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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

04/03/2025 09:55 AM

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Senator Rodriguez moved the following:

**Senate Amendment**

Delete lines 537 - 851

and insert:

purposes of this section, the term "owner" includes a vessel owner as defined in s. 327.02.

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

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1) (aa) is present on public property and is of such



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12 nature that it cannot be easily removed, the officer shall cause  
13 a notice to be placed upon such article in substantially the  
14 following form:

15  
16 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
17 PROPERTY. This property, to wit: ...(setting forth brief  
18 description)... is unlawfully upon public property known as  
19 ...(setting forth brief description of location)... and must be  
20 removed within 5 days; otherwise, it will be removed and  
21 disposed of pursuant to chapter 705, Florida Statutes. The owner  
22 will be liable for the costs of removal, storage, and  
23 publication of notice. Dated this: ...(setting forth the date of  
24 posting of notice)..., signed: ...(setting forth name, title,  
25 address, and telephone number of law enforcement officer)....  
26

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

31  
32 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
33 VESSEL. This vessel, to wit: ...(setting forth brief description  
34 of location)... has been determined to be ...(derelict or a  
35 public nuisance)... and is unlawfully upon the waters of this  
36 state ...(setting forth brief description of location)... and  
37 must be removed within 21 days; otherwise, it will be removed  
38 and disposed of pursuant to chapter 705, Florida Statutes. The  
39 owner and other interested parties have the right to a hearing  
40 to challenge the determination that this vessel is derelict or



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41 otherwise in violation of the law. Please contact ...(contact  
42 information for person who can arrange for a hearing in  
43 accordance with this section).... The owner of ~~or the party~~  
44 ~~determined to be legally responsible for the vessel~~ on being  
45 ~~upon~~ the waters of this state in a derelict condition or as a  
46 public nuisance will be liable for the costs of removal,  
47 destruction, and disposal if this vessel is not removed by the  
48 owner. Dated this: ...(setting forth the date of posting of  
49 notice)...., signed: ...(setting forth name, title, address, and  
50 telephone number of law enforcement officer)....

51  
52 2. The notices required under subparagraph 1. may not be  
53 less than 8 inches by 10 inches and must be sufficiently  
54 weatherproof to withstand normal exposure to the elements. In  
55 addition to posting, the law enforcement officer shall make a  
56 reasonable effort to ascertain the name and address of the  
57 owner. If such is reasonably available to the officer, he or she  
58 must ~~or he shall~~ mail a copy of such notice to the owner on the  
59 date of posting or as soon thereafter as is practical. If the  
60 property is a motor vehicle as defined in s. 320.01(1) or a  
61 vessel as defined in s. 327.02, the law enforcement agency must  
62 ~~shall~~ contact the Department of Highway Safety and Motor  
63 Vehicles in order to determine the name and address of the owner  
64 and any person who has filed a lien on the vehicle or vessel as  
65 provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this  
66 information, the law enforcement agency shall mail a copy of the  
67 notice by certified mail, return receipt requested, to the owner  
68 and to the lienholder, if any, except that a law enforcement  
69 officer who has issued a citation for a violation of s. 823.11



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70 to the owner of a derelict vessel is not required to mail a copy  
71 of the notice by certified mail, return receipt requested, to  
72 the owner. For a derelict vessel or a vessel declared a public  
73 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must  
74 inform the owner ~~or responsible party~~ that he or she has a right  
75 to a hearing to dispute the determination that the vessel is  
76 derelict or otherwise in violation of the law. If a request for  
77 a hearing is made, a state agency must ~~shall~~ follow the  
78 processes as set forth in s. 120.569. Local governmental  
79 entities shall follow the processes set forth in s. 120.569,  
80 except that a local judge, magistrate, or code enforcement  
81 officer may be designated to conduct such a hearing. If, at the  
82 end of 5 days after posting the notice in sub-subparagraph 1.a.,  
83 or at the end of 21 days after posting the notice in sub-  
84 subparagraph 1.b., and mailing such notice, if required, the  
85 owner or any person interested in the lost or abandoned article  
86 or articles described has not removed the article or articles  
87 from public property or shown reasonable cause for failure to do  
88 so, and, in the case of a derelict vessel or a vessel declared a  
89 public nuisance pursuant to s. 327.73(1)(aa), has not requested  
90 a hearing in accordance with this section, the following applies  
91 ~~shall apply~~:

92 a. For abandoned property other than a derelict vessel or a  
93 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),  
94 the law enforcement agency may retain any ~~or all~~ of the property  
95 for its own use or for use by the state or unit of local  
96 government, trade such property to another unit of local  
97 government or state agency, donate the property to a charitable  
98 organization, sell the property, or notify the appropriate



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99 refuse removal service.

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

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

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

109  
110 A law enforcement agency or its designee may also take action as  
111 described in this sub-subparagraph if, following a hearing  
112 pursuant to this section, the judge, magistrate, administrative  
113 law judge, or hearing officer has determined the vessel to be  
114 derelict as provided in s. 823.11 or otherwise in violation of  
115 the law in accordance with s. 327.73(1)(aa) and a final order  
116 has been entered or the case is otherwise closed.

117 (4) The owner of any abandoned or lost property, or in the  
118 case of a derelict vessel or a vessel declared a public nuisance  
119 pursuant to s. 327.73(1)(aa), the owner of ~~or other party~~  
120 ~~determined to be legally responsible for~~ the vessel on being  
121 ~~upon~~ the waters of this state in a derelict condition or as a  
122 public nuisance, who, after notice as provided in this section,  
123 does not remove such property within the specified period is  
124 liable to the law enforcement agency, other governmental entity,  
125 or the agency's or entity's designee for all costs of removal,  
126 storage, destruction, and disposal of such property, less any  
127 salvage value obtained by disposal of the property. Upon final



128 disposition of the property, the law enforcement officer or  
129 representative of the law enforcement agency or other  
130 governmental entity shall notify the owner, or in the case of a  
131 derelict vessel or vessel declared a public nuisance pursuant to  
132 s. 327.73(1)(aa), the owner ~~or other party determined to be~~  
133 ~~legally responsible~~, if known, of the amount owed. In the case  
134 of an abandoned vessel or motor vehicle, a ~~any~~ person who  
135 neglects or refuses to pay such amount is not entitled to be  
136 issued a certificate of registration for such vessel or motor  
137 vehicle, or any other vessel or motor vehicle, until such costs  
138 have been paid. A person who has neglected or refused to pay all  
139 costs of removal, storage, disposal, and destruction of a vessel  
140 or motor vehicle as provided in this section, after having been  
141 provided written notice via certified mail that such costs are  
142 owed, and who applies for and is issued a registration for a  
143 vessel or motor vehicle before such costs have been paid in full  
144 commits a misdemeanor of the first degree, punishable as  
145 provided in s. 775.082 or s. 775.083. The law enforcement  
146 officer or representative of the law enforcement agency or other  
147 governmental entity shall supply the Department of Highway  
148 Safety and Motor Vehicles with a list of persons whose vessel  
149 registration privileges and motor vehicle privileges have been  
150 revoked under this subsection. The department or a person acting  
151 as an agent of the department may not issue a certificate of  
152 registration to a person whose vessel and motor vehicle  
153 registration privileges have been revoked, as provided by this  
154 subsection, until such costs have been paid.

155 Section 7. Paragraphs (a), (c), and (d) of subsection (2),  
156 paragraph (a) of subsection (3), paragraph (c) of subsection



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157 (4), and subsections (6) and (7) of section 823.11, Florida  
158 Statutes, are amended, paragraph (e) is added to subsection (2)  
159 of that section, and paragraph (b) of subsection (1) of that  
160 section is reenacted, to read:

161 823.11 Derelict vessels; relocation or removal; penalty.—

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

163 (b) "Derelict vessel" means a vessel, as defined in s.

164 327.02, that is:

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

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

171 b. A vessel is junked if it has been substantially stripped  
172 of vessel components, if vessel components have substantially  
173 degraded or been destroyed, or if the vessel has been discarded  
174 by the owner or operator. Attaching an outboard motor to a  
175 vessel that is otherwise junked will not cause the vessel to no  
176 longer be junked if such motor is not an effective means of  
177 propulsion as required by s. 327.4107(2) (e) and associated  
178 rules.

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

182 (I) The steering system;

183 (II) The propulsion system; or

184 (III) The exterior hull integrity.

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186 Attaching an outboard motor to a vessel that is otherwise  
187 substantially dismantled will not cause the vessel to no longer  
188 be substantially dismantled if such motor is not an effective  
189 means of propulsion as required by s. 327.4107(2) (e) and  
190 associated rules.

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

193 3. Docked, grounded, or beached upon the property of  
194 another without the consent of the owner of the property.

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

200 (c) The additional time provided in subparagraph (b)2. for  
201 an owner ~~or responsible party~~ to remove a derelict vessel from  
202 the waters of this state or to repair and remedy the vessel's  
203 derelict condition does not apply to a vessel that was derelict  
204 upon the waters of this state before the stated accident or  
205 event.

206 (d) Notwithstanding the additional 45 days provided in sub-  
207 subparagraph (b)2.b. during which an owner ~~or a responsible~~  
208 ~~party~~ may not be charged for a violation of this section, the  
209 commission, an officer of the commission, a law enforcement  
210 agency or officer specified in s. 327.70, or, during a state of  
211 emergency declared by the Governor, the Division of Emergency  
212 Management or its designee, may immediately begin the process  
213 set forth in s. 705.103(2) (a) and, once that process has been  
214 completed and the 45 days provided herein have passed, any





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215 vessel that has not been removed or repaired such that it is no  
216 longer derelict upon the waters of this state may be removed and  
217 destroyed as provided therein.

218 (e) The title of a derelict vessel is prima facie evidence  
219 of ownership for any derelict vessel left upon the waters of  
220 this state. An owner who attempts to transfer ownership of a  
221 vessel or derelict vessel through means other than the process  
222 outlined in s. 328.22 or s. 328.64 will not be exonerated from  
223 the responsibility of having a derelict vessel upon the waters  
224 of this state without a written agreement of ownership by the  
225 transferee or evidence of agreement to transfer ownership to the  
226 transferee and the exchange of consideration between the  
227 parties.

228 (3) The commission, an officer of the commission, or a law  
229 enforcement agency or officer specified in s. 327.70 may  
230 relocate, remove, and store or cause to be relocated, removed,  
231 and stored a derelict vessel from waters of this state as  
232 defined in s. 327.02 if the derelict vessel obstructs or  
233 threatens to obstruct navigation or in any way constitutes a  
234 danger to the environment, property, or persons. The commission,  
235 an officer of the commission, or any other law enforcement  
236 agency or officer acting pursuant to this subsection to  
237 relocate, remove, and store or cause to be relocated, removed,  
238 and stored a derelict vessel from waters of this state shall be  
239 held harmless for all damages to the derelict vessel resulting  
240 from such action unless the damage results from gross negligence  
241 or willful misconduct.

242 (a) All costs, including costs owed to a third party,  
243 incurred by the commission, another law enforcement agency, or a



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244 governmental subdivision, when the governmental subdivision has  
245 received authorization from a law enforcement officer or agency,  
246 in the relocation, removal, storage, destruction, or disposal of  
247 a derelict vessel are recoverable against the ~~vessel~~ owner of ~~or~~  
248 ~~the party determined to be legally responsible for~~ the vessel on  
249 ~~being upon~~ the waters of this state in a derelict condition. The  
250 Department of Legal Affairs shall represent the commission in  
251 actions to recover such costs. As provided in s. 705.103(4), a  
252 person who neglects or refuses to pay such costs may not be  
253 issued a certificate of registration for such vessel or for any  
254 other vessel or motor vehicle until such costs have been paid. A  
255 person who has neglected or refused to pay all costs of removal,  
256 storage, destruction, or disposal of a derelict vessel as  
257 provided in this section, after having been provided written  
258 notice via certified mail that such costs are owed, and who  
259 applies for and is issued a registration for a vessel or motor  
260 vehicle before such costs have been paid in full commits a  
261 misdemeanor of the first degree, punishable as provided in s.  
262 775.082 or s. 775.083.

263 (4)

264 (c) The commission may establish a program to provide  
265 grants to local governments for the removal, storage,  
266 destruction, and disposal of derelict vessels from the waters of  
267 this state. This grant funding may also be used for the removal,  
268 storage, destruction, and disposal of vessels declared a public  
269 nuisance pursuant to s. 327.73(1)(aa) or the derelict vessel  
270 prevention program established pursuant to s. 327.4107(7). The  
271 program must be funded from the Marine Resources Conservation  
272 Trust Fund or the Florida Coastal Protection Trust Fund.



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273 Notwithstanding s. 216.181(11), funds available for these grants  
274 may only be authorized by appropriations acts of the  
275 Legislature. In a given fiscal year, if all funds appropriated  
276 pursuant to this paragraph are not requested by and granted to  
277 local governments for the removal, storage, destruction, and  
278 disposal of derelict vessels or vessels declared a public  
279 nuisance pursuant to s. 327.73(1)(aa) by the end of the third  
280 quarter, the Fish and Wildlife Conservation Commission may use  
281 the remainder of the funds to remove, store, destroy, and  
282 dispose of, or to pay private contractors to remove, store,  
283 destroy, and dispose of, derelict vessels or vessels declared a  
284 public nuisance pursuant to s. 327.73(1)(aa). The commission  
285 shall adopt by rule procedures for local governments to submit a  
286 grant application and criteria for allocating available funds.  
287 Such criteria must include, at a minimum, all of the following:

288 1. The number of derelict vessels within the jurisdiction  
289 of the applicant.

290 2. The threat posed by such vessels to public health or  
291 safety, the environment, navigation, or the aesthetic condition  
292 of the general vicinity.

293 3. The degree of commitment of the local government to  
294 maintain waters free of abandoned and derelict vessels and to  
295 seek legal action against those who abandon vessels in the  
296 waters of this state as defined in s. 327.02.

297 (6) ~~A person, firm, or corporation violating this section~~  
298 ~~commits a misdemeanor of the first degree and shall be punished~~  
299 ~~as provided by law.~~ A conviction under this section does not bar  
300 the assessment and collection of a civil penalty. The court  
301 having jurisdiction over the criminal offense, notwithstanding



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302 any jurisdictional limitations on the amount in controversy, may  
303 order the imposition of such civil penalty in addition to any  
304 sentence imposed for the ~~first~~ criminal offense.

305 (a) For a first offense, a vessel owner who violates this  
306 section commits a misdemeanor of the first degree, punishable as  
307 provided in s. 775.082 or s. 775.083.

308 (b) For a second offense, a vessel owner who violates this  
309 section commits a felony of the third degree, punishable as  
310 provided in s. 775.082, s. 775.083, or s. 775.084.

311 (c) For a third or subsequent offense, a vessel owner who  
312 violates this section commits a felony of the second degree,  
313 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

314 (7) A person may not reside or dwell on a vessel determined  
315 to be derelict by disposition of a court or administrative  
316 order, or where the vessel owner does not challenge the derelict  
317 determination pursuant to chapter 120. A person who violates  
318 this subsection commits a misdemeanor of the first degree,  
319 punishable as provided in s. 775.082 or s. 775.083. Law  
320 enforcement has the