

CHAPTER 2025-147

Committee Substitute for Senate Bill No. 164

An act relating to vessel accountability; amending s. 327.02, F.S.; deleting the term “owner”; defining the term “vessel owner”; reenacting and amending s. 327.4107, F.S.; providing a penalty for a person anchoring, mooring, or allowing certain vessels to occupy the waters of this state if an officer of the Fish and Wildlife Conservation Commission or a law enforcement agency finds that specified conditions exist; revising the manner and timeframe for vessel owners or operators to demonstrate a vessel’s effective means of propulsion for safe navigation; deleting provisions providing a penalty for a person who anchors or moors certain vessels on the waters of this state; creating s. 327.4111, F.S.; defining the term “long-term anchoring”; requiring the commission to issue, at no cost, a permit for the long-term anchoring of a vessel which includes specified information; providing construction; providing a penalty for long-term anchoring without a permit; providing applicability; providing that a permit is not required under certain circumstances; requiring the commission to use an electronic application and permitting system; clarifying that certain provisions do not supersede any other anchoring limitations established pursuant to law; authorizing the commission to adopt rules; amending s. 327.70, F.S.; authorizing the enforcement of certain noncriminal violations by citation mailed or issued to the owner of certain vessels; amending s. 327.73, F.S.; requiring that a vessel subject to a specified number of violations within a 24-month period which result in certain dispositions be declared a public nuisance; providing that failure to appear at a hearing or failure to pay civil penalties constitutes a certain disposition; providing penalties related to long-term anchoring; requiring that a vessel subject to a specified number of violations relating to long-term anchoring within a 24-month period which result in certain dispositions be declared a public nuisance; providing that failure to appear at a hearing or failure to pay a certain civil penalty constitutes a disposition other than acquittal or dismissal; providing an exception; authorizing certain persons to relocate, remove, or cause to be relocated or removed certain vessels; requiring that certain persons be held harmless for all damages to a vessel resulting from such relocation or removal; providing exceptions; amending s. 705.103, F.S.; revising the notice placed upon a derelict vessel declared a public nuisance which is present upon the waters of this state; deleting a provision specifying that a party responsible for a derelict vessel or a vessel declared a public nuisance has the right to a certain hearing; deleting provisions assigning liability to a party deemed legally responsible for a derelict vessel or vessel declared a public nuisance; deleting provisions allowing a law enforcement officer or a representative of a law enforcement agency or other governmental entity to notify a party deemed legally responsible for a derelict vessel or a vessel declared a public nuisance of the final disposition of the derelict vessel; reenacting and amending s. 823.11, F.S.; prohibiting a vessel owner from

leaving a derelict vessel upon the waters of this state; deleting provisions related to a party responsible for a derelict vessel; providing prima facie evidence of ownership or control of a derelict vessel left upon the waters of this state; providing a means of exonerating an owner of a vessel or derelict vessel of responsibility if such owner attempts to transfer ownership or control of such vessel; providing that the owner of a derelict vessel is exclusively responsible for all costs associated with the relocation, removal, storage, destruction, or disposal of the derelict vessel; authorizing the commission to use grant funds allocated for the removal, storage, destruction, and disposal of derelict vessels from the waters of this state for the derelict vessel prevention program; providing penalties; prohibiting a person from dwelling or residing on a derelict vessel; providing penalties; authorizing law enforcement officers to enforce such provisions; authorizing a person to reside on a vessel if the vessel is in a state or condition that is no longer derelict; authorizing the commission to adopt rules; reenacting ss. 327.04 and 327.4108(6)(d), F.S., relating to rules and the anchoring of vessels in anchoring limitation areas, respectively, to incorporate the amendment made to s. 832.11, F.S., in references thereto; reenacting s. 327.54(3)(d), F.S., relating to liveries, safety regulations, and penalties, to incorporate the amendments made to ss. 327.4107 and 823.11, F.S., in references thereto; reenacting s. 705.101(1), F.S., relating to definitions, to incorporate the amendment made to s. 327.73, F.S., in a reference thereto; reenacting ss. 705.104(1) and 713.585(8), F.S., relating to the title to lost or abandoned property and the enforcement of a lien by sale of motor vehicle, respectively, to incorporate the amendment made to s. 705.103, F.S., in references thereto; providing effective dates.

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

Section 1. Subsections (35) through (47) of section 327.02, Florida Statutes, are amended to read:

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(35) ~~“Owner” means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person which is reserved or created by agreement and securing payment of performance of an obligation. The term does not include a lessee under a lease not intended as security.~~

(36) ~~“Person” means an individual, partnership, firm, corporation, association, or other entity.~~

(36)(37) ~~“Personal watercraft” means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.~~

~~(37)~~(38) “Portable toilet” means a device consisting of a lid, seat, containment vessel, and support structure which is specifically designed to receive, retain, and discharge human waste and which is capable of being removed from a vessel by hand.

~~(38)~~(39) “Prohibited activity” means activity that will impede or disturb navigation or creates a safety hazard on waterways of this state.

~~(39)~~(40) “Racing shell,” “rowing scull,” or “racing kayak” means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and in which all occupants, with the exception of a coxswain, if one is provided, row, scull, or paddle and that is not designed to carry and does not carry any equipment not solely for competitive racing.

~~(40)~~(41) “Recreational vessel” means a vessel:

- (a) Manufactured and used primarily for noncommercial purposes; or
- (b) Leased, rented, or chartered to a person for his or her noncommercial use.

~~(41)~~(42) “Registration” means a state operating license on a vessel which is issued with an identifying number, an annual certificate of registration, and a decal designating the year for which a registration fee is paid.

~~(42)~~(43) “Resident” means a citizen of the United States who has established residence in this state and has continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

~~(43)~~(44) “Sailboat” means a vessel whose sole source of propulsion is the wind.

~~(44)~~(45) “Sustained wind speed” means a wind speed determined by averaging the observed wind speed rounded up to the nearest mile per hour over a 2-minute period.

~~(45)~~(46) “Unclaimed vessel” means an undocumented vessel, including its machinery, rigging, and accessories, which is in the physical possession of a marina, garage, or repair shop for repairs, improvements, or other work with the knowledge of the vessel owner and for which the costs of such services have been unpaid for more than 90 days after the date written notice of the completed work is given by the marina, garage, or repair shop to the vessel owner.

~~(46)~~(47) “Vessel” is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(47) “Vessel owner” means a person, other than a lienholder or lessee under a lease that is not intended as security, having the property in or title to a vessel. The term includes all of the following:

(a) A person entitled to the use or possession of a vessel subject to an interest in another person which is reserved or created by agreement and securing payment of performance of an obligation. The term does not include a lessee under a lease not intended as security.

(b) A person identified in the records of the Department of Highway Safety and Motor Vehicles, or other state equivalent, as the title certificate holder of the vessel.

(c) A person identified as the buyer, transferee, or new owner in a notice filed pursuant to s. 328.64(1).

(d) A person who has signed a written agreement for the purchase and sale of the vessel and paid the consideration, if any, required under the agreement.

(e) A person who has provided a written, signed receipt to the seller or transferor of the vessel acknowledging actual receipt and possession of the vessel.

Section 2. Subsections (2) and (3) of section 327.4107, Florida Statutes, are amended, and paragraph (a) of present subsection (7) of that section is reenacted, to read:

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

(2) It is a noncriminal infraction punishable as provided in s. 327.73 for a person to anchor or moor an officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict on the waters of this state or to allow such vessel to occupy such waters. A vessel is at risk of becoming derelict if, as determined by an officer of the commission or a law enforcement agency, if any of the following conditions exist:

(a) The vessel is taking on or has taken on water without an effective means to dewater.

(b) Spaces on the vessel which that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time.

(c) The vessel has broken loose or is in danger of breaking loose from its anchor.

(d) The vessel is listing due to water intrusion.

(e) The vessel does not have an effective means of propulsion, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for repair. If the owner or operator is present on the vessel, a law enforcement officer may require a test of the vessel's effective means of propulsion for safe navigation, to be conducted immediately. If the owner or operator is not present on the vessel, the owner or operator must, in the presence of law enforcement, conduct the test for effective means of propulsion for safe navigation within 48 72 hours after the vessel owner or operator receives telephonic notice from a law enforcement officer, in-person notice recorded on an agency-approved body camera, or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The commission may adopt rules to implement this paragraph.

(f) The vessel is tied to an unlawful or unpermitted structure or mooring.

~~(3) A person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction, punishable as provided in s. 327.73.~~

~~(6)(7)~~ The commission may establish a derelict vessel prevention program to address vessels at risk of becoming derelict. Such program may, but is not required to, include:

(a) Removal, relocation, and destruction of vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned in accordance with s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

The commission may adopt rules to implement this subsection. Implementation of the derelict vessel prevention program shall be subject to appropriation by the Legislature and shall be funded by the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund.

Section 3. Effective January 1, 2026, section 327.4111, Florida Statutes, is created to read:

327.4111 Long-term anchoring.—

(1) As used in this section, the term “long-term anchoring” means anchoring a vessel within 1 linear nautical mile of a documented anchorage point for 14 days or more within a 30-day period.

(2) The commission shall, at no cost to the applicant, issue a permit for the long-term anchoring of a vessel within the waters of this state upon receiving an application that includes, but is not limited to, all of the following information:

(a) For the vessel owner or operator:

1. Name.
2. Mailing address.
3. Telephone number.
4. E-mail address.
5. Birthdate.
6. Driver license number, if applicable.

(b) For the vessel:

1. Make.
2. Model.
3. Year.
4. Style.
5. Hull identification number.
6. Registration number or United States Coast Guard documentation, if applicable.

7. Vessel name, if applicable.

(c) Location where the vessel will be anchored.

(d) Notice that the long-term anchoring permit may be revoked if the vessel is a derelict vessel as defined in s. 823.11, or is at risk of becoming derelict as provided in s. 327.4107, or is in violation of marine sanitation provisions in s. 327.53.

(3) The long-term anchoring permit established under this section is specific to one vessel only. However, a person may obtain more than one permit. A permit must be renewed or updated for each long-term anchoring location. Long-term anchoring permits expire 1 year from the date of issuance and may be revoked if the permitted vessel is a derelict vessel as defined in s. 823.11, is at risk of becoming derelict, or is operated or occupied on waters of this state in violation of s. 327.53.

(4) A person who engages in long-term anchoring of a vessel within the waters of this state without a valid long-term anchoring permit commits a noncriminal infraction, punishable as provided in s. 327.73.

(5) This section does not apply to any of the following:

(a) Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes.

(b) Construction or dredging vessels on an active job site.

(c) Vessels actively engaged in commercial fishing.

(d) Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.

(6) A permit under this section is not required if a vessel is docked at a public or private dock or moored to a mooring buoy permitted as provided in s. 327.40.

(7) In implementing this section, the commission must use an electronic application and permitting system.

(8) The provisions of this section do not supersede any other anchoring limitations established pursuant to law.

(9) The commission may adopt rules to implement this section.

Section 4. Paragraph (a) of subsection (3) of section 327.70, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

327.70 Enforcement of this chapter and chapter 328.—

(3)(a) Noncriminal violations of the following statutes may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on the waters of this state:

1. Section 327.33(3)(b), relating to navigation rules.
2. Section 327.44, relating to interference with navigation.
3. Section 327.50(2), relating to required lights and shapes.
4. Section 327.53, relating to marine sanitation.
5. Section 328.48(5), relating to display of decal.
6. Section 328.52(2), relating to display of number.
7. Section 327.4107, relating to vessels at risk of becoming derelict.
8. Section 327.4109, relating to prohibited anchoring or mooring.
9. Section 328.72(13), relating to expired registration.
10. Section 327.4111, relating to long-term anchoring.

(e) A noncriminal violation of s. 327.4111 may be enforced by a uniform boating citation issued to the owner or operator of a vessel engaged in unlawful long-term anchoring.

Section 5. Subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(a) Section 328.46, relating to operation of unregistered and unnumbered vessels.

(b) Section 328.48(4), relating to display of number and possession of registration certificate.

(c) Section 328.48(5), relating to display of decal.

(d) Section 328.52(2), relating to display of number.

(e) Section 328.54, relating to spacing of digits and letters of identification number.

(f) Section 328.60, relating to military personnel and registration of vessels.

(g) Section 328.72(13), relating to operation with an expired registration, for which the penalty is:

1. For a first or subsequent offense of s. 328.72(13)(a), up to a maximum of \$100.

2. For a first offense of s. 328.72(13)(b), up to a maximum of \$250.

3. For a second or subsequent offense of s. 328.72(13)(b), up to a maximum of \$500. A ~~Any~~ person cited for a noncriminal infraction under this subparagraph may not have the provisions of paragraph (4)(a) available to him or her but must appear before the designated official at the time and location of the scheduled hearing.

(h) Section 327.33(2), relating to careless operation.

(i) Section 327.37, relating to water skiing, aquaplaning, parasailing, and similar activities.

(j) Section 327.44, relating to interference with navigation.

(k) Violations relating to boating-restricted areas and speed limits:

1. Established by the commission or by local governmental authorities pursuant to s. 327.46.

2. Speed limits established pursuant to s. 379.2431(2).

(l) Section 327.48, relating to regattas and races.

(m) Section 327.50(1) and (2), relating to required safety equipment, lights, and shapes.

(n) Section 327.65, relating to muffling devices.

(o) Section 327.33(3)(b), relating to a violation of navigation rules:

1. That does not result in an accident; or

2. That results in an accident not causing serious bodily injury or death, for which the penalty is:

a. For a first offense, up to a maximum of \$500.

b. For a second offense, up to a maximum of \$1,000.

c. For a third or subsequent offense, up to a maximum of \$1,500.

(p) Section 327.39(1), (2), (3), and (5), relating to personal watercraft.

(q) Section 327.53(1), (2), (3), and (8), relating to marine sanitation.

(r) Section 327.53(4), (5), and (7), relating to marine sanitation, and s. 327.60, relating to no-discharge zones, for which the civil penalty is \$250.

(s) Section 327.395, relating to boater safety education. However, a person cited for violating the requirements of s. 327.395 relating to failure to have required proof of boating safety education in his or her possession may not be convicted if, before or at the time of a county court hearing, the person produces proof of the boating safety education identification card or temporary certificate for verification by the hearing officer or the court clerk and the identification card or temporary certificate was valid at the time the person was cited.

(t) Section 327.52(3), relating to operation of overloaded or overpowered vessels.

(u) Section 327.331, relating to divers-down warning devices, except for violations meeting the requirements of s. 327.33.

(v) Section 327.391(1), relating to the requirement for an adequate muffler on an airboat.

(w) Section 327.391(3), relating to the display of a flag on an airboat.

(x) Section 253.04(3)(a), relating to carelessly causing seagrass scarring, for which the civil penalty upon conviction is:

1. For a first offense, \$100.
2. For a second offense occurring within 12 months after a prior conviction, \$250.
3. For a third offense occurring within 36 months after a prior conviction, \$500.
4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

(y) Section 327.45, relating to protection zones for springs, for which the penalty is:

1. For a first offense, \$100.
2. For a second offense occurring within 12 months after a prior conviction, \$250.
3. For a third offense occurring within 36 months after a prior conviction, \$500.
4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

(z) Section 327.4108, relating to the anchoring of vessels in anchoring limitation areas, for which the penalty is:

1. For a first offense, up to a maximum of \$100.
2. For a second offense, up to a maximum of \$250.
3. For a third or subsequent offense, up to a maximum of \$500.

(aa) Section 327.4107, relating to vessels at risk of becoming derelict on waters of this state, for which the civil penalty is:

1. For a first offense, \$100.
2. For a second offense occurring 30 days or more after a first offense, \$250.
3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$500.

A vessel that is the subject of three or more violations issued pursuant to the same paragraph of s. 327.4107(2) which occur within a 24-month an 18-month period and which result in dispositions other than acquittal or dismissal must shall be declared to be a public nuisance and subject to ss.

705.103(2) and (4) and 823.11(3). For purposes of this paragraph, failure to appear at a hearing or failure to pay the civil penalty constitutes a disposition other than acquittal or dismissal unless such failure to appear or such nonpayment is excused or set aside by the court for good cause shown. The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

(bb) Section 327.4109, relating to anchoring or mooring in a prohibited area, for which the penalty is:

1. For a first offense, up to a maximum of \$100.
2. For a second offense, up to a maximum of \$250.
3. For a third or subsequent offense, up to a maximum of \$500.

(cc) Section 327.463(4)(a) and (b), relating to vessels creating special hazards, for which the penalty is:

1. For a first offense, \$100.
2. For a second offense occurring within 12 months after a prior offense, \$250.
3. For a third offense occurring within 36 months after a prior offense, \$500.

(dd) Section 327.371, relating to the regulation of human-powered vessels.

(ee) Section 328.03, relating to an improper transfer of title, for which the penalty is up to a maximum of \$500.

(ff) Section 328.48(9), relating to the failure to update vessel registration information, for which the penalty is up to a maximum of \$500.

(gg) Section 327.4111, relating to long-term anchoring, for which the penalty is:

1. For a first offense, up to a maximum of \$100.
2. For a second offense, up to a maximum of \$250.
3. For a third or subsequent offense, up to a maximum of \$500.

A vessel that is the subject of three or more violations of s. 327.4111 that occur within a 24-month period and that result in dispositions other than acquittal or dismissal must be declared a public nuisance and subject to ss. 705.103(2) and (4) and 823.11(3). For purposes of this paragraph, failure to appear at a hearing or failure to pay the civil penalty required by s. 327.72 constitutes a disposition other than acquittal or dismissal, unless such failure to appear or such nonpayment is excused or set aside by the court for good cause shown. The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as those terms are defined in s. 823.11.

A ~~Any~~ person cited for a violation of this subsection ~~is shall~~ be deemed to be charged with a noncriminal infraction, ~~must shall~~ be cited for such an infraction, and ~~must shall~~ be cited to appear before the county court. The civil penalty for any such infraction is \$100, except as otherwise provided in this section. A ~~Any~~ person who fails to appear or otherwise properly respond to a uniform boating citation, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect ~~must shall~~ be provided at the time such uniform boating citation is issued.

Section 6. Subsection (1), paragraph (a) of subsection (2), and subsection (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(1) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it can be easily removed, the officer shall take such article into custody and shall make a reasonable attempt to ascertain the rightful owner or lienholder pursuant to the provisions of this section. For the purposes of this section, the term “owner” includes a vessel owner as defined in s. 327.02.

(2)(a)1. Whenever a law enforcement officer ascertains that:

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description of location)... has been determined to be ...(derelict or a public nuisance)... and is unlawfully upon the waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section).... The owner of ~~or~~ the party determined to be legally responsible for the vessel on being upon the waters of this state in a derelict condition or as a public nuisance will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. The notices required under subparagraph 1. may not be less than 8 inches by 10 inches and must be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, ~~he or she must or he~~ shall mail a copy of such notice to the owner on the date of posting or as soon thereafter as is practical. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency must ~~shall~~ contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return

receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner ~~or responsible party~~ that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency ~~must~~ shall follow the processes as set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following applies ~~shall apply~~:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any ~~or all~~ of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

(4) The owner of any abandoned or lost property, or in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the owner of ~~or other party determined to be legally responsible for the vessel on being upon~~ the waters of this state in a derelict condition or as a public nuisance, who, after notice as provided in this section, does not remove such property within the specified period is liable to the law enforcement agency, other governmental entity, or the agency's or entity's designee for all costs of removal, storage, destruction, and disposal of such property, less any salvage value obtained by disposal of the property.

Upon final disposition of the property, the law enforcement officer or representative of the law enforcement agency or other governmental entity shall notify the owner, or in the case of a derelict vessel or vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the owner ~~or other party determined to be legally responsible~~, if known, of the amount owed. In the case of an abandoned vessel or motor vehicle, ~~a any~~ person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or motor vehicle, or any other vessel or motor vehicle, until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, disposal, and destruction of a vessel or motor vehicle as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The law enforcement officer or representative of the law enforcement agency or other governmental entity shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose vessel registration privileges and motor vehicle privileges have been revoked under this subsection. The department or a person acting as an agent of the department may not issue a certificate of registration to a person whose vessel and motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 7. Paragraphs (a), (c), and (d) of subsection (2), paragraph (a) of subsection (3), paragraph (c) of subsection (4), and subsections (6) and (7) of section 823.11, Florida Statutes, are amended, paragraph (e) is added to subsection (2) of that section, and paragraph (b) of subsection (1) of that section is reenacted, to read:

823.11 Derelict vessels; relocation or removal; penalty.—

(1) As used in this section, the term:

(b) “Derelict vessel” means a vessel, as defined in s. 327.02, that is:

1. In a wrecked, junked, or substantially dismantled condition upon any waters of this state.

a. A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire.

b. A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion as required by s. 327.4107(2)(e) and associated rules.

c. A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:

- (I) The steering system;
- (II) The propulsion system; or
- (III) The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion as required by s. 327.4107(2)(e) and associated rules.

2. At a port in this state without the consent of the agency having jurisdiction thereof.

3. Docked, grounded, or beached upon the property of another without the consent of the owner of the property.

(2)(a) A vessel owner as defined in s. 327.02 ~~person, firm, or corporation~~ may not leave any derelict vessel upon waters of this state. For purposes of this paragraph, the term “leave” means to allow a vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.

(c) The additional time provided in subparagraph (b)2. ~~for an owner or responsible party~~ to remove a derelict vessel from the waters of this state or to repair and remedy the vessel’s derelict condition does not apply to a vessel that was derelict upon the waters of this state before the stated accident or event.

(d) Notwithstanding the additional 45 days provided in sub-subparagraph (b)2.b. during which an owner ~~or a responsible party~~ may not be charged for a violation of this section, the commission, an officer of the commission, a law enforcement agency or officer specified in s. 327.70, or, during a state of emergency declared by the Governor, the Division of Emergency Management or its designee, may immediately begin the process set forth in s. 705.103(2)(a) and, once that process has been completed and the 45 days provided herein have passed, any vessel that has not been removed or repaired such that it is no longer derelict upon the waters of this state may be removed and destroyed as provided therein.

(e) The title of a derelict vessel is prima facie evidence of ownership for any derelict vessel left upon the waters of this state. An owner who attempts to transfer ownership of a vessel or derelict vessel through means other than the process outlined in s. 328.22 or s. 328.64 will not be exonerated from the responsibility of having a derelict vessel upon the waters of this state without a written agreement of ownership by the transferee or evidence of agreement to transfer ownership to the transferee and the exchange of consideration between the parties.

(3) The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, and store or cause to be relocated, removed, and stored a derelict vessel from waters of this state as defined in s. 327.02 if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons. The commission, an officer of the commission, or any other law enforcement agency or officer acting pursuant to this subsection to relocate, remove, and store or cause to be relocated, removed, and stored a derelict vessel from waters of this state shall be held harmless for all damages to the derelict vessel resulting from such action unless the damage results from gross negligence or willful misconduct.

(a) All costs, including costs owed to a third party, incurred by the commission, another law enforcement agency, or a governmental subdivision, when the governmental subdivision has received authorization from a law enforcement officer or agency, in the relocation, removal, storage, destruction, or disposal of a derelict vessel are recoverable against the vessel owner of or the party determined to be legally responsible for the vessel on being upon the waters of this state in a derelict condition. The Department of Legal Affairs shall represent the commission in actions to recover such costs. As provided in s. 705.103(4), a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, destruction, or disposal of a derelict vessel as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4)

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict 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(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 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 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 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 and derelict 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 person, firm, or corporation violating this section commits a misdemeanor of the first degree and shall be punished as provided by law. A conviction under this section does not bar the assessment and collection of a civil penalty. The court having jurisdiction over the criminal offense, notwithstanding any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.~~

(a) For a first offense, a vessel owner who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second offense, a vessel owner who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) For a third or subsequent offense, a vessel owner who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(7) A person may not reside or dwell on a vessel determined to be derelict by disposition of a court or administrative order, or where the vessel owner does not challenge the derelict determination pursuant to chapter 120. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Law enforcement has the power and duty to issue orders, perform investigations, complete reports, and perform arrests in connection with such violations to enforce this provision. If a vessel is returned to the waters of this state in a condition that is no longer derelict, a person may reside or dwell on such vessel. The commission may adopt rules to implement this section. If an owner or a responsible party of a vessel determined to be derelict through an administrative or criminal proceeding has been charged by an officer of the commission or any law enforcement agency or officer as specified in s. 327.70 under subsection (6) for a violation of subsection (2), a person may not reside or dwell on such vessel until the vessel is removed from the waters of the state permanently or returned to the waters of the state in a condition that is no longer derelict.~~

Section 8. For the purpose of incorporating the amendment made by this act to section 823.11, Florida Statutes, in a reference thereto, section 327.04, Florida Statutes, is reenacted to read:

327.04 Rules.—The commission may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter, the provisions of chapter 705 relating to vessels, and s. 823.11 conferring powers or duties upon it.

Section 9. For the purpose of incorporating the amendment made by this act to section 823.11, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 327.4108, Florida Statutes, is reenacted to read:

327.4108 Anchoring of vessels in anchoring limitation areas.—

(6)

(d) A vessel that is the subject of more than three violations within 12 months which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and subject to s. 705.103 or, for a derelict vessel, subject to s. 823.11.

Section 10. For the purpose of incorporating the amendments made by this act to sections 327.4107 and 823.11, Florida Statutes, in references thereto, paragraph (d) of subsection (3) of section 327.54, Florida Statutes, is reenacted to read:

327.54 Liveries; safety regulations; penalty.—

(3) A livery may not knowingly lease or rent a vessel to any person:

(d) When the vessel is not seaworthy, is a derelict vessel as defined in s. 823.11, or is at risk of becoming derelict as provided in s. 327.4107.

Section 11. For the purpose of incorporating the amendment made by this act to section 327.73, Florida Statutes, in a reference thereto, subsection (1) of section 705.101, Florida Statutes, is reenacted to read:

705.101 Definitions.—As used in this chapter:

(1) “Abandoned property” means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11 and vessels declared a public nuisance pursuant to s. 327.73(1)(aa).

Section 12. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, subsection (1) of section 705.104, Florida Statutes, is reenacted to read:

705.104 Title to lost or abandoned property.—

(1) Title to lost or abandoned property is hereby vested in the finder upon the expiration of the 90-day custodial time period specified in s. 705.103(2)(b), provided the notice requirements of s. 705.103 have been met, unless the rightful owner or a lienholder claims the property within that time.

Section 13. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, subsection (8) of section 713.585, Florida Statutes, is reenacted to read:

713.585 Enforcement of lien by sale of motor vehicle.—A person claiming a lien under s. 713.58 for performing labor or services on a motor vehicle may enforce such lien by sale of the vehicle in accordance with the following procedures:

(8) A vehicle subject to lien enforcement pursuant to this section must be sold by the lienor at public sale. Immediately upon the sale of the vehicle and payment in cash of the purchase price, the lienor shall deposit with the clerk of the circuit court the proceeds of the sale less the amount claimed by the lienor for work done and storage, if any, and all reasonable costs and expenses incurred in conducting the sale, including any attorney's fees and costs ordered by the court. Simultaneously with depositing the proceeds of sale remaining after payment to the lienor, the lienor shall file with the clerk a verified report of the sale stating a description of the vehicle sold, including the vehicle identification number; the name and address of the purchaser; the date of the sale; and the selling price. The report shall also itemize the amount retained by the lienor pursuant to this section and shall indicate whether a hearing was demanded and held. All proceeds held by the court shall be held for the benefit of the owner of the vehicle or any lienholder whose lien is discharged by the sale and shall be disbursed only upon order of the court. Unless a proceeding is initiated to validate a claim to such proceeds within 1 year and a day from the date of the sale, the proceeds shall be deemed abandoned property and disposition thereof shall be governed by s. 705.103. The clerk shall receive 5 percent of the proceeds deposited with her or him, not to exceed \$25, for her or his services under this section.

Section 14. Except as otherwise provided in this act, this act shall take effect July 1, 2025.

Approved by the Governor June 19, 2025.

Filed in Office Secretary of State June 19, 2025.