

By Senator Rodriguez

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1                   A bill to be entitled  
2       An act relating to lost or abandoned property;  
3       amending s. 823.11, F.S.; defining the terms  
4       "irregularly constructed vessel" and "migrant vessel";  
5       prohibiting persons, firms, and corporations from  
6       leaving any migrant vessel upon the waters of this  
7       state; authorizing the removal of migrant vessels to  
8       be funded by specified grants; authorizing the Fish  
9       and Wildlife Conservation Commission to implement a  
10      plan to procure federal disaster funds to remove  
11      migrant vessels; authorizing the commission to  
12      establish a program to provide grants for the removal,  
13      storage, destruction, and disposal of migrant vessels;  
14      amending s. 705.103, F.S.; requiring law enforcement  
15      officers to place a certain notice on migrant vessels  
16      under certain circumstances; authorizing specified law  
17      enforcement agencies or their respective designees to  
18      destroy and dispose of the vessel or to authorize  
19      another governmental entity or its designee to do so;  
20      providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Section 823.11, Florida Statutes, is amended to  
25 read:

26       823.11 Derelict and migrant vessels; relocation or removal;  
27 penalty.-

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

29       (a) "Commission" means the Fish and Wildlife Conservation

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30 Commission.

31 (b) "Derelict vessel" means a vessel, as defined in s.  
32 327.02, that is:

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

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

39 b. A vessel is junked if it has been substantially stripped  
40 of vessel components, if vessel components have substantially  
41 degraded or been destroyed, or if the vessel has been discarded  
42 by the owner or operator. Attaching an outboard motor to a  
43 vessel that is otherwise junked will not cause the vessel to no  
44 longer be junked if such motor is not an effective means of  
45 propulsion as required by s. 327.4107(2)(e) and associated  
46 rules.

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

50 (I) The steering system;

51 (II) The propulsion system; or

52 (III) The exterior hull integrity.

53

54 Attaching an outboard motor to a vessel that is otherwise  
55 substantially dismantled will not cause the vessel to no longer  
56 be substantially dismantled if such motor is not an effective  
57 means of propulsion as required by s. 327.4107(2)(e) and  
58 associated rules.

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

61           3. Docked, grounded, or beached upon the property of  
62 another without the consent of the owner of the property.

63           (c) "Gross negligence" means conduct so reckless or wanting  
64 in care that it constitutes a conscious disregard or  
65 indifference to the safety of the property exposed to such  
66 conduct.

67           (d) "Irregularly constructed vessel" means a vessel that is  
68 built or assembled using or combining makeshift or improvised  
69 materials or material components that are not engineered to  
70 withstand and resist degradation and failure due to damaging and  
71 corrosive elements of the coastal marine environment, such as  
72 exposure to seawater, sea spray, strong winds, heat, moisture,  
73 humidity, and rough contact.

74           (e) "Migrant vessel" means an irregularly constructed and  
75 equipped maritime vessel designed, intended, or used for the  
76 purpose of undocumented immigrant transportation. To constitute  
77 an irregularly constructed and equipped maritime vessel under  
78 this paragraph, a vessel must meet the definition of irregularly  
79 constructed vessel and at least one of the following  
80 construction-related criteria:

81           1. The vessel was built or assembled using or combining  
82 makeshift or improvised materials or material components;

83           2. The vessel was not constructed by a boat manufacturer;

84 or

85           3. The vessel is not assigned a Hull Identification Number  
86 (HIN).

87           (f) "Willful misconduct" means conduct evidencing

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88 carelessness or negligence of such a degree or recurrence as to  
89 manifest culpability, wrongful intent, or evil design or to show  
90 an intentional and substantial disregard of the interests of the  
91 vessel owner.

92 (2) (a) A person, firm, or corporation may not leave any  
93 derelict or migrant vessel upon waters of this state. For  
94 purposes of this paragraph, the term "leave" means to allow a  
95 vessel to remain occupied or unoccupied on the waters of this  
96 state for more than 24 hours.

97 (b) Notwithstanding paragraph (a), a person who owns or  
98 operates a vessel that becomes derelict upon the waters of this  
99 state solely as a result of a boating accident that is reported  
100 to law enforcement in accordance with s. 327.301 or otherwise  
101 reported to law enforcement; a hurricane; or another sudden  
102 event outside of his or her control may not be charged with a  
103 violation if:

104 1. The individual documents for law enforcement the  
105 specific event that led to the vessel being derelict upon the  
106 waters of this state; and

107 2. The vessel has been removed from the waters of this  
108 state or has been repaired or addressed such that it is no  
109 longer derelict upon the waters of this state:

110 a. For a vessel that has become derelict as a result of a  
111 boating accident or other sudden event outside of his or her  
112 control, within 7 days after such accident or event; or

113 b. Within 45 days after the hurricane has passed over this  
114 ~~the~~ state.

115 (c) The additional time provided in subparagraph (b)2. for  
116 an owner or responsible party to remove a derelict vessel from

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117 the waters of this state or to repair and remedy the vessel's  
118 derelict condition does not apply to a vessel that was derelict  
119 upon the waters of this state before the stated accident or  
120 event.

121 (d) Notwithstanding the additional 45 days provided in sub-  
122 subparagraph (b)2.b. during which an owner or a responsible  
123 party may not be charged for a violation of this section, the  
124 commission, an officer of the commission, a law enforcement  
125 agency or officer specified in s. 327.70, or, during a state of  
126 emergency declared by the Governor, the Division of Emergency  
127 Management or its designee, may immediately begin the process  
128 set forth in s. 705.103(2)(a) and, once that process has been  
129 completed and the 45 days provided herein have passed, any  
130 vessel that has not been removed or repaired such that it is no  
131 longer derelict upon the waters of this state may be removed and  
132 destroyed as provided therein.

133 (3) The commission, an officer of the commission, or a law  
134 enforcement agency or officer specified in s. 327.70 may  
135 relocate, remove, and store or cause to be relocated, removed,  
136 and stored a derelict vessel from waters of this state as  
137 defined in s. 327.02 if the derelict vessel obstructs or  
138 threatens to obstruct navigation or in any way constitutes a  
139 danger to the environment, property, or persons. The commission,  
140 an officer of the commission, or any other law enforcement  
141 agency or officer acting pursuant to this subsection to  
142 relocate, remove, and store or cause to be relocated, removed,  
143 and stored a derelict vessel from waters of this state shall be  
144 held harmless for all damages to the derelict vessel resulting  
145 from such action unless the damage results from gross negligence

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146 or willful misconduct.

147 (a) All costs, including costs owed to a third party,  
148 incurred by the commission, another law enforcement agency, or a  
149 governmental subdivision, when the governmental subdivision has  
150 received authorization from a law enforcement officer or agency,  
151 in the relocation, removal, storage, destruction, or disposal of  
152 a derelict vessel are recoverable against the vessel owner or  
153 the party determined to be legally responsible for the vessel  
154 being upon the waters of this state in a derelict condition. The  
155 Department of Legal Affairs shall represent the commission in  
156 actions to recover such costs. As provided in s. 705.103(4), a  
157 person who neglects or refuses to pay such costs may not be  
158 issued a certificate of registration for such vessel or for any  
159 other vessel or motor vehicle until such costs have been paid. A  
160 person who has neglected or refused to pay all costs of removal,  
161 storage, destruction, or disposal of a derelict vessel as  
162 provided in this section, after having been provided written  
163 notice via certified mail that such costs are owed, and who  
164 applies for and is issued a registration for a vessel or motor  
165 vehicle before such costs have been paid in full commits a  
166 misdemeanor of the first degree, punishable as provided in s.  
167 775.082 or s. 775.083.

168 (b) A contractor performing such activities at the  
169 direction of the commission, an officer of the commission, a law  
170 enforcement agency or officer, or a governmental subdivision,  
171 when the governmental subdivision has received authorization for  
172 the relocation or removal from a law enforcement officer or  
173 agency, pursuant to this section must be licensed in accordance  
174 with applicable United States Coast Guard regulations where

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175 required; obtain and carry in full force and effect a policy  
176 from a licensed insurance carrier in this state to insure  
177 against any accident, loss, injury, property damage, or other  
178 casualty caused by or resulting from the contractor's actions;  
179 and be properly equipped to perform the services to be provided.

180 (4) (a) Removal of derelict or migrant vessels under this  
181 subsection may be funded by grants provided in s. 206.606.

182 (b) The commission may implement a plan for the procurement  
183 of any available federal disaster funds and use such funds for  
184 the removal of derelict or migrant vessels.

185 (c) The commission may establish a program to provide  
186 grants to local governments for the removal, storage,  
187 destruction, and disposal of derelict or migrant vessels from  
188 the waters of this state. This grant funding may also be used  
189 for the removal, storage, destruction, and disposal of vessels  
190 declared a public nuisance pursuant to s. 327.73(1)(aa). The  
191 program must be funded from the Marine Resources Conservation  
192 Trust Fund or the Florida Coastal Protection Trust Fund.  
193 Notwithstanding s. 216.181(11), funds available for these grants  
194 may only be authorized by appropriations acts of the  
195 Legislature. In a given fiscal year, if all funds appropriated  
196 pursuant to this paragraph are not requested by and granted to  
197 local governments for the removal, storage, destruction, and  
198 disposal of derelict vessels, migrant vessels, or vessels  
199 declared a public nuisance pursuant to s. 327.73(1)(aa) by the  
200 end of the third quarter, the Fish and Wildlife Conservation  
201 Commission may use the remainder of the funds to remove, store,  
202 destroy, and dispose of, or to pay private contractors to  
203 remove, store, destroy, and dispose of, derelict vessels,

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204 migrant vessels, or vessels declared a public nuisance pursuant  
205 to s. 327.73(1)(aa). The commission shall adopt by rule  
206 procedures for local governments to submit a grant application  
207 and criteria for allocating available funds. Such criteria must  
208 include, at a minimum, the following:

209 1. The number of derelict vessels within the jurisdiction  
210 of the applicant.

211 2. The threat posed by such vessels to public health or  
212 safety, the environment, navigation, or the aesthetic condition  
213 of the general vicinity.

214 3. The degree of commitment of the local government to  
215 maintain waters free of abandoned and derelict vessels and to  
216 seek legal action against those who abandon vessels in the  
217 waters of this state as defined in s. 327.02.

218 (5) When a derelict vessel is docked, grounded, or beached  
219 upon private property without the consent of the owner of the  
220 property, the owner of the property may remove the vessel at the  
221 vessel owner's expense 60 days after compliance with the notice  
222 requirements specified in s. 328.17(5). The private property  
223 owner may not hinder reasonable efforts by the vessel owner or  
224 the vessel owner's agent to remove the vessel. Notice given  
225 pursuant to this subsection is presumed to be delivered when it  
226 is deposited with the United States Postal Service, certified,  
227 and properly addressed with prepaid postage.

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



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233 any jurisdictional limitations on the amount in controversy, may  
234 order the imposition of such civil penalty in addition to any  
235 sentence imposed for the first criminal offense.

236 (7) If an owner or a responsible party of a vessel  
237 determined to be derelict through an administrative or criminal  
238 proceeding has been charged by an officer of the commission or  
239 any law enforcement agency or officer as specified in s. 327.70  
240 under subsection (6) for a violation of subsection (2), a person  
241 may not reside or dwell on such vessel until the vessel is  
242 removed from the waters of the state permanently or returned to  
243 the waters of the state in a condition that is no longer  
244 derelict.

245 Section 2. Paragraph (a) of subsection (2) of section  
246 705.103, Florida Statutes, is amended to read:

247 705.103 Procedure for abandoned or lost property.—

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

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

256

257 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE  
258 ATTACHED PROPERTY. This property, to wit: ...(setting  
259 forth brief description)... is unlawfully upon public  
260 property known as ...(setting forth brief description  
261 of location)... and must be removed within 5 days;

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262 otherwise, it will be removed and disposed of pursuant  
263 to chapter 705, Florida Statutes. The owner will be  
264 liable for the costs of removal, storage, and  
265 publication of notice. Dated this: ...(setting forth  
266 the date of posting of notice)..., signed: ...(setting  
267 forth name, title, address, and telephone number of  
268 law enforcement officer)....

269

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

274

275 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE  
276 ATTACHED VESSEL. This vessel, to wit: ...(setting  
277 forth brief description of location)... has been  
278 determined to be ...(derelict or a public nuisance)...  
279 and is unlawfully upon the waters of this state  
280 ...(setting forth brief description of location)...  
281 and must be removed within 21 days; otherwise, it will  
282 be removed and disposed of pursuant to chapter 705,  
283 Florida Statutes. The owner and other interested  
284 parties have the right to a hearing to challenge the  
285 determination that this vessel is derelict or  
286 otherwise in violation of the law. Please contact  
287 ...(contact information for person who can arrange for  
288 a hearing in accordance with this section).... The  
289 owner or the party determined to be legally  
290 responsible for the vessel being upon the waters of

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291 this state in a derelict condition or as a public  
292 nuisance will be liable for the costs of removal,  
293 destruction, and disposal if this vessel is not  
294 removed by the owner. Dated this: ...(setting forth  
295 the date of posting of notice)..., signed: ...(setting  
296 forth name, title, address, and telephone number of  
297 law enforcement officer)....

298

299 c. A migrant vessel as defined in s. 823.11 is present on  
300 public property or the waters of this state, the law enforcement  
301 agency or its designee may remove the vessel and destroy and  
302 dispose of the vessel or authorize another governmental entity  
303 or its designee to do so.

304 2. The notices required under subparagraph 1. may not be  
305 less than 8 inches by 10 inches and must be sufficiently  
306 weatherproof to withstand normal exposure to the elements. In  
307 addition to posting, the law enforcement officer shall make a  
308 reasonable effort to ascertain the name and address of the  
309 owner. If such is reasonably available to the officer, she or he  
310 must ~~shall~~ mail a copy of such notice to the owner on the date  
311 of posting or as soon thereafter as is practical. If the  
312 property is a motor vehicle as defined in s. 320.01(1) or a  
313 vessel as defined in s. 327.02, except a migrant vessel as  
314 defined in s. 823.11, the law enforcement agency must ~~shall~~  
315 contact the Department of Highway Safety and Motor Vehicles in  
316 order to determine the name and address of the owner and any  
317 person who has filed a lien on the vehicle or vessel as provided  
318 in s. 319.27(2) or (3) or s. 328.15. On receipt of this  
319 information, the law enforcement agency shall mail a copy of the

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320 notice by certified mail, return receipt requested, to the owner  
321 and to the lienholder, if any, except that a law enforcement  
322 officer who has issued a citation for a violation of s. 823.11  
323 to the owner of a derelict vessel is not required to mail a copy  
324 of the notice by certified mail, return receipt requested, to  
325 the owner. For a derelict vessel or a vessel declared a public  
326 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must  
327 inform the owner or responsible party that he or she has a right  
328 to a hearing to dispute the determination that the vessel is  
329 derelict or otherwise in violation of the law. If a request for  
330 a hearing is made, a state agency must ~~shall~~ follow the  
331 processes as set forth in s. 120.569. Local governmental  
332 entities shall follow the processes set forth in s. 120.569,  
333 except that a local judge, magistrate, or code enforcement  
334 officer may be designated to conduct such a hearing. If, at the  
335 end of 5 days after posting the notice in sub-subparagraph 1.a.,  
336 or at the end of 21 days after posting the notice in sub-  
337 subparagraph 1.b., and mailing such notice, if required, the  
338 owner or any person interested in the lost or abandoned article  
339 or articles described has not removed the article or articles  
340 from public property or shown reasonable cause for failure to do  
341 so, and, in the case of a derelict vessel or a vessel declared a  
342 public nuisance pursuant to s. 327.73(1)(aa), has not requested  
343 a hearing in accordance with this section, the following must  
344 ~~shall~~ apply:

345 a. For abandoned property other than a derelict vessel or a  
346 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),  
347 the law enforcement agency may retain any or all of the property  
348 for its own use or for use by the state or unit of local

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349 government, trade such property to another unit of local  
350 government or state agency, donate the property to a charitable  
351 organization, sell the property, or notify the appropriate  
352 refuse removal service.

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

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

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

362

363 A law enforcement agency or its designee may also take action as  
364 described in this sub-subparagraph if, following a hearing  
365 pursuant to this section, the judge, magistrate, administrative  
366 law judge, or hearing officer has determined the vessel to be  
367 derelict as provided in s. 823.11 or otherwise in violation of  
368 the law in accordance with s. 327.73(1)(aa) and a final order  
369 has been entered or the case is otherwise closed.

370 Section 3. This act shall take effect July 1, 2025.