

By the Committee on Environment and Natural Resources; and
Senator Rodriguez

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1 A bill to be entitled
2 An act relating to vessel accountability; amending s.
3 327.02, F.S.; deleting the term "owner"; defining the
4 term "vessel owner"; reenacting and amending s.
5 327.4107, F.S.; providing a penalty for a person
6 anchoring, mooring, or allowing certain vessels to
7 occupy the waters of this state if an officer of the
8 Fish and Wildlife Conservation Commission or a law
9 enforcement agency finds that specified conditions
10 exist; revising the manner and timeframe for vessel
11 owners or operators to demonstrate a vessel's
12 effective means of propulsion for safe navigation;
13 deleting provisions providing a penalty for a person
14 who anchors or moors certain vessels on the waters of
15 this state; creating s. 327.4111, F.S.; defining the
16 term "long-term anchoring"; requiring the commission
17 to issue, at no cost, a permit for the long-term
18 anchoring of a vessel which includes specified
19 information; providing construction; providing a
20 penalty for long-term anchoring without a permit;
21 providing applicability; providing that a permit is
22 not required under certain circumstances; requiring
23 the commission to use an electronic application and
24 permitting system; clarifying that certain provisions
25 do not supersede any other anchoring limitations
26 established pursuant to law; authorizing the
27 commission to adopt rules; amending s. 327.70, F.S.;
28 authorizing the enforcement of certain noncriminal
29 violations by citation mailed or issued to the owner

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30 of certain vessels; amending s. 327.73, F.S.;

31 requiring that a vessel subject to a specified number

32 of violations within a 24-month period which result in

33 certain dispositions be declared a public nuisance;

34 providing that failure to appear at a hearing or

35 failure to pay civil penalties constitutes a certain

36 disposition; providing penalties related to long-term

37 anchoring; requiring that a vessel subject to a

38 specified number of violations relating to long-term

39 anchoring within a 24-month period which result in

40 certain dispositions be declared a public nuisance;

41 providing that failure to appear at a hearing or

42 failure to pay a certain civil penalty constitutes a

43 disposition other than acquittal or dismissal;

44 providing an exception; authorizing certain persons to

45 relocate, remove, or cause to be relocated or removed

46 certain vessels; requiring that certain persons be

47 held harmless for all damages to a vessel resulting

48 from such relocation or removal; providing exceptions;

49 amending s. 705.103, F.S.; revising the notice placed

50 upon a derelict vessel declared a public nuisance

51 which is present upon the waters of this state;

52 deleting a provision specifying that a party

53 responsible for a derelict vessel or a vessel declared

54 a public nuisance has the right to a certain hearing;

55 deleting provisions assigning liability to a party

56 deemed legally responsible for a derelict vessel or

57 vessel declared a public nuisance; deleting provisions

58 allowing a law enforcement officer or a representative

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59 of a law enforcement agency or other governmental
60 entity to notify a party deemed legally responsible
61 for a derelict vessel or a vessel declared a public
62 nuisance of the final disposition of the derelict
63 vessel; reenacting and amending s. 823.11, F.S.;
64 prohibiting a vessel owner from leaving a derelict
65 vessel upon the waters of this state; deleting
66 provisions related to a party responsible for a
67 derelict vessel; providing prima facie evidence of
68 ownership or control of a derelict vessel left upon
69 the waters of this state; providing a means of
70 exonerating an owner of a vessel or derelict vessel of
71 responsibility if such owner attempts to transfer
72 ownership or control of such vessel; providing that
73 the owner of a derelict vessel is exclusively
74 responsible for all costs associated with the
75 relocation, removal, storage, destruction, or disposal
76 of the derelict vessel; authorizing the commission to
77 use grant funds allocated for the removal, storage,
78 destruction, and disposal of derelict vessels from the
79 waters of this state for the derelict vessel
80 prevention program; providing penalties; prohibiting a
81 person from dwelling or residing on a derelict vessel;
82 providing penalties; authorizing law enforcement
83 officers to enforce such provisions; authorizing a
84 person to reside on a vessel if the vessel is in a
85 state or condition that is no longer derelict;
86 authorizing the commission to adopt rules; reenacting
87 ss. 327.04 and 327.4108(6)(d), F.S., relating to rules

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88 and the anchoring of vessels in anchoring limitation
89 areas, respectively, to incorporate the amendment made
90 to s. 832.11, F.S., in references thereto; reenacting
91 s. 327.54(3)(d), F.S., relating to liveries, safety
92 regulations, and penalties, to incorporate the
93 amendments made to ss. 327.4107 and 823.11, F.S., in
94 references thereto; reenacting s. 705.101(1), F.S.,
95 relating to definitions, to incorporate the amendment
96 made to s. 327.73, F.S., in a reference thereto;
97 reenacting ss. 705.104(1) and 713.585(8), F.S.,
98 relating to the title to lost or abandoned property
99 and the enforcement of a lien by sale of motor
100 vehicle, respectively, to incorporate the amendment
101 made to s. 705.103, F.S., in references thereto;
102 providing effective dates.

103
104 Be It Enacted by the Legislature of the State of Florida:

105
106 Section 1. Subsections (35) through (47) of section 327.02,
107 Florida Statutes, are amended to read:

108 327.02 Definitions.—As used in this chapter and in chapter
109 328, unless the context clearly requires a different meaning,
110 the term:

111 (35) ~~“Owner” means a person, other than a lienholder,~~
112 ~~having the property in or title to a vessel. The term includes a~~
113 ~~person entitled to the use or possession of a vessel subject to~~
114 ~~an interest in another person which is reserved or created by~~
115 ~~agreement and securing payment of performance of an obligation.~~
116 ~~The term does not include a lessee under a lease not intended as~~

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117 security.

118 ~~(36)~~ "Person" means an individual, partnership, firm,
119 corporation, association, or other entity.

120 (36)~~(37)~~ "Personal watercraft" means a vessel less than 16
121 feet in length which uses an inboard motor powering a water jet
122 pump as its primary source of motive power and which is designed
123 to be operated by a person sitting, standing, or kneeling on the
124 vessel, rather than in the conventional manner of sitting or
125 standing inside the vessel.

126 (37)~~(38)~~ "Portable toilet" means a device consisting of a
127 lid, seat, containment vessel, and support structure which is
128 specifically designed to receive, retain, and discharge human
129 waste and which is capable of being removed from a vessel by
130 hand.

131 (38)~~(39)~~ "Prohibited activity" means activity that will
132 impede or disturb navigation or creates a safety hazard on
133 waterways of this state.

134 (39)~~(40)~~ "Racing shell," "rowing scull," or "racing kayak"
135 means a manually propelled vessel that is recognized by national
136 or international racing associations for use in competitive
137 racing and in which all occupants, with the exception of a
138 coxswain, if one is provided, row, scull, or paddle and that is
139 not designed to carry and does not carry any equipment not
140 solely for competitive racing.

141 (40)~~(41)~~ "Recreational vessel" means a vessel:

142 (a) Manufactured and used primarily for noncommercial
143 purposes; or

144 (b) Leased, rented, or chartered to a person for his or her
145 noncommercial use.

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146 ~~(41)(42)~~ "Registration" means a state operating license on
147 a vessel which is issued with an identifying number, an annual
148 certificate of registration, and a decal designating the year
149 for which a registration fee is paid.

150 ~~(42)(43)~~ "Resident" means a citizen of the United States
151 who has established residence in this state and has continuously
152 resided in this state for 1 year and in one county for the 6
153 months immediately preceding the initiation of a vessel titling
154 or registration action.

155 ~~(43)(44)~~ "Sailboat" means a vessel whose sole source of
156 propulsion is the wind.

157 ~~(44)(45)~~ "Sustained wind speed" means a wind speed
158 determined by averaging the observed wind speed rounded up to
159 the nearest mile per hour over a 2-minute period.

160 ~~(45)(46)~~ "Unclaimed vessel" means an undocumented vessel,
161 including its machinery, rigging, and accessories, which is in
162 the physical possession of a marina, garage, or repair shop for
163 repairs, improvements, or other work with the knowledge of the
164 vessel owner and for which the costs of such services have been
165 unpaid for more than 90 days after the date written notice of
166 the completed work is given by the marina, garage, or repair
167 shop to the vessel owner.

168 ~~(46)(47)~~ "Vessel" is synonymous with boat as referenced in
169 s. 1(b), Art. VII of the State Constitution and includes every
170 description of watercraft, barge, and airboat, other than a
171 seaplane on the water, used or capable of being used as a means
172 of transportation on water.

173 (47) "Vessel owner" means a person, other than a lienholder
174 or lessee under a lease that is not intended as security, having

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175 the property in or title to a vessel. The term includes all of
176 the following:

177 (a) A person entitled to the use or possession of a vessel
178 subject to an interest in another person which is reserved or
179 created by agreement and securing payment of performance of an
180 obligation. The term does not include a lessee under a lease not
181 intended as security.

182 (b) A person identified in the records of the Department of
183 Highway Safety and Motor Vehicles, or other state equivalent, as
184 the title certificate holder of the vessel.

185 (c) A person identified as the buyer, transferee, or new
186 owner in a notice filed pursuant to s. 328.64(1).

187 (d) A person who has signed a written agreement for the
188 purchase and sale of the vessel and paid the consideration, if
189 any, required under the agreement.

190 (e) A person who has provided a written, signed receipt to
191 the seller or transferor of the vessel acknowledging actual
192 receipt and possession of the vessel.

193 Section 2. Subsections (2) and (3) of section 327.4107,
194 Florida Statutes, are amended, and paragraph (a) of present
195 subsection (7) of that section is reenacted, to read:

196 327.4107 Vessels at risk of becoming derelict on waters of
197 this state.—

198 (2) It is a noncriminal infraction punishable as provided
199 in s. 327.73 for a person to anchor or moor ~~an officer of the~~
200 ~~commission or of a law enforcement agency specified in s. 327.70~~
201 ~~may determine that~~ a vessel ~~is~~ at risk of becoming derelict on
202 the waters of this state or to allow such vessel to occupy such
203 waters. A vessel is at risk of becoming derelict if, as

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204 determined by an officer of the commission or a law enforcement
205 agency, if any of the following conditions exist:

206 (a) The vessel is taking on or has taken on water without
207 an effective means to dewater.

208 (b) Spaces on the vessel which ~~that~~ are designed to be
209 enclosed are incapable of being sealed off or remain open to the
210 elements for extended periods of time.

211 (c) The vessel has broken loose or is in danger of breaking
212 loose from its anchor.

213 (d) The vessel is listing due to water intrusion.

214 (e) The vessel does not have an effective means of
215 propulsion, and the vessel owner or operator is unable to
216 provide a receipt, proof of purchase, or other documentation of
217 having ordered necessary parts for repair. If the owner or
218 operator is present on the vessel, a law enforcement officer may
219 require a test of the vessel's effective means of propulsion for
220 safe navigation, to be conducted immediately. If the owner or
221 operator is not present on the vessel, the owner or operator
222 must, in the presence of law enforcement, conduct the test for
223 effective means of propulsion for safe navigation within 48 72
224 hours after the vessel owner or operator receives telephonic
225 notice from a law enforcement officer, in-person notice recorded
226 on an agency-approved body camera, or written notice, which may
227 be provided by facsimile, electronic mail, or other electronic
228 means, stating such from an officer, and the vessel owner or
229 operator is unable to provide a receipt, proof of purchase, or
230 other documentation of having ordered necessary parts for vessel
231 repair. The commission may adopt rules to implement this
232 paragraph.

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233 (f) The vessel is tied to an unlawful or unpermitted
234 structure or mooring.

235 ~~(3) A person who anchors or moors a vessel at risk of~~
236 ~~becoming derelict on the waters of this state or allows such a~~
237 ~~vessel to occupy such waters commits a noncriminal infraction,~~
238 ~~punishable as provided in s. 327.73.~~

239 (6)~~(7)~~ The commission may establish a derelict vessel
240 prevention program to address vessels at risk of becoming
241 derelict. Such program may, but is not required to, include:

242 (a) Removal, relocation, and destruction of vessels
243 declared a public nuisance, derelict or at risk of becoming
244 derelict, or lost or abandoned in accordance with s. 327.53(7),
245 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

246
247 The commission may adopt rules to implement this subsection.
248 Implementation of the derelict vessel prevention program shall
249 be subject to appropriation by the Legislature and shall be
250 funded by the Marine Resources Conservation Trust Fund or the
251 Florida Coastal Protection Trust Fund.

252 Section 3. Effective January 1, 2026, section 327.4111,
253 Florida Statutes, is created to read:

254 327.4111 Long-term anchoring.-

255 (1) As used in this section, the term "long-term anchoring"
256 means anchoring a vessel within 1 linear nautical mile of a
257 documented anchorage point for 14 days or more within a 30-day
258 period.

259 (2) The commission shall, at no cost to the applicant,
260 issue a permit for the long-term anchoring of a vessel within
261 the waters of this state upon receiving an application that

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262 includes, but is not limited to, all of the following
263 information:

264 (a) For the vessel owner or operator:

265 1. Name.

266 2. Mailing address.

267 3. Telephone number.

268 4. E-mail address.

269 5. Birthdate.

270 6. Driver license number, if applicable.

271 (b) For the vessel:

272 1. Make.

273 2. Model.

274 3. Year.

275 4. Style.

276 5. Hull identification number.

277 6. Registration number or United States Coast Guard
278 documentation, if applicable.

279 7. Vessel name, if applicable.

280 (c) Location where the vessel will be anchored.

281 (d) Notice that the long-term anchoring permit may be
282 revoked if the vessel is a derelict vessel as defined in s.
283 823.11, or is at risk of becoming derelict as provided in s.
284 327.4107, or is in violation of marine sanitation provisions in
285 s. 327.53.

286 (3) The long-term anchoring permit established under this
287 section is specific to one vessel only. However, a person may
288 obtain more than one permit. A permit must be renewed or updated
289 for each long-term anchoring location. Long-term anchoring
290 permits expire 1 year from the date of issuance and may be

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291 revoked if the permitted vessel is a derelict vessel as defined
292 in s. 823.11, is at risk of becoming derelict, or is operated or
293 occupied on waters of this state in violation of s. 327.53.

294 (4) A person who engages in long-term anchoring of a vessel
295 within the waters of this state without a valid long-term
296 anchoring permit commits a noncriminal infraction, punishable as
297 provided in s. 327.73.

298 (5) This section does not apply to any of the following:

299 (a) Vessels owned or operated by a governmental entity for
300 law enforcement, firefighting, military, or rescue purposes.

301 (b) Construction or dredging vessels on an active job site.

302 (c) Vessels actively engaged in commercial fishing.

303 (d) Vessels engaged in recreational fishing if the persons
304 onboard are actively tending hook and line fishing gear or nets.

305 (6) A permit under this section is not required if a vessel
306 is docked at a public or private dock or moored to a mooring
307 buoy permitted as provided in s. 327.40.

308 (7) In implementing this section, the commission must use
309 an electronic application and permitting system.

310 (8) The provisions of this section do not supersede any
311 other anchoring limitations established pursuant to law.

312 (9) The commission may adopt rules to implement this
313 section.

314 Section 4. Paragraph (a) of subsection (3) of section
315 327.70, Florida Statutes, is amended, and paragraph (e) is added
316 to that subsection, to read:

317 327.70 Enforcement of this chapter and chapter 328.—

318 (3) (a) Noncriminal violations of the following statutes may
319 be enforced by a uniform boating citation mailed to the

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320 registered owner of an unattended vessel anchored, aground, or
321 moored on the waters of this state:

322 1. Section 327.33(3)(b), relating to navigation rules.

323 2. Section 327.44, relating to interference with
324 navigation.

325 3. Section 327.50(2), relating to required lights and
326 shapes.

327 4. Section 327.53, relating to marine sanitation.

328 5. Section 328.48(5), relating to display of decal.

329 6. Section 328.52(2), relating to display of number.

330 7. Section 327.4107, relating to vessels at risk of
331 becoming derelict.

332 8. Section 327.4109, relating to prohibited anchoring or
333 mooring.

334 9. Section 328.72(13), relating to expired registration.

335 10. Section 327.4111, relating to long-term anchoring.

336 (e) A noncriminal violation of s. 327.4111 may be enforced
337 by a uniform boating citation issued to the owner or operator of
338 a vessel engaged in unlawful long-term anchoring.

339 Section 5. Subsection (1) of section 327.73, Florida
340 Statutes, is amended to read:

341 327.73 Noncriminal infractions.—

342 (1) Violations of the following provisions of the vessel
343 laws of this state are noncriminal infractions:

344 (a) Section 328.46, relating to operation of unregistered
345 and unnumbered vessels.

346 (b) Section 328.48(4), relating to display of number and
347 possession of registration certificate.

348 (c) Section 328.48(5), relating to display of decal.

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- 349 (d) Section 328.52(2), relating to display of number.
- 350 (e) Section 328.54, relating to spacing of digits and
351 letters of identification number.
- 352 (f) Section 328.60, relating to military personnel and
353 registration of vessels.
- 354 (g) Section 328.72(13), relating to operation with an
355 expired registration, for which the penalty is:
- 356 1. For a first or subsequent offense of s. 328.72(13)(a),
357 up to a maximum of \$100.
- 358 2. For a first offense of s. 328.72(13)(b), up to a maximum
359 of \$250.
- 360 3. For a second or subsequent offense of s. 328.72(13)(b),
361 up to a maximum of \$500. A ~~Any~~ person cited for a noncriminal
362 infraction under this subparagraph may not have the provisions
363 of paragraph (4)(a) available to him or her but must appear
364 before the designated official at the time and location of the
365 scheduled hearing.
- 366 (h) Section 327.33(2), relating to careless operation.
- 367 (i) Section 327.37, relating to water skiing, aquaplaning,
368 parasailing, and similar activities.
- 369 (j) Section 327.44, relating to interference with
370 navigation.
- 371 (k) Violations relating to boating-restricted areas and
372 speed limits:
- 373 1. Established by the commission or by local governmental
374 authorities pursuant to s. 327.46.
- 375 2. Speed limits established pursuant to s. 379.2431(2).
- 376 (l) Section 327.48, relating to regattas and races.
- 377 (m) Section 327.50(1) and (2), relating to required safety

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378 equipment, lights, and shapes.

379 (n) Section 327.65, relating to muffling devices.

380 (o) Section 327.33(3)(b), relating to a violation of
381 navigation rules:

382 1. That does not result in an accident; or

383 2. That results in an accident not causing serious bodily
384 injury or death, for which the penalty is:

385 a. For a first offense, up to a maximum of \$500.

386 b. For a second offense, up to a maximum of \$1,000.

387 c. For a third or subsequent offense, up to a maximum of
388 \$1,500.

389 (p) Section 327.39(1), (2), (3), and (5), relating to
390 personal watercraft.

391 (q) Section 327.53(1), (2), (3), and (8), relating to
392 marine sanitation.

393 (r) Section 327.53(4), (5), and (7), relating to marine
394 sanitation, and s. 327.60, relating to no-discharge zones, for
395 which the civil penalty is \$250.

396 (s) Section 327.395, relating to boater safety education.

397 However, a person cited for violating the requirements of s.

398 327.395 relating to failure to have required proof of boating

399 safety education in his or her possession may not be convicted

400 if, before or at the time of a county court hearing, the person

401 produces proof of the boating safety education identification

402 card or temporary certificate for verification by the hearing

403 officer or the court clerk and the identification card or

404 temporary certificate was valid at the time the person was

405 cited.

406 (t) Section 327.52(3), relating to operation of overloaded

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407 or overpowered vessels.

408 (u) Section 327.331, relating to divers-down warning
409 devices, except for violations meeting the requirements of s.
410 327.33.

411 (v) Section 327.391(1), relating to the requirement for an
412 adequate muffler on an airboat.

413 (w) Section 327.391(3), relating to the display of a flag
414 on an airboat.

415 (x) Section 253.04(3)(a), relating to carelessly causing
416 seagrass scarring, for which the civil penalty upon conviction
417 is:

418 1. For a first offense, \$100.

419 2. For a second offense occurring within 12 months after a
420 prior conviction, \$250.

421 3. For a third offense occurring within 36 months after a
422 prior conviction, \$500.

423 4. For a fourth or subsequent offense occurring within 72
424 months after a prior conviction, \$1,000.

425 (y) Section 327.45, relating to protection zones for
426 springs, for which the penalty is:

427 1. For a first offense, \$100.

428 2. For a second offense occurring within 12 months after a
429 prior conviction, \$250.

430 3. For a third offense occurring within 36 months after a
431 prior conviction, \$500.

432 4. For a fourth or subsequent offense occurring within 72
433 months after a prior conviction, \$1,000.

434 (z) Section 327.4108, relating to the anchoring of vessels
435 in anchoring limitation areas, for which the penalty is:

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- 436 1. For a first offense, up to a maximum of \$100.
437 2. For a second offense, up to a maximum of \$250.
438 3. For a third or subsequent offense, up to a maximum of
439 \$500.

440 (aa) Section 327.4107, relating to vessels at risk of
441 becoming derelict on waters of this state, for which the civil
442 penalty is:

- 443 1. For a first offense, \$100.
444 2. For a second offense occurring 30 days or more after a
445 first offense, \$250.
446 3. For a third or subsequent offense occurring 30 days or
447 more after a previous offense, \$500.

448
449 A vessel that is the subject of three or more violations ~~issued~~
450 ~~pursuant to the same paragraph~~ of s. 327.4107(2) which occur
451 within a 24-month ~~an 18-month~~ period and which result in
452 dispositions other than acquittal or dismissal must ~~shall~~ be
453 declared to be a public nuisance and subject to ss. 705.103(2)
454 and (4) and 823.11(3). For purposes of this paragraph, failure
455 to appear at a hearing or failure to pay the civil penalty
456 constitutes a disposition other than acquittal or dismissal
457 unless such failure to appear or such nonpayment is excused or
458 set aside by the court for good cause shown. The commission, an
459 officer of the commission, or a law enforcement agency or
460 officer specified in s. 327.70 may relocate, remove, or cause to
461 be relocated or removed such public nuisance vessels from waters
462 of this state. The commission, an officer of the commission, or
463 a law enforcement agency or officer acting pursuant to this
464 paragraph upon waters of this state shall be held harmless for

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465 all damages to the vessel resulting from such relocation or
466 removal unless the damage results from gross negligence or
467 willful misconduct as these terms are defined in s. 823.11.

468 (bb) Section 327.4109, relating to anchoring or mooring in
469 a prohibited area, for which the penalty is:

- 470 1. For a first offense, up to a maximum of \$100.
- 471 2. For a second offense, up to a maximum of \$250.
- 472 3. For a third or subsequent offense, up to a maximum of
473 \$500.

474 (cc) Section 327.463(4) (a) and (b), relating to vessels
475 creating special hazards, for which the penalty is:

- 476 1. For a first offense, \$100.
- 477 2. For a second offense occurring within 12 months after a
478 prior offense, \$250.
- 479 3. For a third offense occurring within 36 months after a
480 prior offense, \$500.

481 (dd) Section 327.371, relating to the regulation of human-
482 powered vessels.

483 (ee) Section 328.03, relating to an improper transfer of
484 title, for which the penalty is up to a maximum of \$500.

485 (ff) Section 328.48(9), relating to the failure to update
486 vessel registration information, for which the penalty is up to
487 a maximum of \$500.

488 (gg) Section 327.4111, relating to long-term anchoring, for
489 which the penalty is:

- 490 1. For a first offense, up to a maximum of \$100.
- 491 2. For a second offense, up to a maximum of \$250.
- 492 3. For a third or subsequent offense, up to a maximum of
493 \$500.

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A vessel that is the subject of three or more violations of s. 327.4111 that occur within a 24-month period and that result in dispositions other than acquittal or dismissal must be declared a public nuisance and subject to ss. 705.103(2) and (4) and 823.11(3). For purposes of this paragraph, failure to appear at a hearing or failure to pay the civil penalty required by s. 327.72 constitutes a disposition other than acquittal or dismissal, unless such failure to appear or such nonpayment is excused or set aside by the court for good cause shown. The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as those terms are defined in s. 823.11.

A ~~Any~~ person cited for a violation of this subsection ~~is shall~~ be deemed to be charged with a noncriminal infraction, must ~~shall~~ be cited for such an infraction, and must ~~shall~~ be cited to appear before the county court. The civil penalty for any such infraction is \$100, except as otherwise provided in this section. A ~~Any~~ person who fails to appear or otherwise properly respond to a uniform boating citation, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such

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523 citation and, upon conviction, be guilty of a misdemeanor of the
524 second degree, punishable as provided in s. 775.082 or s.
525 775.083. A written warning to this effect must ~~shall~~ be provided
526 at the time such uniform boating citation is issued.

527 Section 6. Subsection (1), paragraph (a) of subsection (2),
528 and subsection (4) of section 705.103, Florida Statutes, are
529 amended to read:

530 705.103 Procedure for abandoned or lost property.—

531 (1) Whenever a law enforcement officer ascertains that an
532 article of lost or abandoned property is present on public
533 property and is of such nature that it can be easily removed,
534 the officer shall take such article into custody and shall make
535 a reasonable attempt to ascertain the rightful owner or
536 lienholder pursuant to the provisions of this section. For the
537 purposes of this section, the term "owner" has the same meaning
538 as "vessel owner" as defined in s. 327.02.

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

541 a. An article of lost or abandoned property other than a
542 derelict vessel or a vessel declared a public nuisance pursuant
543 to s. 327.73(1)(aa) is present on public property and is of such
544 nature that it cannot be easily removed, the officer shall cause
545 a notice to be placed upon such article in substantially the
546 following form:

547
548 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
549 PROPERTY. This property, to wit: ...(setting forth brief
550 description)... is unlawfully upon public property known as
551 ...(setting forth brief description of location)... and must be

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552 removed within 5 days; otherwise, it will be removed and
553 disposed of pursuant to chapter 705, Florida Statutes. The owner
554 will be liable for the costs of removal, storage, and
555 publication of notice. Dated this: ...(setting forth the date of
556 posting of notice)..., signed: ...(setting forth name, title,
557 address, and telephone number of law enforcement officer)....
558

559 b. A derelict vessel or a vessel declared a public nuisance
560 pursuant to s. 327.73(1)(aa) is present on the waters of this
561 state, the officer shall cause a notice to be placed upon such
562 vessel in substantially the following form:
563

564 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
565 VESSEL. This vessel, to wit: ...(setting forth brief description
566 of location)... has been determined to be ...(derelict or a
567 public nuisance)... and is unlawfully upon the waters of this
568 state ...(setting forth brief description of location)... and
569 must be removed within 21 days; otherwise, it will be removed
570 and disposed of pursuant to chapter 705, Florida Statutes. The
571 owner and other interested parties have the right to a hearing
572 to challenge the determination that this vessel is derelict or
573 otherwise in violation of the law. Please contact ...(contact
574 information for person who can arrange for a hearing in
575 accordance with this section).... The owner of ~~or the party~~
576 ~~determined to be legally responsible for~~ the vessel on ~~being~~
577 ~~upon~~ the waters of this state in a derelict condition or as a
578 public nuisance will be liable for the costs of removal,
579 destruction, and disposal if this vessel is not removed by the
580 owner. Dated this: ...(setting forth the date of posting of

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581 notice)...., signed: ...(setting forth name, title, address, and
582 telephone number of law enforcement officer)....

583

584 2. The notices required under subparagraph 1. may not be
585 less than 8 inches by 10 inches and must be sufficiently
586 weatherproof to withstand normal exposure to the elements. In
587 addition to posting, the law enforcement officer shall make a
588 reasonable effort to ascertain the name and address of the
589 owner. If such is reasonably available to the officer, he or she
590 must ~~or he shall~~ mail a copy of such notice to the owner on the
591 date of posting or as soon thereafter as is practical. If the
592 property is a motor vehicle as defined in s. 320.01(1) or a
593 vessel as defined in s. 327.02, the law enforcement agency must
594 ~~shall~~ contact the Department of Highway Safety and Motor
595 Vehicles in order to determine the name and address of the owner
596 and any person who has filed a lien on the vehicle or vessel as
597 provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this
598 information, the law enforcement agency shall mail a copy of the
599 notice by certified mail, return receipt requested, to the owner
600 and to the lienholder, if any, except that a law enforcement
601 officer who has issued a citation for a violation of s. 823.11
602 to the owner of a derelict vessel is not required to mail a copy
603 of the notice by certified mail, return receipt requested, to
604 the owner. For a derelict vessel or a vessel declared a public
605 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must
606 inform the owner ~~or responsible party~~ that he or she has a right
607 to a hearing to dispute the determination that the vessel is
608 derelict or otherwise in violation of the law. If a request for
609 a hearing is made, a state agency must ~~shall~~ follow the

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610 processes as set forth in s. 120.569. Local governmental
611 entities shall follow the processes set forth in s. 120.569,
612 except that a local judge, magistrate, or code enforcement
613 officer may be designated to conduct such a hearing. If, at the
614 end of 5 days after posting the notice in sub-subparagraph 1.a.,
615 or at the end of 21 days after posting the notice in sub-
616 subparagraph 1.b., and mailing such notice, if required, the
617 owner or any person interested in the lost or abandoned article
618 or articles described has not removed the article or articles
619 from public property or shown reasonable cause for failure to do
620 so, and, in the case of a derelict vessel or a vessel declared a
621 public nuisance pursuant to s. 327.73(1)(aa), has not requested
622 a hearing in accordance with this section, the following applies
623 ~~shall apply~~:

624 a. For abandoned property other than a derelict vessel or a
625 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
626 the law enforcement agency may retain any ~~or all~~ of the property
627 for its own use or for use by the state or unit of local
628 government, trade such property to another unit of local
629 government or state agency, donate the property to a charitable
630 organization, sell the property, or notify the appropriate
631 refuse removal service.

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

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

638 (II) Authorize the vessel's use as an artificial reef in

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639 accordance with s. 379.249 if all necessary federal, state, and
640 local authorizations are received.

641
642 A law enforcement agency or its designee may also take action as
643 described in this sub-subparagraph if, following a hearing
644 pursuant to this section, the judge, magistrate, administrative
645 law judge, or hearing officer has determined the vessel to be
646 derelict as provided in s. 823.11 or otherwise in violation of
647 the law in accordance with s. 327.73(1)(aa) and a final order
648 has been entered or the case is otherwise closed.

649 (4) The owner of any abandoned or lost property, or in the
650 case of a derelict vessel or a vessel declared a public nuisance
651 pursuant to s. 327.73(1)(aa), the owner of ~~or other party~~
652 ~~determined to be legally responsible for the vessel~~ on being
653 ~~upon~~ the waters of this state in a derelict condition or as a
654 public nuisance, who, after notice as provided in this section,
655 does not remove such property within the specified period is
656 liable to the law enforcement agency, other governmental entity,
657 or the agency's or entity's designee for all costs of removal,
658 storage, destruction, and disposal of such property, less any
659 salvage value obtained by disposal of the property. Upon final
660 disposition of the property, the law enforcement officer or
661 representative of the law enforcement agency or other
662 governmental entity shall notify the owner, or in the case of a
663 derelict vessel or vessel declared a public nuisance pursuant to
664 s. 327.73(1)(aa), the owner ~~or other party determined to be~~
665 ~~legally responsible~~, if known, of the amount owed. In the case
666 of an abandoned vessel or motor vehicle, a ~~any~~ person who
667 neglects or refuses to pay such amount is not entitled to be

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668 issued a certificate of registration for such vessel or motor
669 vehicle, or any other vessel or motor vehicle, until such costs
670 have been paid. A person who has neglected or refused to pay all
671 costs of removal, storage, disposal, and destruction of a vessel
672 or motor vehicle as provided in this section, after having been
673 provided written notice via certified mail that such costs are
674 owed, and who applies for and is issued a registration for a
675 vessel or motor vehicle before such costs have been paid in full
676 commits a misdemeanor of the first degree, punishable as
677 provided in s. 775.082 or s. 775.083. The law enforcement
678 officer or representative of the law enforcement agency or other
679 governmental entity shall supply the Department of Highway
680 Safety and Motor Vehicles with a list of persons whose vessel
681 registration privileges and motor vehicle privileges have been
682 revoked under this subsection. The department or a person acting
683 as an agent of the department may not issue a certificate of
684 registration to a person whose vessel and motor vehicle
685 registration privileges have been revoked, as provided by this
686 subsection, until such costs have been paid.

687 Section 7. Paragraphs (a), (c), and (d) of subsection (2),
688 paragraph (a) of subsection (3), paragraph (c) of subsection
689 (4), and subsections (6) and (7) of section 823.11, Florida
690 Statutes, are amended, paragraph (e) is added to subsection (2)
691 of that section, and paragraph (b) of subsection (1) of that
692 section is reenacted, to read:

693 823.11 Derelict vessels; relocation or removal; penalty.—

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

695 (b) "Derelict vessel" means a vessel, as defined in s.
696 327.02, that is:

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

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

703 b. A vessel is junked if it has been substantially stripped
704 of vessel components, if vessel components have substantially
705 degraded or been destroyed, or if the vessel has been discarded
706 by the owner or operator. Attaching an outboard motor to a
707 vessel that is otherwise junked will not cause the vessel to no
708 longer be junked if such motor is not an effective means of
709 propulsion as required by s. 327.4107(2) (e) and associated
710 rules.

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

714 (I) The steering system;

715 (II) The propulsion system; or

716 (III) The exterior hull integrity.

717

718 Attaching an outboard motor to a vessel that is otherwise
719 substantially dismantled will not cause the vessel to no longer
720 be substantially dismantled if such motor is not an effective
721 means of propulsion as required by s. 327.4107(2) (e) and
722 associated rules.

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

725 3. Docked, grounded, or beached upon the property of

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726 another without the consent of the owner of the property.

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

732 (c) The additional time provided in subparagraph (b)2. for
733 an owner ~~or responsible party~~ to remove a derelict vessel from
734 the waters of this state or to repair and remedy the vessel's
735 derelict condition does not apply to a vessel that was derelict
736 upon the waters of this state before the stated accident or
737 event.

738 (d) Notwithstanding the additional 45 days provided in sub-
739 subparagraph (b)2.b. during which an owner ~~or a responsible~~
740 ~~party~~ may not be charged for a violation of this section, the
741 commission, an officer of the commission, a law enforcement
742 agency or officer specified in s. 327.70, or, during a state of
743 emergency declared by the Governor, the Division of Emergency
744 Management or its designee, may immediately begin the process
745 set forth in s. 705.103(2) (a) and, once that process has been
746 completed and the 45 days provided herein have passed, any
747 vessel that has not been removed or repaired such that it is no
748 longer derelict upon the waters of this state may be removed and
749 destroyed as provided therein.

750 (e) The title of a derelict vessel is prima facie evidence
751 of ownership for any derelict vessel left upon the waters of
752 this state. An owner who attempts to transfer ownership of a
753 vessel or derelict vessel through means other than the process
754 outlined in s. 328.22 or s. 328.64 will not be exonerated from

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755 the responsibility of having a derelict vessel upon the waters
756 of this state without a written agreement of ownership by the
757 transferee or evidence of agreement to transfer ownership to the
758 transferee and the exchange of consideration between the
759 parties.

760 (3) The commission, an officer of the commission, or a law
761 enforcement agency or officer specified in s. 327.70 may
762 relocate, remove, and store or cause to be relocated, removed,
763 and stored a derelict vessel from waters of this state as
764 defined in s. 327.02 if the derelict vessel obstructs or
765 threatens to obstruct navigation or in any way constitutes a
766 danger to the environment, property, or persons. The commission,
767 an officer of the commission, or any other law enforcement
768 agency or officer acting pursuant to this subsection to
769 relocate, remove, and store or cause to be relocated, removed,
770 and stored a derelict vessel from waters of this state shall be
771 held harmless for all damages to the derelict vessel resulting
772 from such action unless the damage results from gross negligence
773 or willful misconduct.

774 (a) All costs, including costs owed to a third party,
775 incurred by the commission, another law enforcement agency, or a
776 governmental subdivision, when the governmental subdivision has
777 received authorization from a law enforcement officer or agency,
778 in the relocation, removal, storage, destruction, or disposal of
779 a derelict vessel are recoverable against the ~~vessel~~ owner of ~~or~~
780 ~~the party determined to be legally responsible for the vessel on~~
781 ~~being upon~~ the waters of this state in a derelict condition. The
782 Department of Legal Affairs shall represent the commission in
783 actions to recover such costs. As provided in s. 705.103(4), a

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784 person who neglects or refuses to pay such costs may not be
785 issued a certificate of registration for such vessel or for any
786 other vessel or motor vehicle until such costs have been paid. A
787 person who has neglected or refused to pay all costs of removal,
788 storage, destruction, or disposal of a derelict vessel as
789 provided in this section, after having been provided written
790 notice via certified mail that such costs are owed, and who
791 applies for and is issued a registration for a vessel or motor
792 vehicle before such costs have been paid in full commits a
793 misdemeanor of the first degree, punishable as provided in s.
794 775.082 or s. 775.083.

795 (4)

796 (c) The commission may establish a program to provide
797 grants to local governments for the removal, storage,
798 destruction, and disposal of derelict vessels from the waters of
799 this state. This grant funding may also be used for the removal,
800 storage, destruction, and disposal of vessels declared a public
801 nuisance pursuant to s. 327.73(1)(aa) or the derelict vessel
802 prevention program established pursuant to s. 327.4107(7). The
803 program must be funded from the Marine Resources Conservation
804 Trust Fund or the Florida Coastal Protection Trust Fund.
805 Notwithstanding s. 216.181(11), funds available for these grants
806 may only be authorized by appropriations acts of the
807 Legislature. In a given fiscal year, if all funds appropriated
808 pursuant to this paragraph are not requested by and granted to
809 local governments for the removal, storage, destruction, and
810 disposal of derelict vessels or vessels declared a public
811 nuisance pursuant to s. 327.73(1)(aa) by the end of the third
812 quarter, the Fish and Wildlife Conservation Commission may use

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813 the remainder of the funds to remove, store, destroy, and
814 dispose of, or to pay private contractors to remove, store,
815 destroy, and dispose of, derelict vessels or vessels declared a
816 public nuisance pursuant to s. 327.73(1)(aa). The commission
817 shall adopt by rule procedures for local governments to submit a
818 grant application and criteria for allocating available funds.
819 Such criteria must include, at a minimum, all of the following:

820 1. The number of derelict vessels within the jurisdiction
821 of the applicant.

822 2. The threat posed by such vessels to public health or
823 safety, the environment, navigation, or the aesthetic condition
824 of the general vicinity.

825 3. The degree of commitment of the local government to
826 maintain waters free of abandoned and derelict vessels and to
827 seek legal action against those who abandon vessels in the
828 waters of this state as defined in s. 327.02.

829 ~~(6) A person, firm, or corporation violating this section~~
830 ~~commits a misdemeanor of the first degree and shall be punished~~
831 ~~as provided by law.~~ A conviction under this section does not bar
832 the assessment and collection of a civil penalty. The court
833 having jurisdiction over the criminal offense, notwithstanding
834 any jurisdictional limitations on the amount in controversy, may
835 order the imposition of such civil penalty in addition to any
836 sentence imposed for ~~the first~~ the criminal offense.

837 (a) For a first offense, a person, firm, or corporation
838 violating this section commits a misdemeanor of the first degree
839 and shall be punished as provided by law.

840 (b) For a second offense, a person, firm, or corporation
841 violating this section commits a felony of the third degree,

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842 punishable as provided by law.

843 (c) For a third or subsequent offense, a person, firm, or
844 corporation violating this section commits a felony of the
845 second degree, punishable as provided by law.

846 (7) A person may not reside or dwell on a vessel determined
847 to be derelict by disposition of a court or administrative
848 order, or where the vessel owner does not challenge the derelict
849 determination pursuant to chapter 120. Violation of this
850 provision constitutes a misdemeanor of the first degree,
851 punishable as provided in s. 775.082. Law enforcement has the
852 power and duty to issue orders, perform investigations, complete
853 reports, and perform arrests in connection with such violations
854 to enforce this provision. If a vessel is returned to the waters
855 of this state in a condition that is no longer derelict, a
856 person may reside or dwell on such vessel. The commission may
857 adopt rules to implement this section ~~If an owner or a~~
858 ~~responsible party of a vessel determined to be derelict through~~
859 ~~an administrative or criminal proceeding has been charged by an~~
860 ~~officer of the commission or any law enforcement agency or~~
861 ~~officer as specified in s. 327.70 under subsection (6) for a~~
862 ~~violation of subsection (2), a person may not reside or dwell on~~
863 ~~such vessel until the vessel is removed from the waters of the~~
864 ~~state permanently or returned to the waters of the state in a~~
865 ~~condition that is no longer derelict.~~

866 Section 8. For the purpose of incorporating the amendment
867 made by this act to section 823.11, Florida Statutes, in a
868 reference thereto, section 327.04, Florida Statutes, is
869 reenacted to read:

870 327.04 Rules.—The commission may adopt rules pursuant to

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871 ss. 120.536(1) and 120.54 to implement this chapter, the
872 provisions of chapter 705 relating to vessels, and s. 823.11
873 conferring powers or duties upon it.

874 Section 9. For the purpose of incorporating the amendment
875 made by this act to section 823.11, Florida Statutes, in a
876 reference thereto, paragraph (d) of subsection (6) of section
877 327.4108, Florida Statutes, is reenacted to read:

878 327.4108 Anchoring of vessels in anchoring limitation
879 areas.—

880 (6)

881 (d) A vessel that is the subject of more than three
882 violations within 12 months which result in dispositions other
883 than acquittal or dismissal shall be declared to be a public
884 nuisance and subject to s. 705.103 or, for a derelict vessel,
885 subject to s. 823.11.

886 Section 10. For the purpose of incorporating the amendments
887 made by this act to sections 327.4107 and 823.11, Florida
888 Statutes, in references thereto, paragraph (d) of subsection (3)
889 of section 327.54, Florida Statutes, is reenacted to read:

890 327.54 Liveries; safety regulations; penalty.—

891 (3) A livery may not knowingly lease or rent a vessel to
892 any person:

893 (d) When the vessel is not seaworthy, is a derelict vessel
894 as defined in s. 823.11, or is at risk of becoming derelict as
895 provided in s. 327.4107.

896 Section 11. For the purpose of incorporating the amendment
897 made by this act to section 327.73, Florida Statutes, in a
898 reference thereto, subsection (1) of section 705.101, Florida
899 Statutes, is reenacted to read:

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900 705.101 Definitions.—As used in this chapter:

901 (1) "Abandoned property" means all tangible personal
902 property that does not have an identifiable owner and that has
903 been disposed on public property in a wrecked, inoperative, or
904 partially dismantled condition or has no apparent intrinsic
905 value to the rightful owner. The term includes derelict vessels
906 as defined in s. 823.11 and vessels declared a public nuisance
907 pursuant to s. 327.73(1)(aa).

908 Section 12. For the purpose of incorporating the amendment
909 made by this act to section 705.103, Florida Statutes, in a
910 reference thereto, subsection (1) of section 705.104, Florida
911 Statutes, is reenacted to read:

912 705.104 Title to lost or abandoned property.—

913 (1) Title to lost or abandoned property is hereby vested in
914 the finder upon the expiration of the 90-day custodial time
915 period specified in s. 705.103(2)(b), provided the notice
916 requirements of s. 705.103 have been met, unless the rightful
917 owner or a lienholder claims the property within that time.

918 Section 13. For the purpose of incorporating the amendment
919 made by this act to section 705.103, Florida Statutes, in a
920 reference thereto, subsection (8) of section 713.585, Florida
921 Statutes, is reenacted to read:

922 713.585 Enforcement of lien by sale of motor vehicle.—A
923 person claiming a lien under s. 713.58 for performing labor or
924 services on a motor vehicle may enforce such lien by sale of the
925 vehicle in accordance with the following procedures:

926 (8) A vehicle subject to lien enforcement pursuant to this
927 section must be sold by the lienor at public sale. Immediately
928 upon the sale of the vehicle and payment in cash of the purchase

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929 price, the lienor shall deposit with the clerk of the circuit
930 court the proceeds of the sale less the amount claimed by the
931 lienor for work done and storage, if any, and all reasonable
932 costs and expenses incurred in conducting the sale, including
933 any attorney's fees and costs ordered by the court.
934 Simultaneously with depositing the proceeds of sale remaining
935 after payment to the lienor, the lienor shall file with the
936 clerk a verified report of the sale stating a description of the
937 vehicle sold, including the vehicle identification number; the
938 name and address of the purchaser; the date of the sale; and the
939 selling price. The report shall also itemize the amount retained
940 by the lienor pursuant to this section and shall indicate
941 whether a hearing was demanded and held. All proceeds held by
942 the court shall be held for the benefit of the owner of the
943 vehicle or any lienholder whose lien is discharged by the sale
944 and shall be disbursed only upon order of the court. Unless a
945 proceeding is initiated to validate a claim to such proceeds
946 within 1 year and a day from the date of the sale, the proceeds
947 shall be deemed abandoned property and disposition thereof shall
948 be governed by s. 705.103. The clerk shall receive 5 percent of
949 the proceeds deposited with her or him, not to exceed \$25, for
950 her or his services under this section.

951 Section 14. Except as otherwise provided in this act, this
952 act shall take effect July 1, 2025.