

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.)

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 830

INTRODUCER: Appropriation Committee on Agriculture, Environment, and General Government and Senator Rodriguez

SUBJECT: Lost or Abandoned Property

DATE: April 14, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 830 prohibits a person, firm, or corporation from leaving any migrant vessel upon waters of the state. It defines a “migrant vessel” as an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation which was built or assembled using or combining makeshift or improvised materials or material components and meets other constructions-related criteria.

The bill authorizes state funding for the removal of migrant vessels and authorizes the use of federal disaster funds to fund the removal of migrant vessels.

The bill requires a migrant vessel on public property to be removed within five days following a law enforcement officer posting a notice on the vessel. If it is not removed during that timeframe, the bill authorizes a law enforcement agency to remove and dispose of the vessel.

The bill has no impact on state expenditures or revenue. See Section V., Fiscal Impact Statement.

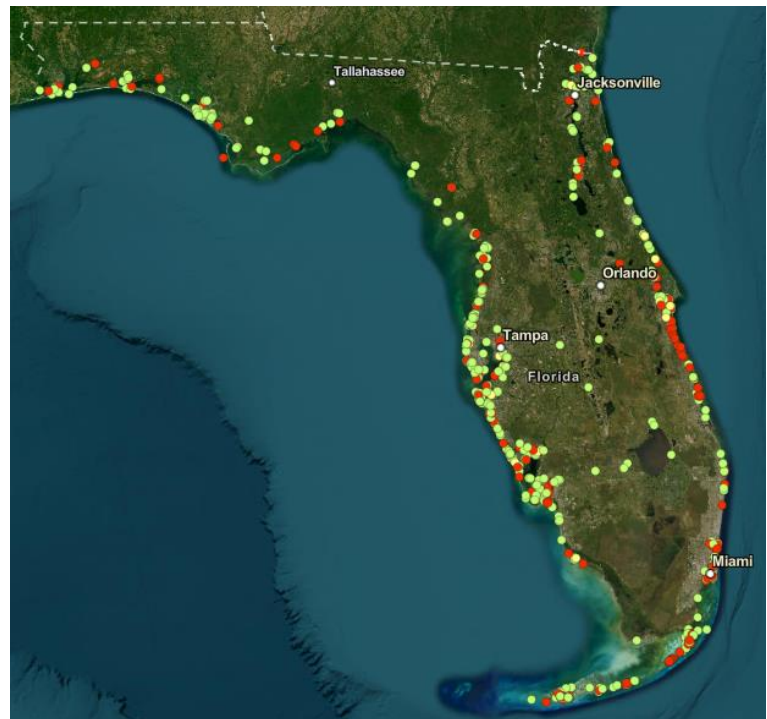
The bill has an effective date of July 1, 2025.

II. Present Situation:

Derelict Vessels

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.¹ As of January 2025, there were 1,040 derelict vessels in the Florida Fish and Wildlife Conservation Commission's (FWC's) derelict vessel database.²

A derelict vessel is a vessel that is in a wrecked,³ junked,⁴ or substantially dismantled⁵ condition upon any public waters of this state;⁶ 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.⁷ It is unlawful for a person, firm, or corporation to leave any derelict vessel on waters of this state.⁸ An FWC officer, or other law



This map shows the locations of derelict vessels and denotes the status of each vessel. *Map courtesy of FWC.*

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

² FWC, *Derelict Vessels Presentation*, 2 (Feb. 4, 2025), available at 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).

³ 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.

⁴ 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.

⁵ 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.

⁶ "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.

⁷ Section 823.11(1)(b), F.S.

⁸ 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.

enforcement agency or officer⁹ 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.¹⁰

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.¹¹

Derelict Immigrant Vessel Removal

South Florida has historically been and is now a landing place for immigrants from Caribbean countries like Cuba and Haiti who travel by boat over the Florida Straits.¹² Vessels used by these immigrants are commonly constructed with improvised materials, including sprayed styrofoam and plastic barrels, and often struggle to stay afloat. If the vessels are well built, they are typically overloaded and in danger of capsizing.¹³ Migrant vessels are often left behind on waters of the state or beached on public or private property, where they create environmental hazards like other derelict vessels.¹⁴ Multiple agencies, both federal and state, as well as local governments and private contractors have been involved in removing and disposing of migrant vessels.¹⁵

The Removal Procedure for Lost or Abandoned Property

The statutes require different procedures for articles of lost¹⁶ or abandoned¹⁷ property that *are not* derelict vessels or vessels declared a public nuisance and articles of lost or abandoned property that *are* derelict vessels or vessels declared a public nuisance.¹⁸

⁹ Law enforcement agencies or officers specified in s. 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.

¹⁰ Section 823.11(3), F.S.

¹¹ Section 327.73(1), F.S.

¹² U.S. Coast Guard, *Operation Vigilant Sentry: Stopping Illegal Migration at Sea*, <https://www.news.uscg.mil/Press-Releases/Article/3280774/operation-vigilant-sentry-stopping-illegal-migration-at-sea/> (last visited March 13, 2025).

¹³ *Id.*

¹⁴ Gwen Filosa, *The complex task of removing abandoned migrant vessels from Keys' fragile ecosystem*, <https://www.wusf.org/environment/2023-01-14/the-complex-task-of-removing-abandoned-migrant-vessels-from-keys-fragile-ecosystem> (last visited March 13, 2025).

¹⁵ *Id.*; Florida Division of Emergency Management, *State of Florida Issues Updates on Increased Mass Migration Monitoring Along the Florida Coastline*, <https://www.floridadisaster.org/news-media/news/20230118-state-of-florida-issues-updates-on-increased-mass-migration-monitoring-along-the-florida-coastline/> (last visited March 13, 2025). This includes the U.S. Coast Guard, FWC, the Florida Division of Emergency Management, the Florida National Guard, the Florida Department of Law Enforcement, and the Florida Highway Patrol. *Id.*

¹⁶ "Lost property" is defined as "all tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner." Section 705.101(4), F.S.

¹⁷ "Abandoned property" is defined as "all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner." Derelict and public nuisance vessels fall under this definition. Section 705.101(1), F.S.

¹⁸ Section 705.103(2), F.S.

If a law enforcement officer determines that an article of lost or abandoned property that is *not* a derelict or public nuisance vessel is on public property and cannot be easily removed, the officer must place a notice on the property informing the owner or interested persons that the article of property must be removed within five days or the law enforcement agency will remove and dispose of it at the expense of the owner.

If a law enforcement officer determines that a derelict or public nuisance vessel is present on waters of the state, the officer must place a notice on the vessel informing the owner or interested persons that the vessel must be removed within 21 days or the law enforcement agency will dispose of it at the expense of the owner or legally responsible party.¹⁹ The notice must also inform the owner or interested persons that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law.²⁰

In addition to posting the notice on the property, a law enforcement officer must make a reasonable effort to ascertain the name and address of the owner.²¹ If the information is reasonably available, the officer must mail a copy of the notice to the owner on the date of posting or as soon thereafter as is practicable.²² If the property is a motor vehicle or a vessel, the law enforcement agency must contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel.²³ After receiving the information from the Department of Highway Safety and Motor Vehicles, the law enforcement agency must mail a copy of the notice by certified mail to the owner and any lienholder, return receipt requested.²⁴

If the article of abandoned property is not a derelict or public nuisance vessel and is not removed by the owner, the law enforcement agency may:

- Retain any or all of the property for its own use or for use by the state or local government,
- Trade the property to another local government or state agency,
- Donate the property to a charitable organization,
- Sell the property, or
- Notify the appropriate refuse removal service.²⁵

If the owner or any interested person has not removed a derelict or public nuisance 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.²⁶

¹⁹ Section 705.103(2)(a)1.b., F.S.

²⁰ *Id.*

²¹ Section 705.103(2)(a)2., F.S.

²² *Id.*

²³ Section 705.103(2)(a)2., F.S.

²⁴ *Id.*

²⁵ Section 705.103(2)(a)2.a., F.S.

²⁶ *Id.*

State-Authorized Funding for Derelict Vessel Removals

Derelict vessel removal may be funded in part by grants from the Fuel Tax Collection Trust Fund.²⁷ The Fuel Tax Collection Trust Fund provides an annual disbursement of \$2.5 million to the FWC's State Game Trust Fund for recreational boating activities and freshwater fisheries management and research.²⁸ Of those funds, a minimum of \$1.25 million must be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local, boating-related activities.²⁹ The FWC must give priority consideration to unmet needs in counties with populations of 100,000 or less and unmet needs in coastal counties with a high level of boating-related activities from individuals residing in other counties.³⁰ The remaining \$1.25 million may be used for recreational boating activities and freshwater fisheries management and research.³¹

Federal disaster funds procured pursuant to a plan implemented by the FWC may also be used to fund the removal of derelict vessels.³² Additionally, the FWC is authorized to establish a local government grant program to fund local government efforts to remove, store, and dispose of derelict and public nuisance vessels.³³ If the funds are not used within a given fiscal year, the FWC may use the remainder to remove, store, destroy, and dispose of derelict or public nuisance vessels itself.³⁴

III. Effect of Proposed Changes:

Section 1 amends s. 823.11, F.S., relating to derelict vessels, to extend the scope of the section to include migrant vessels.

- The bill defines “migrant vessel” as an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation which was built or assembled using or combining makeshift or improvised materials or material components and meets at least one of the following criteria: The vessel was not constructed by a boat manufacturer.
- The vessel was not assigned a hull identification number.³⁵

²⁷ Section 823.11(4)(a), F.S.; section 206.606(1)(b), F.S.

²⁸ Section 206.606(1)(b), F.S. FWC must annually determine where unmet needs exist for boating-related activities and can fund those activities in counties where sufficient financial resources are unavailable due to the number of vessel registrations. *Id.*

²⁹ *Id.*

³⁰ Section 206.606(1)(b)1., F.S.

³¹ Section 206.606(1)(b)2., F.S.

³² Section 823.11(4)(b), F.S.

³³ Section 823.11(4)(c), F.S.

³⁴ *Id.* FWC may also use these funds to hire private contractors to remove, store, destroy, and dispose of derelict or public nuisance vessels. *Id.*

³⁵ A hull identification number, or HIN, is required for home-built vessels, kit boats, and all vessels manufactured or imported after November 1, 1972. 46 U.S.C. §4302; 33 C.F.R. §181.23; U.S. Coast Guard, *Hull Identification Number (HIN) Validation & Verification Guidelines*, 15 (Sept. 24, 2020), available at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fuscgboating.org%2Flibrary%2Fregulations%2FHIN-Validation-Verification-Guide-09162020.pptx&wdOrigin=BROWSELINK>.

The bill prohibits a person, firm, or corporation from leaving any migrant vessel upon waters of the state.

The bill authorizes funding for the removal of migrant vessels from waters of the state by grants provided from the Fuel Tax Collection Trust Fund³⁶ and specifies that the FWC may use any federal disaster funds procured for the removal of derelict vessels to also fund the removal of migrant vessels. Further, the bill ensures that FWC's local government grant program for the removal, storage, destruction, and disposal of derelict vessels may also provide grants to local governments for the removal, storage, destruction, and disposal of migrant vessels.

Section 2 amends s. 705.103, F.S., which regulates the procedures a law enforcement officer must follow when an article of lost or abandoned property or a derelict vessel or a vessel declared a public nuisance is found on public property or waters of the state. There are different procedures for an article of lost or abandoned property and derelict or public nuisance vessels, and the bill provides that if a migrant vessel is found on public property, law enforcement officers must follow the procedure for an article of lost or abandoned property.³⁷

The bill provides that if a migrant vessel is present on public property or waters of the state, a law enforcement agency or its designee may remove the vessel and destroy and dispose of it or may authorize another governmental entity or its designee to do so.

The procedures for a derelict or public nuisance vessel require a law enforcement agency to contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vessel. The bill exempts migrant vessels from this requirement.

Section 3 provides an effective date of July 1, 2025.

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.

³⁶ See section 206.606, F.S.

³⁷ The migrant vessel must be removed within five days of a law enforcement officer posting a notice on the vessel or it will be removed and disposed of by a law enforcement agency. Section 705.103(2)(a)1., F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 823.11 and 705.103.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Agriculture, Environment, and General Government on April 10, 2025:

The committee substitute removes a definition for “Irregularly constructed vessel” and makes other technical changes.).

B. Amendments:

None.