

**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 Appropriations Committee on Agriculture, Environment, and General Government

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BILL: CS/SB 164

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Vessel Accountability

DATE: March 17, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

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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 one 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 (FWC) existing local government grant program to support the derelict vessel prevention and voluntary turn-in program.

The FWC will incur an insignificant fiscal impact in costs related to the issuance and enforcement of long-term anchoring registration required by the bill that can be absorbed within existing resources. **See Section V. Fiscal Impact Statement.**

The bill has an effective date of July 1, 2025.

## 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



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

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, 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>

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<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.

<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.*

### ***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>

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

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

<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.

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>

### **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**

The 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 the FWC to be destroyed without penalty;
- Removing and destroying abandoned vessels;

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<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.

<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.

- 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>

Pursuant to this authorization, the 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 the FWC.<sup>38</sup>

### Florida Anchoring Practices

The 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, the 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>



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

<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 (DMV), 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 DMV 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 all of the following information of the vessel owner or operator:

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

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

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

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



- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.

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 the 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 the FWC to adopt rules to implement the long-term anchoring permit program.

**Section 4** amends provisions of s. 327.70, F.S., concerning noncriminal violations of vessel laws in chs. 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 the 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

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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.

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

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

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<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 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.

and duty to issue orders, perform investigations, complete reports, and perform arrests to enforce this provision. The bill authorizes the FWC to adopt implementing rules.

**Sections 8 and 9** reenact ss. 327.04 and 327.4108, F.S., relating to rules and anchoring of vessels in anchoring limitation areas, respectively, to incorporate an amendment made by this bill to s. 823.11, F.S.

**Section 10** reenacts s. 327.54(3)(d), F.S., relating to liveries, safety regulations, and penalties to incorporate amendments made by this bill to ss. 327.4107 and 823.11, F.S.

**Section 11** reenacts s. 705.101(1), F.S., relating to definitions, to incorporate an amendment made by this bill to s. 327.73, F.S.

**Sections 12 and 13** reenact ss. 705.104(1) and 713.585(8), F.S., relating to the title to lost or abandoned property and the enforcement of a lien by sale of a motor vehicle, respectively, to incorporate an amendment made by this bill to s. 705.103, F.S.

**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., which creates 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 an insignificant fiscal impact in costs related to the issuance and enforcement of long-term anchoring registration required by the bill that can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

This bill creates section 327.4111 of the Florida Statutes.

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

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