

1                   A bill to be entitled  
 2           An act relating to the disposition of migrant vessels;  
 3           amending s. 823.11, F.S.; defining the term "migrant  
 4           vessel"; including migrant vessels in provisions  
 5           concerning relocation or removal of certain vessels;  
 6           amending s. 705.103, F.S.; providing procedures for  
 7           law enforcement officers concerning disposition of  
 8           migrant vessels; providing an effective date.

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

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 12           **Section 1. Paragraph (d) of subsection (1) of section**  
 13 **823.11, Florida Statutes, is redesignated as paragraph (e), a**  
 14 **new paragraph (d) is added to that subsection, and paragraph (a)**  
 15 **of subsection (2) and subsection (4) of that section are**  
 16 **amended, to read:**

17           823.11 Derelict and migrant vessels; relocation or  
 18 removal; penalty.—

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

20           (d) "Migrant vessel" means an irregularly constructed and  
 21 equipped maritime vessel designed, intended, or used for the  
 22 purpose of undocumented immigrant transportation that was built  
 23 or assembled using or combining makeshift or improvised  
 24 materials or material components and meet at least one of the  
 25 following criteria:

- 26 |       1. The vessel was not constructed by a boat manufacturer.  
 27 |       2. The vessel was not assigned a hull identification  
 28 | number.

29 |       (2) (a) A person, firm, or corporation may not leave any  
 30 | derelict or migrant vessel upon waters of this state. For  
 31 | purposes of this paragraph, the term "leave" means to allow a  
 32 | vessel to remain occupied or unoccupied on the waters of this  
 33 | state for more than 24 hours.

34 |       (4) (a) Removal of derelict vessels or migrant vessels  
 35 | under this subsection may be funded by grants provided in s.  
 36 | 206.606.

37 |       (b) The commission may implement a plan for the  
 38 | procurement of any available federal disaster funds and use such  
 39 | funds for the removal of derelict vessels or migrant vessels.

40 |       (c) The commission may establish a program to provide  
 41 | grants to local governments for the removal, storage,  
 42 | destruction, and disposal of derelict vessels or migrant vessels  
 43 | from the waters of this state. This grant funding may also be  
 44 | used for the removal, storage, destruction, and disposal of  
 45 | vessels declared a public nuisance pursuant to s. 327.73(1)(aa).  
 46 | The program must be funded from the Marine Resources  
 47 | Conservation Trust Fund or the Florida Coastal Protection Trust  
 48 | Fund. Notwithstanding s. 216.181(11), funds available for these  
 49 | grants may only be authorized by appropriations acts of the  
 50 | Legislature. In a given fiscal year, if all funds appropriated

51 | pursuant to this paragraph are not requested by and granted to  
 52 | local governments for the removal, storage, destruction, and  
 53 | disposal of derelict vessels, migrant vessels, or vessels  
 54 | declared a public nuisance pursuant to s. 327.73(1)(aa) by the  
 55 | end of the third quarter, the Fish and Wildlife Conservation  
 56 | Commission may use the remainder of the funds to remove, store,  
 57 | destroy, and dispose of, or to pay private contractors to  
 58 | remove, store, destroy, and dispose of, derelict vessels,  
 59 | migrant vessels, or vessels declared a public nuisance pursuant  
 60 | to s. 327.73(1)(aa). The commission shall adopt by rule  
 61 | procedures for local governments to submit a grant application  
 62 | and criteria for allocating available funds. Such criteria must  
 63 | include, at a minimum, the following:

- 64 | 1. The number of derelict vessels and migrant vessels  
 65 | within the jurisdiction of the applicant.
- 66 | 2. The threat posed by such vessels to public health or  
 67 | safety, the environment, navigation, or the aesthetic condition  
 68 | of the general vicinity.
- 69 | 3. The degree of commitment of the local government to  
 70 | maintain waters free of abandoned, ~~and derelict~~, and migrant  
 71 | vessels and to seek legal action against those who abandon  
 72 | vessels in the waters of this state as defined in s. 327.02.

74 | **Section 2. Paragraph (a) of subsection (2) of section**  
 75 | **705.103, Florida Statutes, is amended to read:**

76 705.103 Procedure for abandoned or lost property.—

77 (2) (a) 1. Whenever a law enforcement officer ascertains  
78 that:

79 a. A migrant vessel or an article of lost or abandoned  
80 property other than a derelict vessel or a vessel declared a  
81 public nuisance pursuant to s. 327.73(1) (aa) is present on  
82 public property and is of such nature that it cannot be easily  
83 removed, the officer shall cause a notice to be placed upon such  
84 article in substantially the following form:

85 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
86 PROPERTY. This property, to wit: ...(setting forth brief  
87 description)... is unlawfully upon public property known as  
88 ...(setting forth brief description of location)... and must be  
89 removed within 5 days; otherwise, it will be removed and  
90 disposed of pursuant to chapter 705, Florida Statutes. The owner  
91 will be liable for the costs of removal, storage, and  
92 publication of notice. Dated this: ...(setting forth the date of  
93 posting of notice)..., signed: ...(setting forth name, title,  
94 address, and telephone number of law enforcement officer)....

95 b. A derelict vessel or a vessel declared a public  
96 nuisance pursuant to s. 327.73(1) (aa) is present on the waters  
97 of this state, the officer shall cause a notice to be placed  
98 upon such vessel in substantially the following form:

99 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
100 VESSEL. This vessel, to wit: ...(setting forth brief description

101 of location)... has been determined to be ...(derelict or a  
102 public nuisance)... and is unlawfully upon the waters of this  
103 state ...(setting forth brief description of location)... and  
104 must be removed within 21 days; otherwise, it will be removed  
105 and disposed of pursuant to chapter 705, Florida Statutes. The  
106 owner and other interested parties have the right to a hearing  
107 to challenge the determination that this vessel is derelict or  
108 otherwise in violation of the law. Please contact ...(contact  
109 information for person who can arrange for a hearing in  
110 accordance with this section).... The owner or the party  
111 determined to be legally responsible for the vessel being upon  
112 the waters of this state in a derelict condition or as a public  
113 nuisance will be liable for the costs of removal, destruction,  
114 and disposal if this vessel is not removed by the owner. Dated  
115 this: ...(setting forth the date of posting of notice)...,  
116 signed: ...(setting forth name, title, address, and telephone  
117 number of law enforcement officer)....

118 2. The notices required under subparagraph 1. may not be  
119 less than 8 inches by 10 inches and must be sufficiently  
120 weatherproof to withstand normal exposure to the elements. In  
121 addition to posting, the law enforcement officer shall make a  
122 reasonable effort to ascertain the name and address of the  
123 owner. If such is reasonably available to the officer, she or he  
124 shall mail a copy of such notice to the owner on the date of  
125 posting or as soon thereafter as is practical. If the property

126 is a motor vehicle as defined in s. 320.01(1) or a vessel as  
127 defined in s. 327.02, except a migrant vessel as defined in s.  
128 823.11, the law enforcement agency shall contact the Department  
129 of Highway Safety and Motor Vehicles in order to determine the  
130 name and address of the owner and any person who has filed a  
131 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)  
132 or s. 328.15. On receipt of this information, the law  
133 enforcement agency shall mail a copy of the notice by certified  
134 mail, return receipt requested, to the owner and to the  
135 lienholder, if any, except that a law enforcement officer who  
136 has issued a citation for a violation of s. 823.11 to the owner  
137 of a derelict vessel is not required to mail a copy of the  
138 notice by certified mail, return receipt requested, to the  
139 owner. For a derelict vessel or a vessel declared a public  
140 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must  
141 inform the owner or responsible party that he or she has a right  
142 to a hearing to dispute the determination that the vessel is  
143 derelict or otherwise in violation of the law. If a request for  
144 a hearing is made, a state agency shall follow the processes as  
145 set forth in s. 120.569. Local governmental entities shall  
146 follow the processes set forth in s. 120.569, except that a  
147 local judge, magistrate, or code enforcement officer may be  
148 designated to conduct such a hearing. If, at the end of 5 days  
149 after posting the notice in sub-subparagraph 1.a., or at the end  
150 of 21 days after posting the notice in sub-subparagraph 1.b.,

151 and mailing such notice, if required, the owner or any person  
152 interested in the lost or abandoned article or articles  
153 described has not removed the article or articles from public  
154 property or shown reasonable cause for failure to do so, and, in  
155 the case of a derelict vessel or a vessel declared a public  
156 nuisance pursuant to s. 327.73(1)(aa), has not requested a  
157 hearing in accordance with this section, the following shall  
158 apply:

159 a. For abandoned property other than a derelict vessel or  
160 a vessel declared a public nuisance pursuant to s.  
161 327.73(1)(aa), the law enforcement agency may retain any or all  
162 of the property for its own use or for use by the state or unit  
163 of local government, trade such property to another unit of  
164 local government or state agency, donate the property to a  
165 charitable organization, sell the property, or notify the  
166 appropriate refuse removal service.

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

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

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

176 c. For a migrant vessel, as defined in s. 823.11, the law  
177 enforcement agency or its designee may remove the vessel from  
178 the waters of this state and destroy and dispose of the vessel  
179 or authorize another governmental entity or its designee to do  
180 so.

181  
182 A law enforcement agency or its designee may also take action as  
183 described in this sub-subparagraph if, following a hearing  
184 pursuant to this section, the judge, magistrate, administrative  
185 law judge, or hearing officer has determined the vessel to be  
186 derelict as provided in s. 823.11 or otherwise in violation of  
187 the law in accordance with s. 327.73(1)(aa) and a final order  
188 has been entered or the case is otherwise closed.

189 **Section 3.** This act shall take effect July 1, 2025.