

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

601-02529-26

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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; 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:

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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 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

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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

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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.

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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,

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and auditing any reimbursement or cost-sharing requests.

Section 3. Present subsections (6) and (7) of section 823.11, Florida Statutes, are redesignated as subsections (7) 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,

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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

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with rules adopted by the commission.

2. Shall comply with all notice, documentation, storage, and environmental compliance requirements established by the 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. Paragraph (d) of subsection (3) of section



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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.