

By Senator Trumbull

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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 and  
10      migrant vessels, respectively; authorizing counties  
11      and municipalities to designate code enforcement  
12      officers for specified purposes; providing that  
13      certain determinations made by the code enforcement  
14      officers are for administrative purposes only and are  
15      not criminal findings; requiring counties and  
16      municipalities to comply with specified provisions;  
17      authorizing the commission to provide technical  
18      assistance and guidance; providing construction;  
19      requiring certain designations and actions by code  
20      enforcement officers to be treated as equivalent to  
21      specified law enforcement actions under certain  
22      circumstances; authorizing the commission to adopt  
23      rules; providing an effective date.

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

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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

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section, to read:

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

(5) A county or municipality may elect to administer, in coordination with the commission, this section relating to the identification, notice, corrective action, relocation, removal, storage, destruction, or disposal of vessels at risk of becoming derelict 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 one or more of the at-risk conditions listed in subsection (2). The code enforcement officer's determination is for administrative abatement purposes only and may be used solely to initiate notice, corrective action, relocation, storage, disposal, or cost-recovery actions pursuant to this section and in accordance with rules adopted by the commission. The code enforcement officer's determination is not a criminal finding and may not serve as a basis for prosecution under this section or any other criminal violation relating to vessel conditions or derelict vessels.

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

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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)

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through (10), respectively, and a new subsection (5) is added to that section, to read:

327.4111 Long-term anchoring.—

(5) A county or municipality may elect to administer, in coordination with the commission, this section relating to the enforcement of long-term anchoring permit requirements 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 investigate, document, and cite violations of subsection (4). A citation from a code enforcement officer is a noncriminal infraction punishable as provided in s. 327.73 and may be issued through local code enforcement procedures or the uniform boating citation system under s. 327.74, as determined by commission rule or local ordinance. A citation issued pursuant to this subparagraph does not constitute a criminal finding and may be used solely for the imposition of civil penalties, corrective actions, or cost recovery authorized under this chapter.

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

(b) Administrative enforcement under this subsection does not preclude parallel enforcement by law enforcement officers under s. 327.70. This subsection may not be construed to

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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)

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and (8), respectively, a new subsection (6) is added to that section, and paragraph (c) of subsection (4) of that section is amended, to read:

823.11 Derelict and migrant vessels; relocation or 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

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175 application and criteria for allocating available funds. Such  
176 criteria must include, at a minimum, all of the following:

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

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

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

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

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

193 1. May designate a code enforcement officer as defined in  
194 s. 162.21 to determine whether a vessel meets the definition of  
195 a derelict vessel as provided in this section for administrative  
196 abatement purposes only. The code enforcement officer's  
197 determination is not a criminal finding and may not serve as the  
198 basis for prosecution under this section. Such determinations  
199 may be used solely to initiate notice, removal, disposal, and  
200 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

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commission and this section before removing or disposing of a vessel. The commission may provide technical assistance and guidance to the county or municipality.

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

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

(d) The commission may adopt rules to implement this subsection, including procedures for verifying administrative designations, maintaining records of removals, providing technical assistance to local governments, and auditing reimbursement requests.

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