

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 meets 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.

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

75 705.103 Procedure for abandoned or lost property.—

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

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

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

94 b. A derelict vessel or a vessel declared a public
95 nuisance pursuant to s. 327.73(1) (aa) is present on the waters
96 of this state, the officer shall cause a notice to be placed
97 upon such vessel in substantially the following form:
98 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
99 VESSEL. This vessel, to wit: ...(setting forth brief description
100 of location)... has been determined to be ...(derelict or a

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

117 2. The notices required under subparagraph 1. may not be
118 less than 8 inches by 10 inches and must be sufficiently
119 weatherproof to withstand normal exposure to the elements. In
120 addition to posting, the law enforcement officer shall make a
121 reasonable effort to ascertain the name and address of the
122 owner. If such is reasonably available to the officer, she or he
123 shall mail a copy of such notice to the owner on the date of
124 posting or as soon thereafter as is practical. If the property
125 is a motor vehicle as defined in s. 320.01(1) or a vessel as

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

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

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

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

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

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

175 c. For a migrant vessel, as defined in s. 823.11, the law

176 | enforcement agency or its designee may remove the vessel from
177 | the waters of this state and destroy and dispose of the vessel
178 | or authorize another governmental entity or its designee to do
179 | so.

180

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

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