

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/HB 1285</a>	<b>COMPANION BILL:</b> <a href="#">CS/SB 830</a> (Rodriguez)
<b>TITLE:</b> Disposition of Migrant Vessels	<b>LINKED BILLS:</b> None
<b>SPONSOR(S):</b> Mooney	<b>RELATED BILLS:</b> None
<b>FINAL HOUSE FLOOR ACTION:</b> 112 Y's 0 N's	<b>GOVERNOR'S ACTION:</b> Approved

### SUMMARY

#### Effect of the Bill:

The bill prohibits a person, firm, or corporation from leaving any migrant vessel upon the waters of the state. The bill defines "migrant vessel" to mean certain vessels used for the purpose of undocumented immigrant transportation that were built or assembled using certain materials and that meet specified criteria. Additionally, the bill provides public notice and removal procedures for migrant vessels left upon the waters of the state.

The bill authorizes state funding and federal disaster grant funding to be used for the removal, storage, destruction, and disposal of migrant vessels. The bill authorizes the Florida Fish and Wildlife Conservation Commission to provide grant funding to local governments for the removal, storage, disposal, and destruction of migrant vessels through the local government derelict vessel removal grant program.

#### Fiscal or Economic Impact:

None.

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### ANALYSIS

#### **EFFECT OF THE BILL:**

CS/HB 1285 passed the House as [CS/SB 830](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

#### Migrant Vessels

The bill prohibits a person, firm, or corporation from leaving any migrant vessel upon the waters of the state. The bill defines "migrant vessel" to mean an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation that was built or assembled using or combining makeshift or improvised materials or material components and meets at least one of the following criteria:

- The vessel was not constructed by a boat manufacturer.
- The vessel was not assigned a hull identification number. (Section 1)

#### Removal Procedure for Vessels

The bill requires a law enforcement officer to put a notice on a migrant vessel that is on public property and is of such nature that it cannot be easily removed. If a law enforcement officer posts such notice on a migrant vessel, the bill exempts the law enforcement agency that employs the officer from having to contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vessel. (Section 2)

The bill authorizes a law enforcement agency or its designee to remove a migrant vessel from the waters of the state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so. (Section 2)

**STORAGE NAME:** h1285z1.NRD

**DATE:** 5/20/2025

## **Funding for the Vessel Removal**

The bill authorizes funding for the removal of migrant vessels from waters of the state by grants provided from the Fuel Tax Collection Trust Fund<sup>1</sup> and specifies that the Florida Fish and Wildlife Conservation Commission (FWC) may use any federal disaster funds procured for the removal of [derelict vessels](#) to also fund the removal of migrant vessels. (Section 1)

The bill authorizes FWC to expand its local government grant program for the removal, storage, destruction, and disposal of derelict vessels to also provide grants to local governments for the removal, storage, destruction, and disposal of migrant vessels. FWC may use unused grant program funds to conduct such activities itself or through a private contractor. The bill requires the applications for local governments requesting funds as part of the grant program to include information such as the number of migrant vessels within the jurisdiction of the applicant and the degree of commitment of the local government to maintain waters free of migrant vessels. (Section 1)

## **Effective Date**

The bill was approved by the Governor on May 19, 2025, ch. 2025-34, L.O.F., and will become effective on July 1, 2025. (Section 3)

# **RELEVANT INFORMATION**

## **SUBJECT OVERVIEW:**

### **Derelict Vessels**

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.<sup>2</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>3</sup>

A derelict vessel is a vessel that is in a wrecked,<sup>4</sup> junked,<sup>5</sup> or substantially dismantled<sup>6</sup> condition upon any public waters of the state;<sup>7</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>8</sup> It is unlawful for a person, firm, or corporation to leave any derelict vessel on waters of the state.<sup>9</sup> An FWC officer, or other law enforcement agency

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<sup>1</sup> See s. [206.606, F.S.](#)

<sup>2</sup> FWC, *Derelict and At-Risk Vessels*, <https://myfwc.com/boating/waterway/derelict-vessels/> (last visited Apr. 1, 2025).

<sup>3</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) (last visited Apr. 1, 2025).

<sup>4</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\(1\)\(b\)1.a., F.S.](#)

<sup>5</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\(1\)\(b\)1.b., F.S.](#)

<sup>6</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\(1\)\(b\)1.c., F.S.](#)

<sup>7</sup> "Waters of this state" means any navigable waters of the United States within the territorial limits of the state, the marginal sea adjacent to the state, and the high seas when navigated as a part of a journey or ride to or from the shore of the state, and all the inland lakes, rivers, and canals under the jurisdiction of the state. Section [327.02\(48\), F.S.](#)

<sup>8</sup> Section [823.11\(1\)\(b\), F.S.](#)

<sup>9</sup> Section [823.11\(2\)\(a\), F.S.](#) "Leave" means to allow a vessel to remain occupied or unoccupied on waters of the state for more than 24 hours. *Id.*

or officer,<sup>10</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>11</sup>

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>12</sup>

### **Removal Procedure for Vessels**

There are different procedures for articles of lost<sup>13</sup> or abandoned<sup>14</sup> property that are derelict vessels or vessels declared a public nuisance and other types of articles of lost or abandoned property.<sup>15</sup>

If a law enforcement officer determines that an article of lost or abandoned property that is not a derelict or public nuisance vessel is on public property and cannot be easily removed, the officer must place a notice on the property informing the owner or interested persons that the article of property must be removed within five days or the law enforcement agency will remove and dispose of it at the expense of the owner.<sup>16</sup>

If a law enforcement officer determines that a derelict or public nuisance vessel is present on waters of the state, the officer must place a notice on the vessel informing the owner or interested persons that the vessel must be removed within 21 days or the law enforcement agency will dispose of it at the expense of the owner or legally responsible party.<sup>17</sup> The notice must also inform the owner or interested persons that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law.<sup>18</sup>

In addition to posting the notice on the property, a law enforcement officer must make a reasonable effort to ascertain the name and address of the owner.<sup>19</sup> If the information is reasonably available, the officer must mail a copy of the notice to the owner on the date of posting or as soon thereafter as is practicable.<sup>20</sup> If the property is a motor vehicle or a vessel, the law enforcement agency must contact the Department of Highway Safety and Motor Vehicles (DHSMV) to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel.<sup>21</sup> After receiving the information from DHSMV, the law enforcement agency must mail a copy of the notice by certified mail to the owner and any lienholder, return receipt requested.<sup>22</sup>

If the article of abandoned property is not a derelict or public nuisance vessel and is not removed by the owner, the law enforcement agency may:

- Retain any or all of the property for its own use or for use by the state or local government;
- Trade the property to another local government or state agency;
- Donate the property to a charitable organization;

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<sup>10</sup> Law enforcement agencies or officers include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer. Section [327.70, 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. Section [943.10\(1\), F.S.](#)

<sup>11</sup> Section [823.11\(3\), F.S.](#)

<sup>12</sup> Section [327.73\(1\), F.S.](#)

<sup>13</sup> "Lost property" means all tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner. Section [705.101\(4\), F.S.](#)

<sup>14</sup> "Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. Derelict and public nuisance vessels are included in this definition. Section [705.101\(1\), F.S.](#)

<sup>15</sup> Section [705.103\(2\), F.S.](#)

<sup>16</sup> Section [705.103\(2\)\(a\)1., F.S.](#)

<sup>17</sup> Section [705.103\(2\)\(a\)1.b., F.S.](#)

<sup>18</sup> *Id.*

<sup>19</sup> Section [705.103\(2\)\(a\)2., F.S.](#)

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

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

- Sell the property; or
- Notify the appropriate refuse removal service.<sup>23</sup>

If the owner or any interested person has not removed a derelict or public nuisance 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>24</sup>

### **Migrant Vessels**

South Florida has historically been, and is now, a landing place for immigrants from Caribbean countries like Cuba and Haiti who travel by boat over the Florida Straits.<sup>25</sup> Vessels used by these immigrants are commonly constructed with improvised materials, including sprayed styrofoam and plastic barrels, and often struggle to stay afloat. If the vessels are well built, they are typically overloaded and in danger of capsizing.<sup>26</sup> Migrant vessels are often left behind on waters of the state or beached on public or private property, where they create environmental hazards like other derelict vessels.<sup>27</sup> Multiple agencies, both federal and state, as well as local governments and private contractors have been involved in removing and disposing of migrant vessels.<sup>28</sup>

### **Funding for Vessel Removal**

Derelict vessel removal may be funded in part by grants from the Fuel Tax Collection Trust Fund.<sup>29</sup> This trust fund provides an annual disbursement of \$2.5 million to FWC's State Game Trust Fund for recreational boating activities and freshwater fisheries management and research.<sup>30</sup> Of those funds, a minimum of \$1.25 million must be used to fund certain local boating-related projects, including derelict vessel removal.<sup>31</sup> FWC must give priority consideration to unmet needs in counties with populations of 100,000 or less and unmet needs in coastal counties with a high level of boating-related activities from individuals residing in other counties.<sup>32</sup>

FWC is authorized to establish a local government grant program to fund local government efforts to remove, store, and dispose of derelict and public nuisance vessels.<sup>33</sup> If the funds are not used by a certain time within a given fiscal year, FWC may use the remainder to remove, store, destroy, and dispose of derelict or public nuisance vessels itself.<sup>34</sup>

Additionally, federal disaster funds procured pursuant to a plan implemented by FWC may also be used to fund the removal of derelict vessels.<sup>35</sup>

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<sup>23</sup> Section [705.103\(2\)\(a\)2.a., F.S.](#)

<sup>24</sup> Section [705.103\(2\)\(a\)2.b., F.S.](#)

<sup>25</sup> U.S. Coast Guard, *Operation Vigilant Sentry: Stopping Illegal Migration at Sea*, <https://www.news.uscg.mil/Press-Releases/Article/3280774/operation-vigilant-sentry-stopping-illegal-migration-at-sea/> (last visited Apr. 1, 2025).

<sup>26</sup> *Id.*

<sup>27</sup> Gwen Filosa, *The complex task of removing abandoned migrant vessels from Keys' fragile ecosystem*, <https://www.wusf.org/environment/2023-01-14/the-complex-task-of-removing-abandoned-migrant-vessels-from-keys-fragile-ecosystem> (last visited Apr. 1, 2025).

<sup>28</sup> *Id.*; Florida Division of Emergency Management, *State of Florida Issues Updates on Increased Mass Migration Monitoring Along the Florida Coastline*, <https://www.floridadisaster.org/news-media/news/20230118-state-of-florida-issues-updates-on-increased-mass-migration-monitoring-along-the-florida-coastline/> (last visited Apr. 1, 2025). This includes the U.S. Coast Guard, FWC, the Florida Division of Emergency Management, the Florida National Guard, the Florida Department of Law Enforcement, and the Florida Highway Patrol. *Id.*

<sup>29</sup> Ss. [823.11\(4\)\(a\)](#) and [206.606\(1\)\(b\), F.S.](#)

<sup>30</sup> Section [206.606\(1\)\(b\), F.S.](#) FWC must annually determine where unmet needs exist for boating-related activities and can fund those activities in counties where sufficient financial resources are unavailable due to the number of vessel registrations. *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Section [206.606\(1\)\(b\)1., F.S.](#)

<sup>33</sup> Section [823.11\(4\)\(c\), F.S.](#)

<sup>34</sup> *Id.* FWC may also use these funds to hire private contractors to remove, store, destroy, and dispose of derelict or public nuisance vessels. *Id.*

<sup>35</sup> Section [823.11\(4\)\(b\), F.S.](#)

**OTHER RESOURCES:**

[Interactive Map of Derelict Vessels Across the State](#)