

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Trumbull

601-02529-26

20261682c1

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; amending s. 327.4108, F.S.; revising the exemption from requirements for vessel relocation for certain vessels under certain circumstances; providing an effective date.

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

601-02529-26

20261682c1

30 Section 1. Present subsections (5) and (6) of section
31 327.4107, Florida Statutes, are redesignated as subsections (6)
32 and (7), respectively, and a new subsection (5) is added to that
33 section, to read:

34 327.4107 Vessels at risk of becoming derelict on waters of
35 this state.—

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

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

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

56 2. Shall comply with all notice, documentation,
57 environmental compliance, storage, and recordkeeping
58 requirements established by the commission and this section

601-02529-26

20261682c1

59 before taking corrective action on a vessel. The commission may
60 provide technical assistance and guidance to the county or
61 municipality.

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

71 (c) For purposes of any commission-administered program
72 relating to the prevention, mitigation, removal, relocation,
73 storage, or destruction of vessels at risk of becoming derelict,
74 including the derelict vessel prevention program authorized
75 under subsection (7), a designation of a vessel as at risk of
76 becoming derelict by a county or municipal code enforcement
77 officer pursuant to this subsection must be treated, if the
78 county or municipality submits all documentation, photographic
79 evidence, and verification materials required by commission
80 rule, as equivalent to such a designation by a law enforcement
81 officer.

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

601-02529-26

20261682c1

88 requests.89 Section 2. Present subsections (5) through (9) of section
90 327.4111, Florida Statutes, are redesignated as subsections (6)
91 through (10), respectively, and a new subsection (5) is added to
92 that section, to read:

93 327.4111 Long-term anchoring.—

94 (5) A county or municipality may elect to administer, in
95 coordination with the commission, this section relating to the
96 enforcement of long-term anchoring permit requirements within
97 its jurisdiction by adopting an ordinance to that effect.98 (a) A county or municipality that adopts an ordinance under
99 this subsection:100 1. May designate a code enforcement officer as defined in
101 s. 162.21 to investigate, document, and cite violations of
102 subsection (4). A citation from a code enforcement officer is a
103 noncriminal infraction punishable as provided in s. 327.73 and
104 may be issued through local code enforcement procedures or the
105 uniform boating citation system under s. 327.74, as determined
106 by commission rule or local ordinance. A citation issued
107 pursuant to this subparagraph does not constitute a criminal
108 finding and may be used solely for the imposition of civil
109 penalties, corrective actions, or cost recovery authorized under
110 this chapter.111 2. Shall comply with all permit verification,
112 documentation, notice, and recordkeeping requirements
113 established by the commission before a code enforcement officer
114 may issue a citation or take other enforcement action. The
115 commission may provide technical assistance, training, and
116 guidance to the county or municipality.

601-02529-26

20261682c1

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

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

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

601-02529-26

20261682c1

146 and auditing any reimbursement or cost-sharing requests.

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

152 823.11 Derelict and migrant vessels; relocation or removal;
153 penalty.—

154 (4)

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

601-02529-26

20261682c1

175 derelict vessels, migrant vessels, or vessels declared a public
176 nuisance pursuant to s. 327.73(1)(aa). The commission shall
177 adopt by rule procedures for local governments to submit a grant
178 application and criteria for allocating available funds. Such
179 criteria must include, at a minimum, all of the following:

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

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

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

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

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

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

601-02529-26

20261682c1

204 with rules adopted by the commission.

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

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

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

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

232 Section 4. Paragraph (d) of subsection (3) of section

601-02529-26

20261682c1

233 327.4108, Florida Statutes, is amended to read:

234 327.4108 Anchoring of vessels in anchoring limitation
235 areas.—

236 (3)

237 (d) A vessel upon the waters of this state and within
238 Monroe County for which the owner or occupant has established
239 the vessel as a domicile in accordance with s. 222.17 is exempt
240 from paragraph (a) until at least 60 100 new moorings are
241 available for public use within 1 mile of the Key West Bight
242 City Dock. Until such time, the commission shall designate the
243 area within 1 mile of the Key West Bight City Dock as a priority
244 for the investigation and removal of derelict vessels.

245 Section 5. This act shall take effect July 1, 2026.