked if it has been substantially stripped  
696 of vessel components, if vessel components have substantially

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697 degraded or been destroyed, or if the vessel has been discarded  
698 by the owner or operator. Attaching an outboard motor to a  
699 vessel that is otherwise junked will not cause the vessel to no  
700 longer be junked if such motor is not an effective means of  
701 propulsion as required by s. 327.4107(2) (e) and associated  
702 rules.

703 c. A vessel is substantially dismantled if at least two of  
704 the three following vessel systems or components are missing,  
705 compromised, incomplete, inoperable, or broken:

- 706 (I) The steering system;  
707 (II) The propulsion system; or  
708 (III) The exterior hull integrity.

709  
710 Attaching an outboard motor to a vessel that is otherwise  
711 substantially dismantled will not cause the vessel to no longer  
712 be substantially dismantled if such motor is not an effective  
713 means of propulsion as required by s. 327.4107(2) (e) and  
714 associated rules.

715 2. At a port in this state without the consent of the  
716 agency having jurisdiction thereof.

717 3. Docked, grounded, or beached upon the property of  
718 another without the consent of the owner of the property.

719 (2) (a) A vessel owner as defined in s. 327.02 ~~person, firm,~~  
720 ~~or corporation~~ may not leave any derelict vessel upon waters of  
721 this state. For purposes of this paragraph, the term "leave"  
722 means to allow a vessel to remain occupied or unoccupied on the  
723 waters of this state for more than 24 hours.

724 (c) The additional time provided in subparagraph (b)2. for  
725 an owner ~~or responsible party~~ to remove a derelict vessel from

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726 the waters of this state or to repair and remedy the vessel's  
727 derelict condition does not apply to a vessel that was derelict  
728 upon the waters of this state before the stated accident or  
729 event.

730 (d) Notwithstanding the additional 45 days provided in sub-  
731 subparagraph (b)2.b. during which an owner ~~or a responsible~~  
732 ~~party~~ may not be charged for a violation of this section, the  
733 commission, an officer of the commission, a law enforcement  
734 agency or officer specified in s. 327.70, or, during a state of  
735 emergency declared by the Governor, the Division of Emergency  
736 Management or its designee, may immediately begin the process  
737 set forth in s. 705.103(2)(a) and, once that process has been  
738 completed and the 45 days provided herein have passed, any  
739 vessel that has not been removed or repaired such that it is no  
740 longer derelict upon the waters of this state may be removed and  
741 destroyed as provided therein.

742 (e) The title of a derelict vessel is prima facie evidence  
743 of ownership for any derelict vessel left upon the waters of  
744 this state. An owner who attempts to transfer ownership of a  
745 vessel or derelict vessel through means other than the process  
746 outlined in s. 328.22 or s. 328.64 will not be exonerated from  
747 the responsibility of having a derelict vessel upon the waters  
748 of this state without a written agreement of ownership by the  
749 transferee or evidence of agreement to transfer ownership to the  
750 transferee and the exchange of consideration between the  
751 parties.

752 (3) The commission, an officer of the commission, or a law  
753 enforcement agency or officer specified in s. 327.70 may  
754 relocate, remove, and store or cause to be relocated, removed,

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755 and stored a derelict vessel from waters of this state as  
756 defined in s. 327.02 if the derelict vessel obstructs or  
757 threatens to obstruct navigation or in any way constitutes a  
758 danger to the environment, property, or persons. The commission,  
759 an officer of the commission, or any other law enforcement  
760 agency or officer acting pursuant to this subsection to  
761 relocate, remove, and store or cause to be relocated, removed,  
762 and stored a derelict vessel from waters of this state shall be  
763 held harmless for all damages to the derelict vessel resulting  
764 from such action unless the damage results from gross negligence  
765 or willful misconduct.

766 (a) All costs, including costs owed to a third party,  
767 incurred by the commission, another law enforcement agency, or a  
768 governmental subdivision, when the governmental subdivision has  
769 received authorization from a law enforcement officer or agency,  
770 in the relocation, removal, storage, destruction, or disposal of  
771 a derelict vessel are recoverable against the ~~vessel~~ owner of ~~or~~  
772 ~~the party determined to be legally responsible for~~ the vessel on  
773 ~~being upon~~ the waters of this state in a derelict condition. The  
774 Department of Legal Affairs shall represent the commission in  
775 actions to recover such costs. As provided in s. 705.103(4), a  
776 person who neglects or refuses to pay such costs may not be  
777 issued a certificate of registration for such vessel or for any  
778 other vessel or motor vehicle until such costs have been paid. A  
779 person who has neglected or refused to pay all costs of removal,  
780 storage, destruction, or disposal of a derelict vessel as  
781 provided in this section, after having been provided written  
782 notice via certified mail that such costs are owed, and who  
783 applies for and is issued a registration for a vessel or motor

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784 vehicle before such costs have been paid in full commits a  
785 misdemeanor of the first degree, punishable as provided in s.  
786 775.082 or s. 775.083.

787 (4)

788 (c) The commission may establish a program to provide  
789 grants to local governments for the removal, storage,  
790 destruction, and disposal of derelict vessels from the waters of  
791 this state. This grant funding may also be used for the removal,  
792 storage, destruction, and disposal of vessels declared a public  
793 nuisance pursuant to s. 327.73(1)(aa) or the derelict vessel  
794 prevention program established pursuant to s. 327.4107(7). The  
795 program must be funded from the Marine Resources Conservation  
796 Trust Fund or the Florida Coastal Protection Trust Fund.  
797 Notwithstanding s. 216.181(11), funds available for these grants  
798 may only be authorized by appropriations acts of the  
799 Legislature. In a given fiscal year, if all funds appropriated  
800 pursuant to this paragraph are not requested by and granted to  
801 local governments for the removal, storage, destruction, and  
802 disposal of derelict vessels or vessels declared a public  
803 nuisance pursuant to s. 327.73(1)(aa) by the end of the third  
804 quarter, the Fish and Wildlife Conservation Commission may use  
805 the remainder of the funds to remove, store, destroy, and  
806 dispose of, or to pay private contractors to remove, store,  
807 destroy, and dispose of, derelict vessels or vessels declared a  
808 public nuisance pursuant to s. 327.73(1)(aa). The commission  
809 shall adopt by rule procedures for local governments to submit a  
810 grant application and criteria for allocating available funds.  
811 Such criteria must include, at a minimum, all of the following:  
812 1. The number of derelict vessels within the jurisdiction

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813 of the applicant.

814 2. The threat posed by such vessels to public health or  
815 safety, the environment, navigation, or the aesthetic condition  
816 of the general vicinity.

817 3. The degree of commitment of the local government to  
818 maintain waters free of abandoned and derelict vessels and to  
819 seek legal action against those who abandon vessels in the  
820 waters of this state as defined in s. 327.02.

821 (6) (a) For a first offense, a person, firm, or corporation  
822 violating this section commits a misdemeanor of the first degree  
823 and shall be punished as provided by law. ~~A conviction under~~  
824 ~~this section does not bar the assessment and collection of a~~  
825 ~~civil penalty.~~ The court having jurisdiction over the criminal  
826 offense, notwithstanding any jurisdictional limitations on the  
827 amount in controversy, may order the imposition of such civil  
828 penalty in addition to any sentence imposed for the first  
829 criminal offense.

830 (b) For a second offense, a person, firm, or corporation  
831 violating this section commits a felony of the third degree,  
832 punishable as provided by law.

833 (c) For a third and subsequent offenses, a person, firm, or  
834 corporation violating this section commits a felony of the  
835 second degree, punishable as provided by law.

836  
837 A conviction under this section does not bar the assessment and  
838 collection of a civil penalty.

839 (7) A person may not reside or dwell on a vessel determined  
840 to be derelict by disposition of a court or administrative  
841 order, or where the vessel owner does not challenge the derelict

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842 determination pursuant to chapter 120. Violation of this  
843 provision constitutes a misdemeanor of the first degree,  
844 punishable as provided in s. 775.082. Law enforcement has the  
845 power and duty to issue orders, perform investigations, complete  
846 reports, and perform arrests in connection with such violations  
847 to enforce this provision. If a vessel is returned to the waters  
848 of this state in a condition that is no longer derelict, a  
849 person may reside or dwell on such vessel. The commission may  
850 adopt rules to implement this section ~~If an owner or a~~  
851 ~~responsible party of a vessel determined to be derelict through~~  
852 ~~an administrative or criminal proceeding has been charged by an~~  
853 ~~officer of the commission or any law enforcement agency or~~  
854 ~~officer as specified in s. 327.70 under subsection (6) for a~~  
855 ~~violation of subsection (2), a person may not reside or dwell on~~  
856 ~~such vessel until the vessel is removed from the waters of the~~  
857 ~~state permanently or returned to the waters of the state in a~~  
858 ~~condition that is no longer derelict.~~

859 Section 8. For the purpose of incorporating the amendment  
860 made by this act to section 823.11, Florida Statutes, in a  
861 reference thereto, section 327.04, Florida Statutes, is  
862 reenacted to read:

863 327.04 Rules.—The commission may adopt rules pursuant to  
864 ss. 120.536(1) and 120.54 to implement this chapter, the  
865 provisions of chapter 705 relating to vessels, and s. 823.11  
866 conferring powers or duties upon it.

867 Section 9. For the purpose of incorporating the amendment  
868 made by this act to section 823.11, Florida Statutes, in a  
869 reference thereto, paragraph (d) of subsection (6) of section  
870 327.4108, Florida Statutes, is reenacted to read:

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871 327.4108 Anchoring of vessels in anchoring limitation  
872 areas.—

873 (6)

874 (d) A vessel that is the subject of more than three  
875 violations within 12 months which result in dispositions other  
876 than acquittal or dismissal shall be declared to be a public  
877 nuisance and subject to s. 705.103 or, for a derelict vessel,  
878 subject to s. 823.11.

879 Section 10. For the purpose of incorporating the amendments  
880 made by this act to sections 327.4107 and 823.11, Florida  
881 Statutes, in references thereto, paragraph (d) of subsection (3)  
882 of section 327.54, Florida Statutes, is reenacted to read:

883 327.54 Liveries; safety regulations; penalty.—

884 (3) A livery may not knowingly lease or rent a vessel to  
885 any person:

886 (d) When the vessel is not seaworthy, is a derelict vessel  
887 as defined in s. 823.11, or is at risk of becoming derelict as  
888 provided in s. 327.4107.

889 Section 11. For the purpose of incorporating the amendment  
890 made by this act to section 327.73, Florida Statutes, in a  
891 reference thereto, subsection (1) of section 705.101, Florida  
892 Statutes, is reenacted to read:

893 705.101 Definitions.—As used in this chapter:

894 (1) "Abandoned property" means all tangible personal  
895 property that does not have an identifiable owner and that has  
896 been disposed on public property in a wrecked, inoperative, or  
897 partially dismantled condition or has no apparent intrinsic  
898 value to the rightful owner. The term includes derelict vessels  
899 as defined in s. 823.11 and vessels declared a public nuisance



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900 pursuant to s. 327.73(1)(aa).

901 Section 12. For the purpose of incorporating the amendment  
902 made by this act to section 705.103, Florida Statutes, in a  
903 reference thereto, subsection (1) of section 705.104, Florida  
904 Statutes, is reenacted to read:

905 705.104 Title to lost or abandoned property.—

906 (1) Title to lost or abandoned property is hereby vested in  
907 the finder upon the expiration of the 90-day custodial time  
908 period specified in s. 705.103(2)(b), provided the notice  
909 requirements of s. 705.103 have been met, unless the rightful  
910 owner or a lienholder claims the property within that time.

911 Section 13. For the purpose of incorporating the amendment  
912 made by this act to section 705.103, Florida Statutes, in a  
913 reference thereto, subsection (8) of section 713.585, Florida  
914 Statutes, is reenacted to read:

915 713.585 Enforcement of lien by sale of motor vehicle.—A  
916 person claiming a lien under s. 713.58 for performing labor or  
917 services on a motor vehicle may enforce such lien by sale of the  
918 vehicle in accordance with the following procedures:

919 (8) A vehicle subject to lien enforcement pursuant to this  
920 section must be sold by the lienor at public sale. Immediately  
921 upon the sale of the vehicle and payment in cash of the purchase  
922 price, the lienor shall deposit with the clerk of the circuit  
923 court the proceeds of the sale less the amount claimed by the  
924 lienor for work done and storage, if any, and all reasonable  
925 costs and expenses incurred in conducting the sale, including  
926 any attorney's fees and costs ordered by the court.

927 Simultaneously with depositing the proceeds of sale remaining  
928 after payment to the lienor, the lienor shall file with the

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929 clerk a verified report of the sale stating a description of the  
930 vehicle sold, including the vehicle identification number; the  
931 name and address of the purchaser; the date of the sale; and the  
932 selling price. The report shall also itemize the amount retained  
933 by the lienor pursuant to this section and shall indicate  
934 whether a hearing was demanded and held. All proceeds held by  
935 the court shall be held for the benefit of the owner of the  
936 vehicle or any lienholder whose lien is discharged by the sale  
937 and shall be disbursed only upon order of the court. Unless a  
938 proceeding is initiated to validate a claim to such proceeds  
939 within 1 year and a day from the date of the sale, the proceeds  
940 shall be deemed abandoned property and disposition thereof shall  
941 be governed by s. 705.103. The clerk shall receive 5 percent of  
942 the proceeds deposited with her or him, not to exceed \$25, for  
943 her or his services under this section.

944 Section 14. Except as otherwise provided in this act, this  
945 act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

H B 164

Bill Number or Topic

3/3/25

Meeting Date

Environment

Committee

Amendment Barcode (if applicable)

Name WALLY MORAN

Phone 443 852 9649

Address 106 CAT CAY LANE

Email wally.moran@gmail.com

Street

Melbourne FL 32997

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 164  
Bill Number or Topic

3/3/25  
Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Environment & NatR  
Committee

Amendment Barcode (if applicable)

Name Kingsley Ross Phone 858-300-1378

Address 234 Harbour Pt Dr Email KingsleyRR@hotmail.com  
Street

Cranfordville FL 32327  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date \_\_\_\_\_

Deliver both copies of this form to  
Senate professional staff conducting the meeting

164  
Bill Number or Topic

974618  
Amendment Barcode (if applicable)

Committee \_\_\_\_\_

Name Robert Reyes

Phone 850 509 1802

Address 817 English Ave  
Street

Email rreyes@capitolgrps.com

TALL 32303  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Monroe County

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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BILL: SB 388

INTRODUCER: Senator Rodriguez

SUBJECT: Trust Funds for Wildlife Management

DATE: February 28, 2025      REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Carroll | Rogers         | EN        | <b>Favorable</b> |
| 2. |         |                | AEG       |                  |
| 3. |         |                | AP        |                  |

---

**I. Summary:**

SB 388 amends statutes that provide for four trust funds created within the Florida Fish and Wildlife Conservation Commission (FWC).

The bill allows FWC to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund. It also provides that any balance in the Administrative Trust Fund at the end of the fiscal year must remain in the trust fund and be available to carry out its purposes.

The bill directs funds in the Florida Panther Research and Management Trust Fund to be used to manage and protect Florida panther populations by supporting the research and monitoring of feline diseases. It also directs that funds must be used to reestablish Florida panthers by acquiring lands for panther habitat.

The bill specifies that the Grants and Donations Trust Fund must be used for grant and donor agreement activities regardless of the source of funding for those activities.

The bill authorizes FWC to use proceeds from the Nongame Wildlife Trust Fund for law enforcement purposes. It also allows FWC to enter into cooperative agreements, voluntary agreements, or memoranda of understanding with related agencies and private landowners to coordinate nongame programs.

## II. Present Situation:

### **Florida Fish and Wildlife Commission Trust Funds**

The Florida Fish and Wildlife Conservation Commission (FWC) uses 13 trust funds to support its operations.<sup>1</sup> FWC invests the proceeds and cash balances in the trust funds.<sup>2</sup>

#### ***The Administrative Trust Fund***

The Administrative Trust Fund is a depository for funds that are used for costs associated with the administrative functions of all of the program areas of FWC.<sup>3</sup> The Administrative Trust Fund is largely funded by a cost allocation plan assessed against specific FWC trust funds based on a formula that determines each fund's share of administrative costs.<sup>4</sup> Moneys that are credited to the Administrative Trust Fund include indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees.<sup>5</sup>

#### ***The Florida Panther Research and Management Trust Fund***

FWC uses funds from the Florida Panther Research and Management Trust Fund to:

- Manage and protect Florida panther populations by increasing panther food sources where food is a limiting factor, determining conflicts between public use and panther survival, maintaining sufficient panther genetic variability, and undertaking management and enforcement activities that protect panther habitat.
- Educate the public about the value of the Florida panther and the necessity of managing the species.
- Reestablish Florida panthers in areas of suitable habitat by assessing the necessity of a captive breeding program for purposes of panther reintroduction, selecting potential sites for reintroduction and investigating associated human sociological aspects, and assessing the potential for panther habitat acquisition.
- Fund FWC's administrative costs and promote the Florida panther license plate.<sup>6</sup>

The annual fee for the Florida panther license plate is deposited into the Florida Panther Research and Management Trust Fund and used for education and programs that protect panthers.<sup>7</sup> Up to ten percent of the deposit can be used to promote the license plate.<sup>8</sup> FWC may also receive donations for deposit into the trust fund.<sup>9</sup>

---

<sup>1</sup> FWC, *Agency Analysis of SB 388*, 2 (Feb. 2025), on file with the Senate Committee on Environment and Natural Resources.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; section 379.201(2), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 379.201(2), F.S.

<sup>6</sup> Section 379.205(2), F.S.

<sup>7</sup> Section 320.08058(5), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 379.205(3), F.S.

### ***The Grants and Donations Trust Fund***

The Grants and Donations Trust Fund is a depository for funds to be used for allowable grant and donor agreement activities funded by restricted contractual revenue.<sup>10</sup> Moneys to be credited to the trust fund include grants and donations from private and public nonfederal sources, development-of-regional-impact wildlife mitigation contributions, interest earnings, and cash advances from other trust funds.<sup>11</sup>

### ***The Nongame Wildlife Trust Fund***

The Nongame Wildlife Trust Fund is credited with funds collected from fees for the issuance of original certificates of title for vehicles previously registered out-of-state and from donations from applicants who are registering their motor vehicles.<sup>12</sup> Any additional funds may be provided by legislative appropriation and donations from interested individuals and organizations.<sup>13</sup> FWC may invest and reinvest funds in the Nongame Wildlife Trust Fund and the interest thereof of the trust fund and must designate an identifiable unit to administer the trust fund.<sup>14</sup>

Proceeds from the trust fund must be used to:

- Document the population trends of nongame wildlife and assess wildlife habitat in coordination with the Florida Natural Areas Inventory database.
- Establish effective conservation, management, and regulatory programs for nongame wildlife.
- Provide for public education programs.<sup>15</sup>

FWC is authorized to enter into cooperative agreements or memoranda of understanding with related agencies to coordinate nongame programs.<sup>16</sup>

## **III. Effect of Proposed Changes:**

**Section 1** amends the Administrative Trust Fund in s. 379.201, F.S. The bill authorizes the Florida Fish and Wildlife Conservation Commission (FWC) to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund.

The bill provides that, notwithstanding laws relating to undisbursed balances<sup>17</sup> and superseding default budget procedures,<sup>18</sup> any balance in the trust fund at the end of the fiscal year must remain in the trust fund and be available for carrying out the purposes of the trust fund.<sup>19</sup>

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<sup>10</sup> Section 379.206(2), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 379.209(2)(a), F.S.; *see* sections 319.32(3) and 320.10(8), F.S.

<sup>13</sup> Section 379.209(2)(a), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Section 379.209(2)(b), F.S.

<sup>16</sup> Section 379.209(3), F.S.

<sup>17</sup> *See* section 216.301, F.S.

<sup>18</sup> *See* section 216.351, F.S.

<sup>19</sup> This provision supersedes the default budget procedures in section 216.301, F.S. The default budget procedures for appropriations used only for operations require each department and the judicial branch to identify any incurred obligation which has not been disbursed. Any appropriation that is not an incurred obligation effective June 30<sup>th</sup> must revert to the fund from which it was appropriated and must be available for reappropriation by the Legislature. Section 216.301(1)(a), F.S.



**Section 2** amends the Florida Panther Research and Management Trust Fund in s. 379.205, F.S. In addition to the current purposes of the trust fund, the bill directs FWC to spend money from the fund to manage and protect existing Florida panther populations by researching and monitoring feline diseases. It also directs FWC to reestablish Florida panthers in areas with suitable habitat in part by acquiring land for panther habitat.

**Section 3** amends the Grants and Donations Trust Fund in s. 379.206, F.S. Current language provides that the trust fund is a depository for funds that will be used for allowable grant and donor agreement activities funded by restricted contractual revenue. The bill removes the language that requires the grant and donor agreement activities to be funded by restricted contractual revenue.

**Section 4** amends the Nongame Wildlife Trust Fund in s. 379.209, F.S. The bill removes the current requirement that FWC must designate an identifiable unit to administer the trust fund.

In addition to the current purposes of the trust fund, the bill requires the proceeds from the trust fund to also be used for law enforcement purposes.

Current law authorizes FWC to enter into cooperative agreements or memoranda of understanding with related agencies to coordinate nongame programs. The bill adds that FWC may enter into voluntary agreements. It also allows FWC to enter into cooperative agreements, voluntary agreements, or memoranda of understanding with private landowners.

**Section 5** provides an effective date of July 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill requires funds in the Florida Panther Research and Management Trust Fund to be used in part to acquire land for panther habitat. This may reduce the amount of funds available for the other purposes of the trust fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 379.201, 379.205, 379.206, and 379.209 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Rodriguez

40-00723-25

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1                   A bill to be entitled  
2       An act relating to trust funds for wildlife  
3       management; amending s. 379.201, F.S.; authorizing the  
4       Fish and Wildlife Conservation Commission to invest  
5       and reinvest the funds and the interest thereof of the  
6       Administrative Trust Fund; specifying that any balance  
7       in the trust fund at the end of the fiscal year  
8       remains in the fund; amending s. 379.205, F.S.;  
9       revising the purposes for which the commission may  
10      spend money from the Florida Panther Research and  
11      Management Trust Fund; amending s. 379.206, F.S.;  
12      revising the uses of the Grants and Donations Trust  
13      Fund; amending s. 379.209, F.S.; deleting the  
14      requirement that the commission designate an  
15      identifiable unit to administer the Nongame Wildlife  
16      Trust Fund; authorizing the commission to use the  
17      proceeds from the trust fund for law enforcement;  
18      authorizing the commission to enter into specified  
19      agreements with private landowners; providing an  
20      effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Subsection (2) of section 379.201, Florida  
25       Statutes, is amended, and subsection (3) is added to that  
26       section, to read:

27       379.201 Administrative Trust Fund.—

28       (2) The trust fund is established for use as a depository  
29       for funds to be used for management activities that are

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30 commissionwide in nature and funded by indirect cost earnings or  
31 assessments against trust funds. The commission may invest and  
32 reinvest the funds and the interest thereof of the trust fund.  
33 Moneys to be credited to the trust fund include indirect cost  
34 reimbursements from grantors, administrative assessments against  
35 trust funds, interest earnings, and other appropriate  
36 administrative fees.

37 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
38 any balance in the trust fund at the end of a fiscal year must  
39 remain in the trust fund and be available for carrying out the  
40 purposes of the trust fund.

41 Section 2. Paragraphs (a) and (c) of subsection (2) of  
42 section 379.205, Florida Statutes, are amended to read:

43 379.205 Florida Panther Research and Management Trust  
44 Fund.—

45 (2) The commission shall spend money from the fund and all  
46 interest derived from its investments and reinvestments only for  
47 the following purposes:

48 (a) To manage and protect existing Florida panther  
49 populations by increasing panther food sources where food is a  
50 limiting factor, determining conflicts between public use and  
51 panther survival, maintaining sufficient genetic variability in  
52 existing populations, providing research and monitoring of  
53 feline diseases, and undertaking management and enforcement  
54 activities that protect panther habitat.

55 (c) To reestablish Florida panthers into areas of suitable  
56 habitat, where feasible, by assessing the necessity of a captive  
57 breeding program for purposes of reintroduction of the panthers  
58 into the suitable habitat; selecting potential sites for

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59 reintroduction and investigating associated human sociological  
60 aspects; ~~and~~ assessing the potential for panther habitat  
61 acquisition; and acquiring lands for panther habitat.

62 Section 3. Subsection (2) of section 379.206, Florida  
63 Statutes, is amended to read:

64 379.206 Grants and Donations Trust Fund.—

65 (2) The fund is established for use as a depository for  
66 funds to be used for allowable grant and donor agreement  
67 activities ~~funded by restricted contractual revenue.~~ Moneys to  
68 be credited to the trust fund shall consist of grants and  
69 donations from private and public nonfederal sources,  
70 development-of-regional-impact wildlife mitigation  
71 contributions, interest earnings, and cash advances from other  
72 trust funds.

73 Section 4. Subsections (2) and (3) of section 379.209,  
74 Florida Statutes, are amended to read:

75 379.209 Nongame Wildlife Trust Fund.—

76 (2) (a) There is established within the Fish and Wildlife  
77 Conservation Commission the Nongame Wildlife Trust Fund. The  
78 fund shall be credited with moneys collected pursuant to ss.  
79 319.32(3) and 320.02(8). Additional funds may be provided from  
80 legislative appropriations and by donations from interested  
81 individuals and organizations. The commission may invest and  
82 reinvest the funds and the interest thereof of the Nongame  
83 Wildlife Trust Fund. ~~The commission shall designate an  
84 identifiable unit to administer the trust fund.~~

85 (b) Proceeds from the trust fund must ~~shall~~ be used for the  
86 following purposes:

87 1. Documentation of population trends of nongame wildlife

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88 and assessment of wildlife habitat, in coordination with the  
89 database of Florida natural areas inventory.

90 2. Establishment of effective conservation, management, and  
91 regulatory programs for nongame wildlife of this ~~the~~ state.

92 3. Public education programs.

93 4. Law enforcement.

94 (3) The commission may enter into cooperative agreements,  
95 voluntary agreements, or memoranda of understanding with related  
96 agencies and private landowners to coordinate nongame programs.

97 Section 5. This act shall take effect July 1, 2025.

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/3/2025

Meeting Date

SB 388

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name Jessica Melkun

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Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FWC

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

# CourtSmart Tag Report

Room: SB 110  
Caption: Senate Environment and Natural Resources Committee

Case No.:

Type:  
Judge:

Started: 3/3/2025 3:31:53 PM  
Ends: 3/3/2025 4:24:27 PM Length: 00:52:35

3:31:53 PM  
3:31:54 PM Chair Rodriguez calls meeting to order  
3:31:57 PM Roll call  
3:32:13 PM Pledge of Allegiance  
3:32:34 PM Chair Rodriguez makes opening remarks  
3:32:49 PM Tab 1: Presentation by the Florida Onsite Wastewater Association on Advanced Treatment Systems  
3:32:51 PM Chair Rodriguez recognizes Roxanne Groover  
3:33:06 PM Roxanne Groover explains presentation  
3:51:06 PM Questions:  
3:51:09 PM Senator Harrell  
3:51:44 PM Roxanne Groover  
3:53:30 PM Senator Harrell  
3:54:48 PM Senator Brodeur  
3:55:13 PM Roxanne Groover  
3:56:33 PM Senator Harrell  
3:56:59 PM Roxanne Groover  
3:57:21 PM Senator Brodeur  
3:57:39 PM Roxanne Groover  
3:57:42 PM Senator Brodeur  
3:58:12 PM Roxanne Groover  
3:59:12 PM Senator Brodeur  
3:59:33 PM Roxanne Groover  
4:00:19 PM Vice Chair Ingoglia  
4:00:53 PM Roxanne Groover  
4:02:13 PM Vice Chair Ingoglia  
4:02:16 PM Roxanne Groover  
4:02:31 PM Vice Chair Ingoglia  
4:02:33 PM Roxanne Groover  
4:02:35 PM Vice Chair Ingoglia  
4:03:54 PM Roxanne Groover  
4:04:34 PM Vice Chair Ingoglia  
4:04:40 PM Roxanne Groover  
4:05:14 PM Vice Chair Ingoglia  
4:05:33 PM Roxanne Groover  
4:05:52 PM Vice Chair Ingoglia  
4:06:11 PM Roxanne Groover  
4:07:22 PM Vice Chair Ingoglia  
4:08:09 PM Roxanne Groover  
4:09:00 PM Vice Chair Ingoglia  
4:10:28 PM Roxanne Groover  
4:10:49 PM Vice Chair Ingoglia  
4:11:22 PM Roxanne Groover  
4:12:16 PM Vice Chair Ingoglia  
4:12:51 PM Roxanne Groover  
4:13:53 PM Tab 2: SB 164 by Chair Rodriguez  
4:13:55 PM Vice Chair Ingoglia recognizes Chair Rodriguez  
4:14:03 PM Chair Rodriguez explains the bill  
4:14:35 PM Questions:  
4:14:41 PM Amendment 974618  
4:14:46 PM Chair Rodriguez explains amendment  
4:15:11 PM Questions:  
4:15:12 PM Public testimony



4:15:13 PM Debate  
4:15:21 PM Amendment adopted  
4:15:32 PM Amendment 446196  
4:15:36 PM Chair Rodriguez explains amendment  
4:15:40 PM Questions:  
4:15:41 PM Public testimony  
4:15:45 PM Debate  
4:15:50 PM Amendment adopted  
4:15:56 PM Questions on bill:  
4:16:02 PM Public testimony  
4:16:05 PM Vice Chair Ingoglia recognizes Wally Moran  
4:16:24 PM Wally Moran  
4:20:38 PM Vice Chair Ingoglia recognizes Kingsley Ross  
4:20:53 PM Kingsley Ross  
4:21:54 PM Debate  
4:22:00 PM Chair Rodriguez waives close on bill  
4:22:07 PM Roll call  
4:22:20 PM CS/SB 164 reported favorably  
4:22:25 PM Tab 3: SB 388 by Chair Rodriguez  
4:22:30 PM Vice Chair Ingoglia recognizes Chair Rodriguez  
4:22:34 PM Chair Rodriguez explains the bill  
4:23:13 PM Questions:  
4:23:17 PM Public testimony  
4:23:31 PM Debate  
4:23:34 PM Chair Rodriguez waives close on bill  
4:23:38 PM Bill reported favorably  
4:23:49 PM Vice Chair Ingoglia reports on the bill  
4:24:14 PM Senator Arrington moves to adjourn meeting  
4:24:18 PM Meeting Adjourned