

By Senator Trumbull

2-01499-26

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A bill to be entitled

An act relating to local administration of vessel restrictions; amending ss. 327.4107, 327.4111, and 823.11, F.S.; authorizing counties and municipalities to adopt ordinances to administer, in coordination with the Fish and Wildlife Conservation Commission, certain provisions relating to vessels at risk of becoming derelict, the enforcement of long-term anchoring permit requirements, and derelict and migrant vessels, respectively; authorizing counties and municipalities to designate code enforcement officers for specified purposes; providing that certain determinations made by the code enforcement officers are for administrative purposes only and are not criminal findings; requiring counties and municipalities to comply with specified provisions; authorizing the commission to provide technical assistance and guidance; providing construction; requiring certain designations and actions by code enforcement officers to be treated as equivalent to specified law enforcement actions under certain circumstances; authorizing the commission to adopt rules; providing an effective date.

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

Section 1. Present subsections (5) and (6) of section 327.4107, Florida Statutes, are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that

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30 section, to read:

31 327.4107 Vessels at risk of becoming derelict on waters of
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 under
40 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.

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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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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 under
96 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

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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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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 removal;
150 penalty.—

151 (4)

152 (c) The commission may establish a program to provide
153 grants to local governments for the removal, storage,
154 destruction, and disposal of derelict vessels or migrant vessels
155 from the waters of this state. This grant funding may also be
156 used for the removal, storage, destruction, and disposal of
157 vessels declared a public nuisance pursuant to s. 327.73(1)(aa)
158 or the derelict vessel prevention program established pursuant
159 to s. 327.4107(8) ~~s. 327.4107(7)~~. The program must be funded
160 from the Marine Resources Conservation Trust Fund or the Florida
161 Coastal Protection Trust Fund. Notwithstanding s. 216.181(11),
162 funds available for these grants may only be authorized by
163 appropriations acts of the Legislature. In a given fiscal year,
164 if all funds appropriated pursuant to this paragraph are not
165 requested by and granted to local governments for the removal,
166 storage, destruction, and disposal of derelict vessels, migrant
167 vessels, or vessels declared a public nuisance pursuant to s.
168 327.73(1)(aa) by the end of the third quarter, the Fish and
169 Wildlife Conservation Commission may use the remainder of the
170 funds to remove, store, destroy, and dispose of, or to pay
171 private contractors to remove, store, destroy, and dispose of,
172 derelict vessels, migrant vessels, or vessels declared a public
173 nuisance pursuant to s. 327.73(1)(aa). The commission shall
174 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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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.