

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 1149](#)

**TITLE:** Vessel Accountability

**SPONSOR(S):** Basabe

**COMPANION BILL:** [CS/SB 164](#) (Rodriguez)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Natural Resources & Disasters](#)

15 Y, 1 N

[Criminal Justice](#)

[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill revises various provisions relating to derelict vessels, vessels at risk of becoming derelict (at-risk vessels), and long-term vessel anchoring. Specifically, the bill:

- Expands the types of individuals considered vessel owners for purposes of boating laws.
- Authorizes a law enforcement officer to immediately require a test of a vessel's effective means of propulsion if the owner or operator is present on the vessel.
- Authorizes the Florida Fish and Wildlife Conservation Commission (FWC) to use derelict vessel grant program funds for at-risk vessels.
- The bill requires vessel owners or operators to obtain a long-term, no-cost anchoring permit when engaging in long-term anchoring.
- Requires a vessel that is the subject of three or more violations of any type related to being an at-risk vessel within a 24-month period to be declared a public nuisance.
- Establishes fines for unpermitted long-term anchoring and specifies that a vessel with three or more violations in a 24-month period must be declared a public nuisance.
- Increases penalties for leaving a derelict vessel in state waters for more than 24 hours.
- Makes it a first-degree misdemeanor to reside on a vessel determined by a court or administrative order to be derelict.

### Fiscal or Economic Impact:

The bill may have an insignificant fiscal impact on FWC associated with issuing long-term anchoring permits and enforcing requirements related to the permits.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill revises various provisions relating to [derelict vessels](#), [vessels at risk of becoming derelict](#) (at-risk vessels), and long-term vessel anchoring.

### Vessel Ownership

The bill revises the definition of "owner" to expand the types of individuals who are considered vessel owners for purposes of boating laws. Specifically, the bill changes the term from "owner" to "vessel owner" and adds the following persons to the definition:

- A person identified in the records of the Department of Highway Safety and Motor Vehicles (DHSMV), or other state equivalent, as the title certificate holder of the vessel.
- A person identified as the buyer, transferee, or new owner in a notice filed with DHSMV of the transfer of all or part of a person's interest in a vessel or of the destruction or abandonment of a vessel.<sup>1</sup>

<sup>1</sup> This notice is filed pursuant to s. [328.64\(1\), F.S.](#)

- 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.
- 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 [1](#))

The bill specifies that the title of a derelict vessel is prima facie evidence of ownership for any derelict vessel left on waters of the state. An owner who attempts to transfer ownership of a vessel through means other than the process outlined in law will not be exonerated from the responsibility of having a derelict vessel on waters of the 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. (Section [7](#))

The bill specifies that, for purposes of the procedure for lost or abandoned property, the term “owner” has the same meaning as “vessel owner,” defined above. (Section [6](#))

The bill specifies that the prohibition against leaving a derelict vessel upon waters of the state applies to “vessel owners,” as that term is defined above. (Section [7](#))

### **At-risk Vessels**

The bill authorizes a law enforcement officer to immediately require a test of a vessel’s effective means of propulsion for safe navigation if the owner or operator is present on the vessel. If the owner or operator is not present, the test must be conducted in the presence of a law enforcement officer within 48 hours after the owner or operator receives notice from an officer. (Section [2](#))

The bill expands the scope of the Fish and Wildlife Conservation Commission’s (FWC’s) local government grant program that funds derelict vessel removal and disposal to authorize FWC to use such funds for the derelict vessel prevention program for at-risk vessels. (Section [7](#))

The bill requires a vessel that is the subject of three or more violations of any type related to being an at-risk vessel within a 24-month period to be declared a public nuisance. Currently, such declaration must be made if a vessel is the subject of three or more violations in an 18-month period, and the violations must be the same specific type of violation (e.g. the vessel is listing, the vessel does not have effective means of propulsion, the vessel is tied to an unlawful structure, etc.). The bill also specifies that failure to appear at a hearing or failure to pay the required civil penalty is categorized as a disposition other than acquittal or dismissal, unless it is excused or set aside by the court for good cause shown. (Section [5](#))

### **Long-term Anchoring**

The bill requires vessel owners or operators to obtain a long-term, no-cost anchoring permit when engaging in long-term anchoring, which is defined as anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 days or more within a 30-day period. A permit will be required for long-term anchoring beginning on January 1, 2026. (Section [3](#))

The bill requires FWC to issue a free permit for long-term anchoring upon receiving an application that includes certain information. Specifically, the application must include the following information on the vessel owner or operator:

- Name.
- Mailing address.
- Telephone number.
- Email address.
- Birth date.
- Driver license number, if applicable. (Section [3](#))

The application must also include the following information on the vessel:

- Make.
- Model.
- Year.

- Style.
- Hull identification number.
- Registration number or U.S. Coast Guard documentation, if applicable.
- Vessel name, if applicable. (Section [3](#))

In addition, the application must include information regarding the location where the vessel will be anchored. It must also provide notice that the permit may be revoked if the vessel is derelict, is at risk of becoming derelict, or is in violation of marine sanitation requirements. (Section [3](#))

The bill allows a person to obtain more than one long-term anchoring permit; however, each permit is specific to one vessel. A permit must be renewed or updated for each long-term anchoring location and will expire one year from its date of issuance. The bill provides that a permit may be revoked if the permitted vessel is derelict, is at risk of becoming derelict, or is operated or occupied on waters of the state in violation of marine sanitation laws.<sup>2</sup> (Section [3](#))

A long-term anchoring permit is not required if a vessel is docked at a public or private dock or moored to a permitted mooring buoy. In addition, the following vessels are exempt from long-term permitting requirements:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets. (Section [3](#))

The bill provides that a person who engages in long-term anchoring without a valid permit commits a noncriminal infraction, for which the penalty is:

- Up to \$100 for a first offense;
- Up to \$250 for a second offense; and
- Up to \$500 for a third or subsequent offense. (Sections [3](#) and [5](#))

The bill specifies that such noncriminal violation may be enforced by a uniform boating citation issued to the owner or operator of a vessel engaged in unlawful long-term anchoring. (Section [4](#))

The bill provides that a vessel that is the subject of three or more violations of engaging in long-term anchoring without a permit within a 24-month period, which all result in dispositions other than acquittal or dismissal, must be declared a public nuisance and subject to removal or disposal. Failure to appear at a hearing or to pay the required civil penalty<sup>3</sup> is categorized as a disposition other than acquittal or dismissal, unless it is excused or set aside by the court for good cause shown. (Section [5](#))

The bill authorizes FWC or a law enforcement officer to relocate or remove such public nuisance vessels or cause public nuisance vessels to be relocated or removed from waters of the state. Law enforcement will not be held responsible for damages to the vessel resulting from relocation or removal, unless the damage is the result of gross negligence or willful misconduct.<sup>4</sup> (Section [5](#))

The bill authorizes FWC to adopt rules to implement the long-term anchoring permit. (Section [3](#))

## **Citations**

<sup>2</sup> Marine sanitation laws are found in s. [327.53, F.S.](#)

<sup>3</sup> The civil penalty is required by s. [327.72, F.S.](#), which provides that any person failing to comply with the provisions of ch. 327, F.S., or not paying the civil penalty specified in s. [327.73, F.S.](#), within 30 days, except as otherwise provided in chs. 327 or 328, F.S., commits a misdemeanor of the second degree, punishable as provided in s. [775.082, F.S.](#), or s. [775.083, F.S.](#)

<sup>4</sup> Gross negligence is defined as “conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.” Willful misconduct is defined as “conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.” Section [823.11\(1\), F.S.](#)

The bill specifies that the following noncriminal violations may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on waters of the state:

- Operating, using, or storing a vessel with an expired registration on waters of the state; and
- Anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 or more days within a 30-day period without a long-term anchoring permit. (Section [4](#))

### **Other Penalties**

The bill increases penalties for leaving a derelict vessel in state waters for more than 24 hours. Currently, any violation is a first-degree misdemeanor. Under the bill, the first offense remains a first-degree misdemeanor, the second offense is a third-degree felony, and third and subsequent offenses are second-degree felonies. (Section [7](#))

The bill also makes it a first-degree misdemeanor to reside on a vessel determined by a court or administrative order to be derelict.<sup>5</sup> This offense is punishable by imprisonment of up to one year. The bill provides that law enforcement officers have the power and duty to issue orders, perform investigations, complete reports, and perform arrests to enforce this provision. The bill authorizes FWC to adopt implementing rules. (Section [7](#))

### **Effective Dates**

The effective date for the requirements related to long-term anchoring permits is January 1, 2026. (Section [3](#))

The effective date of the other provisions of the bill is July 1, 2025. (Section [14](#))

### **RULEMAKING:**

The bill authorizes FWC to adopt rules to implement the long-term anchoring permit and the penalties related to residing on a derelict vessel.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

### **FISCAL OR ECONOMIC IMPACT:**

#### **STATE GOVERNMENT:**

The bill may have an insignificant fiscal impact on FWC associated with issuing long-term anchoring permits and enforcing requirements related to the permits.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **Derelict Vessels**

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.<sup>6</sup> As of January 2025, there were 1,040 derelict vessels in the Florida Fish and Wildlife Conservation Commission's (FWC's) derelict vessel database.<sup>7</sup>

A derelict vessel is a vessel that is in a wrecked,<sup>8</sup> junked,<sup>9</sup> or substantially dismantled<sup>10</sup> condition upon any public waters of the state;<sup>11</sup> at a port in the state without the consent of the agency that has jurisdiction of the port; or

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<sup>5</sup> The derelict determination may be challenged pursuant to ch. 120, F.S., relating to administrative procedure.

<sup>6</sup> Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study*, 61 (Sept. 2023), available at <https://myfwc.com/media/long-term-stored-vessel-study.pdf>.

<sup>7</sup> FWC, *Derelict Vessels Presentation*, 2 (Feb. 4, 2025), available at [https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/6285/10953\\_MeetingPacket\\_6285.pdf](https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/6285/10953_MeetingPacket_6285.pdf).

docked, grounded, or beached on the property of another without their consent.<sup>12</sup> It is unlawful for a person, firm, or corporation to leave any derelict vessel on waters of the state.<sup>13</sup>

An FWC officer, or other law enforcement agency or officer,<sup>14</sup> is authorized to relocate, remove, and store a derelict vessel if it obstructs or might obstruct navigation or if it endangers property, persons, or the environment.<sup>15</sup> Law enforcement officers who relocate, remove, and store a derelict vessel are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>16</sup>

When a derelict vessel is docked, grounded, or beached on private property without the property owner's consent, the property owner may remove the vessel at the vessel owner's expense 60 days after providing written notice to the vessel owner.<sup>17</sup> The notice must be delivered in person or by certified mail and conspicuously posted at the marina and on the vessel.<sup>18</sup>

It is a first degree misdemeanor to leave a derelict vessel on waters of the state, and a court may order the imposition of a civil penalty in addition to any sentence imposed for the first offense.<sup>19</sup> A conviction will not bar the assessment and collection of a civil penalty.<sup>20</sup> If the owner or responsible party has been convicted of leaving a derelict vessel on waters of the state, they are prohibited from residing or dwelling on the vessel until it is permanently removed.<sup>21</sup> They may reside or dwell on the vessel if it is returned to waters of the state when it is no longer derelict.<sup>22</sup>

The average cost to remove a derelict vessel from waters of the state is \$750 per foot.<sup>23</sup> The average length of derelict vessels removed is 32 feet. In 2020, the total cost of derelict vessel removal was almost \$2 million. That

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<sup>8</sup> 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. Section [823.11\(1\)\(b\), F.S.](#)

<sup>9</sup> 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 the motor is not an effective means of propulsion. Section [823.11\(1\)\(b\), F.S.](#)

<sup>10</sup> A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or 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 the motor is not an effective means of propulsion. Section [823.11\(1\)\(b\), F.S.](#)

<sup>11</sup> "Waters of this state" are defined as any navigable waters of the United States within the territorial limits of the state, the marginal sea adjacent to the state, and the high seas when navigated as a part of a journey or ride to or from the shore of the state, and all the inland lakes, rivers, and canals under the jurisdiction of the state. Section [327.02\(48\), F.S.](#)

<sup>12</sup> Section [823.11\(1\)\(b\), F.S.](#)

<sup>13</sup> Section [823.11\(2\), F.S.](#) The term "leave" means to allow a vessel to remain occupied or unoccupied on waters of the state for more than 24 hours.

<sup>14</sup> Law enforcement agencies or officers specified in s. [327.70, F.S.](#), include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in s. [943.10, F.S.](#) As defined in s. [943.10\(1\), F.S.](#), a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

<sup>15</sup> Section [823.11\(3\), F.S.](#)

<sup>16</sup> *Id.*

<sup>17</sup> Section [823.11\(5\), F.S.](#)

<sup>18</sup> *Id.* These notice requirements are found in s. [328.17\(5\), F.S.](#)

<sup>19</sup> Section [823.11\(6\), F.S.](#)

<sup>20</sup> *Id.*

<sup>21</sup> Section [823.11\(7\), F.S.](#)

<sup>22</sup> *Id.*

<sup>23</sup> FWC, *Derelict Vessels Presentation*, 9 (Feb. 5, 2025), available at [https://www.flsenate.gov/Committees/Show/AEG/MeetingPacket/6293/10975\\_MeetingPacket\\_6293\\_2.pdf](https://www.flsenate.gov/Committees/Show/AEG/MeetingPacket/6293/10975_MeetingPacket_6293_2.pdf).

increased to almost \$5 million in 2021, to approximately \$6 million in 2022, to approximately \$7 million in 2023, and almost \$13 million in 2024.<sup>24</sup>

### **Vessels at Risk of Becoming Derelict**

To prevent neglected or deteriorating vessels from reaching a likely and foreseeable state of disrepair, a vessel that is at risk of becoming derelict (at-risk vessel) may not be present on waters of the state.<sup>25</sup>

A vessel may be determined to be an at-risk vessel if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion;
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives notice;<sup>26</sup> or
- The vessel is tied to an unlawful or unpermitted structure or mooring.<sup>27</sup>

If a vessel does not have an effective means of propulsion, a vessel owner or operator may provide a receipt, proof of purchase, or other documentation showing that the parts necessary to repair the vessel have been ordered.<sup>28</sup>

It is a noncriminal infraction to anchor or moor an at-risk vessel on waters of the state, which is punishable by a civil penalty that increases for subsequent violations.<sup>29</sup> A first offense results in a \$100 fine, a second offense that occurs at least 30 days after the first results in a \$250 fine, and a third or subsequent offense that occurs at least 30 days after the previous offense results in a \$500 fine.<sup>30</sup>

A law enforcement officer may relocate an at-risk vessel to a distance greater than 20 feet from mangroves or upland vegetation and is protected from liability for damages caused by relocating the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>31</sup>

### ***Vessels Declared to be a Public Nuisance***

If a vessel is the subject of three or more violations issued because of the same condition of being an at-risk vessel within an 18-month period, the vessel may be declared a public nuisance.<sup>32</sup> Law enforcement officers may relocate or remove public nuisance vessels from waters of the state and are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>33</sup>

### **Derelict and Public Nuisance Vessel Removal Procedure**

If a law enforcement officer ascertains that a derelict vessel or a vessel declared a public nuisance is present on waters of the state, the officer must place a notice on the vessel stating that the vessel must be removed by the owner within 21 days.<sup>34</sup> The notice must inform the owner or interested parties that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law. It must also give notice that if the vessel is not removed by the owner, then the owner or responsible party will be liable for the costs of removal, destruction, and disposal.<sup>35</sup>

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<sup>24</sup> *Id.*

<sup>25</sup> Section [327.4107\(1\), F.S.](#)

<sup>26</sup> Notice may be telephonic, in-person recorded on an agency-approved body camera, or written and provided by facsimile, electronic mail, or other electronic means. Section [327.4107\(2\), F.S.](#)

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Section [327.4107\(3\), F.S.](#); section [327.73\(1\)\(aa\), F.S.](#)

<sup>30</sup> Section [327.73\(1\)\(aa\), F.S.](#)

<sup>31</sup> Section [327.4107\(5\), F.S.](#)

<sup>32</sup> Section [327.73\(1\), F.S.](#)

<sup>33</sup> *Id.*

<sup>34</sup> Section [705.103\(2\)\(a\)1.b., F.S.](#)

<sup>35</sup> *Id.*

In addition to posting the notice on the vessel, the law enforcement officer must also mail a copy of the notice to the owner, if the officer is able to determine the owner's name and address after reasonable efforts.<sup>36</sup> If the owner or any interested person has not removed the vessel or requested a hearing within 21 days of the notice being posted and mailed, the law enforcement agency or its designee may:

- Remove, destroy, and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef if all necessary authorizations are received.<sup>37</sup>

The owner or responsible party who does not remove the derelict or public nuisance vessel from waters of the state following the receipt of notice will be liable for all costs of removal, storage, destruction, and disposal of the vessel, less any salvage value.<sup>38</sup> The owner or responsible party who refuses to pay these costs will not be issued a certificate of registration for the derelict or public nuisance vessel or any other vessel.<sup>39</sup>

### **Derelict Vessel Prevention Programs**

FWC is authorized to establish a derelict vessel prevention program to address at-risk vessels.<sup>40</sup> The program is not required to, but may include:

- Removing, relocating, and destroying vessels that are declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned;
- Creating a vessel turn-in program that allows the owner of an at-risk vessel to turn over their vessel and title to FWC to be destroyed without penalty;
- Removing and destroying abandoned vessels;
- Purchasing anchor lines, anchors, and other equipment to secure at-risk vessels; and
- Creating or acquiring moorings designated for securing at-risk vessels.<sup>41</sup>

Pursuant to this authorization, FWC established the Florida Vessel Turn-in Program, which allows vessel owners who have received a written citation or warning that their vessel is at risk to have the vessel removed, destroyed, and disposed of at no cost to the owner.<sup>42</sup> Removal of vessels eligible for the Vessel Turn-in Program and local government efforts to remove derelict and public nuisance vessels are funded by grants from FWC.<sup>43</sup>

### **Long-term Anchoring**

FWC's Long-term Stored Vessel Study found that a correlation exists between the number of "long-term stored vessels" and the incidence of derelict vessels.<sup>44</sup> The study was unable to conclude the extent to which long-term stored vessels contribute to the number of derelict vessels because of the absence of tracking data.<sup>45</sup> As part of the study, FWC identified 691 popular overnight anchoring locations.<sup>46</sup> Of these unmanaged anchoring areas, 319 were used primarily for long-term storage, 243 were used primarily by transient cruising vessels for short overnight stays, and 129 were used for an indeterminate mixture of storage and cruising.<sup>47</sup>

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<sup>36</sup> Section [705.103\(2\)\(a\)2., F.S.](#)

<sup>37</sup> *Id.*

<sup>38</sup> Section [705.103\(4\), F.S.](#)

<sup>39</sup> *Id.*

<sup>40</sup> Section [327.4107\(7\), F.S.](#)

<sup>41</sup> *Id.*

<sup>42</sup> FWC, *Florida Vessel Turn-in Program*, <https://myfwc.com/boating/waterway/vtip/> (last visited Mar. 20, 2025).

<sup>43</sup> *Id.*; FWC, *Derelict Vessel Removal Grant Program*, <https://myfwc.com/boating/grants-programs/derelict-vessel/> (last visited Mar. 20, 2025).

<sup>44</sup> Atkins and Vogel Group, *Florida's Long-term Stored Vessel Study* at 129. A long-term stored vessel is a vessel on waters of the state which is not under the supervision and control of a person capable of operating, maintaining, or moving it from one location to another and which has remained anchored or moored outside of a public mooring field for at least 30 days out of a 60-day period. *Id.* at 136.

<sup>45</sup> *Id.* at 129.

<sup>46</sup> *Id.* at 48.

<sup>47</sup> *Id.*

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## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Natural Resources &amp; Disasters Subcommittee</a>	15 Y, 1 N	3/25/2025	Moore	Moore
<a href="#">Criminal Justice Subcommittee</a>				
<a href="#">State Affairs Committee</a>				