

1 A bill to be entitled
2 An act relating to local administration of vessel
3 restrictions; amending ss. 327.4107, 327.4111, and
4 823.11, F.S.; authorizing counties and municipalities
5 to adopt ordinances to administer, in coordination
6 with the Fish and Wildlife Conservation Commission,
7 certain provisions relating to vessels at risk of
8 becoming derelict, the enforcement of long-term
9 anchoring permit requirements, and derelict vessels,
10 respectively; authorizing counties and municipalities
11 to designate code enforcement officers for specified
12 purposes; providing that certain determinations made
13 by the code enforcement officers are for
14 administrative purposes only and are not criminal
15 findings; requiring counties and municipalities to
16 comply with specified provisions; authorizing the
17 commission to provide technical assistance and
18 guidance; providing construction; requiring certain
19 designations and actions by code enforcement officers
20 to be treated as equivalent to specified law
21 enforcement actions under certain circumstances;
22 authorizing the commission to adopt rules; providing
23 an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 **Section 1. Present subsections (5) and (6) of section**
28 **327.4107, Florida Statutes, are redesignated as subsections (6)**
29 **and (7), respectively, and a new subsection (5) is added to that**
30 **section, to read:**

31 327.4107 Vessels at risk of becoming derelict on waters of
32 this state.—

33 (5) A county or municipality may elect to administer, in
34 coordination with the commission, this section relating to the
35 identification, notice, corrective action, relocation, removal,
36 storage, destruction, or disposal of vessels at risk of becoming
37 derelict within its jurisdiction by adopting an ordinance to
38 that effect.

39 (a) A county or municipality that adopts an ordinance
40 under this subsection:

41 1. May designate a code enforcement officer as defined in
42 s. 162.21 to determine whether a vessel meets one or more of the
43 at-risk conditions listed in subsection (2). The code
44 enforcement officer's determination is for administrative
45 abatement purposes only and may be used solely to initiate
46 notice, corrective action, relocation, storage, disposal, or
47 cost-recovery actions pursuant to this section and in accordance
48 with rules adopted by the commission. The code enforcement
49 officer's determination is not a criminal finding and may not
50 serve as a basis for prosecution under this section or any other

51 criminal violation relating to vessel conditions or derelict
52 vessels.

53 2. Shall comply with all notice, documentation,
54 environmental compliance, storage, and recordkeeping
55 requirements established by the commission and this section
56 before taking corrective action on a vessel. The commission may
57 provide technical assistance and guidance to the county or
58 municipality.

59 (b) This subsection may not be construed to prohibit a
60 county or municipality from coordinating with law enforcement
61 agencies for purposes of criminal investigation or prosecution
62 relating to violations of this chapter or chapter 823. A code
63 enforcement officer acting pursuant to this subsection may
64 provide documentation, photographs, observations, statements,
65 and other non-law enforcement support to a law enforcement
66 agency, but may not make a criminal determination or take any
67 action reserved for law enforcement officers under this chapter.

68 (c) For purposes of any commission-administered program
69 relating to the prevention, mitigation, removal, relocation,
70 storage, or destruction of vessels at risk of becoming derelict,
71 including the derelict vessel prevention program authorized
72 under subsection (7), a designation of a vessel as at risk of
73 becoming derelict by a county or municipal code enforcement
74 officer pursuant to this subsection must be treated, if the
75 county or municipality submits all documentation, photographic

76 evidence, and verification materials required by commission
77 rule, as equivalent to such a designation by a law enforcement
78 officer.

79 (d) The commission may adopt rules to implement this
80 subsection, including procedures for verifying administrative
81 designations, ensuring statewide consistency in the application
82 of at-risk criteria, maintaining records of corrective actions
83 or removals, providing technical assistance to local
84 governments, and auditing reimbursement or cost-recovery
85 requests.

86 **Section 2. Present subsections (5) through (9) of section**
87 **327.4111, Florida Statutes, are redesignated as subsections (6)**
88 **through (10), respectively, and a new subsection (5) is added to**
89 **that section, to read:**

90 327.4111 Long-term anchoring.—

91 (5) A county or municipality may elect to administer, in
92 coordination with the commission, this section relating to the
93 enforcement of long-term anchoring permit requirements within
94 its jurisdiction by adopting an ordinance to that effect.

95 (a) A county or municipality that adopts an ordinance
96 under this subsection:

97 1. May designate a code enforcement officer as defined in
98 s. 162.21 to investigate, document, and cite violations of
99 subsection (4). A citation from a code enforcement officer is a
100 noncriminal infraction punishable as provided in s. 327.73 and

101 may be issued through local code enforcement procedures or the
102 uniform boating citation system under s. 327.74, as determined
103 by commission rule or local ordinance. A citation issued
104 pursuant to this subparagraph does not constitute a criminal
105 finding and may be used solely for the imposition of civil
106 penalties, corrective actions, or cost recovery authorized under
107 this chapter.

108 2. Shall comply with all permit verification,
109 documentation, notice, and recordkeeping requirements
110 established by the commission before a code enforcement officer
111 may issue a citation or take other enforcement action. The
112 commission may provide technical assistance, training, and
113 guidance to the county or municipality.

114 (b) Administrative enforcement under this subsection does
115 not preclude parallel enforcement by law enforcement officers
116 under s. 327.70. This subsection may not be construed to
117 prohibit a county or municipality from coordinating with law
118 enforcement agencies for purposes of criminal investigation or
119 prosecution relating to violations of this chapter or chapter
120 823. A code enforcement officer acting pursuant to this
121 subsection may provide documentation, photographs, observations,
122 statements, and other non-law enforcement support to a law
123 enforcement agency, but may not make a criminal determination or
124 take any action reserved for law enforcement officers under this
125 chapter.

126 (c) For purposes of any commission-administered program
127 relating to anchoring regulation, vessel compliance, or public
128 nuisance abatement, a noncriminal infraction citation for a
129 violation of subsection (4) issued by a county or municipal code
130 enforcement officer pursuant to this subsection must be treated,
131 if the county or municipality submits all documentation,
132 photographic evidence, location data, permit status
133 verification, and other materials required by commission rule,
134 as equivalent to a uniform boating citation issued by a law
135 enforcement officer.

136 (d) The commission may adopt rules to implement this
137 subsection, including procedures for local designation of code
138 enforcement officers, verifying compliance with permit
139 requirements, ensuring statewide consistency in enforcement
140 criteria, coordinating with the uniform boating citation system,
141 maintaining records of citations and resolutions, providing
142 technical assistance or training to counties or municipalities,
143 and auditing any reimbursement or cost-sharing requests.

144 **Section 3. Present subsections (6) and (7) of section**
145 **823.11, Florida Statutes, are redesignated as subsections (7)**
146 **and (8), respectively, a new subsection (6) is added to that**
147 **section, and paragraph (c) of subsection (4) of that section is**
148 **amended, to read:**

149 823.11 Derelict and migrant vessels; relocation or
150 removal; penalty.—

(4)

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels or migrant vessels from the waters of this state. This grant funding may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance pursuant to s. 327.73(1)(aa) or the derelict vessel prevention program established pursuant to s. 327.4107(8) ~~s. 327.4107(7)~~. The program must be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund. Notwithstanding s. 216.181(11), funds available for these grants may only be authorized by appropriations acts of the Legislature. In a given fiscal year, if all funds appropriated pursuant to this paragraph are not requested by and granted to local governments for the removal, storage, destruction, and disposal of derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa) by the end of the third quarter, the Fish and Wildlife Conservation Commission may use the remainder of the funds to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of, derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa). The commission shall adopt by rule procedures for local governments to submit a grant application and criteria for allocating available funds. Such

criteria must include, at a minimum, all of the following:

1. The number of derelict vessels and migrant vessels within the jurisdiction of the applicant.

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

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

(6) A county or municipality may elect to administer, in coordination with the commission, this section relating to the identification, removal, storage, destruction, or disposal of derelict vessels within its jurisdiction by adopting an ordinance to that effect.

(a) A county or municipality that adopts an ordinance under this subsection:

1. May designate a code enforcement officer as defined in s. 162.21 to determine whether a vessel meets the definition of a derelict vessel as provided in this section for administrative abatement purposes only. The code enforcement officer's determination is not a criminal finding and may not serve as the basis for prosecution under this section. Such determinations may be used solely to initiate notice, removal, disposal, and cost-recovery actions pursuant to this section and in accordance

201 with rules adopted by the commission.

202 2. Shall comply with all notice, documentation, storage,
203 and environmental compliance requirements established by the
204 commission and this section before removing or disposing of a
205 vessel. The commission may provide technical assistance and
206 guidance to the county or municipality.

207 (b) This subsection may not be construed to prohibit a
208 county or municipality from coordinating with law enforcement
209 agencies for purposes of criminal investigation or prosecution
210 relating to violations of chapter 327 or this chapter. A code
211 enforcement officer acting pursuant to this subsection may
212 provide documentation, photographs, observations, statements,
213 and other non-law enforcement support to a law enforcement
214 agency but may not make a criminal determination or take any
215 action reserved for law enforcement officers under this chapter.

216 (c) For purposes of the Derelict Vessel Removal Grant
217 Program administered by the commission, a designation of a
218 vessel as derelict by a county or municipal code enforcement
219 officer under this subsection must be treated, if the county or
220 municipality submits the required documentation, photographic
221 evidence, and verification materials in accordance with
222 commission rules, as equivalent to such a designation by a law
223 enforcement officer.

224 (d) The commission may adopt rules to implement this
225 subsection, including procedures for verifying administrative

226 | designations, maintaining records of removals, providing
227 | technical assistance to local governments, and auditing
228 | reimbursement requests.

229 | **Section 4.** This act shall take effect July 1, 2026.