

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

601-03467-25

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1 A bill to be entitled
2 An act relating to the disposition of migrant vessels;
3 amending s. 823.11, F.S.; defining the term "migrant
4 vessel"; revising provisions concerning relocation or
5 removal of certain vessels to include migrant vessels;
6 amending s. 705.103, F.S.; providing procedures for
7 law enforcement officers concerning disposition of
8 migrant vessels; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Present paragraph (d) of subsection (1) of
13 section 823.11, Florida Statutes, is redesignated as paragraph
14 (e), a new paragraph (d) is added to that subsection, and
15 paragraph (a) of subsection (2) and subsection (4) of that
16 section are amended, to read:

17 823.11 Derelict and migrant vessels; relocation or removal;
18 penalty.—

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

20 (d) "Migrant vessel" means an irregularly constructed and
21 equipped maritime vessel designed, intended, or used for the
22 purpose of undocumented immigrant transportation which was built
23 or assembled using or combining makeshift or improvised
24 materials or material components and meets at least one of the
25 following criteria:

26 1. The vessel was not constructed by a boat manufacturer.

27 2. The vessel was not assigned a hull identification
28 number.

29 (2) (a) A person, firm, or corporation may not leave any

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30 derelict or migrant vessel upon waters of this state. For
31 purposes of this paragraph, the term "leave" means to allow a
32 vessel to remain occupied or unoccupied on the waters of this
33 state for more than 24 hours.

34 (4) (a) Removal of derelict vessels or migrant vessels under
35 this subsection may be funded by grants provided in s. 206.606.

36 (b) The commission may implement a plan for the procurement
37 of any available federal disaster funds and use such funds for
38 the removal of derelict vessels or migrant vessels.

39 (c) The commission may establish a program to provide
40 grants to local governments for the removal, storage,
41 destruction, and disposal of derelict vessels or migrant vessels
42 from the waters of this state. This grant funding may also be
43 used for the removal, storage, destruction, and disposal of
44 vessels declared a public nuisance pursuant to s. 327.73(1)(aa).
45 The program must be funded from the Marine Resources
46 Conservation Trust Fund or the Florida Coastal Protection Trust
47 Fund. Notwithstanding s. 216.181(11), funds available for these
48 grants may only be authorized by appropriations acts of the
49 Legislature. In a given fiscal year, if all funds appropriated
50 pursuant to this paragraph are not requested by and granted to
51 local governments for the removal, storage, destruction, and
52 disposal of derelict vessels, migrant vessels, or vessels
53 declared a public nuisance pursuant to s. 327.73(1)(aa) by the
54 end of the third quarter, the Fish and Wildlife Conservation
55 Commission may use the remainder of the funds to remove, store,
56 destroy, and dispose of, or to pay private contractors to
57 remove, store, destroy, and dispose of, derelict vessels,
58 migrant vessels, or vessels declared a public nuisance pursuant

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59 to s. 327.73(1)(aa). The commission shall adopt by rule
60 procedures for local governments to submit a grant application
61 and criteria for allocating available funds. Such criteria must
62 include, at a minimum, the following:

63 1. The number of derelict vessels and migrant vessels
64 within the jurisdiction of the applicant.

65 2. The threat posed by such vessels to public health or
66 safety, the environment, navigation, or the aesthetic condition
67 of the general vicinity.

68 3. The degree of commitment of the local government to
69 maintain waters free of abandoned, ~~and~~ derelict, and migrant
70 vessels and to seek legal action against those who abandon
71 vessels in the waters of this state as defined in s. 327.02.

72 Section 2. Paragraph (a) of subsection (2) of section
73 705.103, Florida Statutes, is amended to read:

74 705.103 Procedure for abandoned or lost property.—

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

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

83
84 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE
85 ATTACHED PROPERTY. This property, to wit: ...(setting
86 forth brief description)... is unlawfully upon public
87 property known as ...(setting forth brief description

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88 of location)... and must be removed within 5 days;
89 otherwise, it will be removed and disposed of pursuant
90 to chapter 705, Florida Statutes. The owner will be
91 liable for the costs of removal, storage, and
92 publication of notice. Dated this: ...(setting forth
93 the date of posting of notice)..., signed: ...(setting
94 forth name, title, address, and telephone number of
95 law enforcement officer)....

96
97 b. A derelict vessel or a vessel declared a public nuisance
98 pursuant to s. 327.73(1)(aa) is present on the waters of this
99 state, the officer shall cause a notice to be placed upon such
100 vessel in substantially the following form:

101
102 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE
103 ATTACHED VESSEL. This vessel, to wit: ...(setting
104 forth brief description of location)... has been
105 determined to be ...(derelict or a public nuisance)...
106 and is unlawfully upon the waters of this state
107 ...(setting forth brief description of location)...
108 and must be removed within 21 days; otherwise, it will
109 be removed and disposed of pursuant to chapter 705,
110 Florida Statutes. The owner and other interested
111 parties have the right to a hearing to challenge the
112 determination that this vessel is derelict or
113 otherwise in violation of the law. Please contact
114 ...(contact information for person who can arrange for
115 a hearing in accordance with this section).... The
116 owner or the party determined to be legally

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117 responsible for the vessel being upon the waters of
118 this state in a derelict condition or as a public
119 nuisance will be liable for the costs of removal,
120 destruction, and disposal if this vessel is not
121 removed by the owner. Dated this: ...(setting forth
122 the date of posting of notice)..., signed: ...(setting
123 forth name, title, address, and telephone number of
124 law enforcement officer)....

125
126 2. The notices required under subparagraph 1. may not be
127 less than 8 inches by 10 inches and must be sufficiently
128 weatherproof to withstand normal exposure to the elements. In
129 addition to posting, the law enforcement officer shall make a
130 reasonable effort to ascertain the name and address of the
131 owner. If such is reasonably available to the officer, she or he
132 shall mail a copy of such notice to the owner on the date of
133 posting or as soon thereafter as is practical. If the property
134 is a motor vehicle as defined in s. 320.01(1) or a vessel as
135 defined in s. 327.02, except a migrant vessel as defined in s.
136 823.11, the law enforcement agency shall contact the Department
137 of Highway Safety and Motor Vehicles in order to determine the
138 name and address of the owner and any person who has filed a
139 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
140 or s. 328.15. On receipt of this information, the law
141 enforcement agency shall mail a copy of the notice by certified
142 mail, return receipt requested, to the owner and to the
143 lienholder, if any, except that a law enforcement officer who
144 has issued a citation for a violation of s. 823.11 to the owner
145 of a derelict vessel is not required to mail a copy of the

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

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

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

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

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

184 c. For a migrant vessel, as defined in s. 823.11, the law
185 enforcement agency or its designee may remove the vessel from
186 the waters of this state and destroy and dispose of the vessel
187 or authorize another governmental entity or its designee to do
188 so.

189

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

197 Section 3. This act shall take effect July 1, 2025.