

Introduced by Council Members Gay, Peluso, and Amaro and Co-Sponsored
by Council Members Carlucci, Lahnen and Johnson and amended by the
Neighborhoods, Community Services, Public Health and Safety
Committee:

ORDINANCE 2025-432-E

AN ORDINANCE REGARDING WATERCRAFT REGULATION;
AMENDING PART 1 (WATERCRAFT REGULATIONS),
CHAPTER 388 (BOATS AND WATERWAYS), *ORDINANCE
CODE*, TO UPDATE FINDINGS AND LEGISLATIVE INTENT,
CLARIFY AND UPDATE DEFINITIONS, CONSOLIDATE INTO
ONE PART THE ADMINISTRATIVE PROCEDURES THAT
APPLY ACROSS THE CHAPTER AND CLARIFY ENFORCEMENT
AUTHORITY; REPEALING PART 2 (ENFORCEMENT
AUTHORITY), CHAPTER 388 (BOATS AND WATERWAYS),
ORDINANCE CODE, IN ITS ENTIRETY; CREATING A NEW
PART 2 (FLOATING STRUCTURES), CHAPTER 388 (BOATS
AND WATERWAYS), *ORDINANCE CODE*, TO CONSOLIDATE
THE PROVISIONS PERTAINING TO FLOATING STRUCTURES
INTO ONE PART, SPECIFY NOTIFICATION AND CITATION
PROCEDURES, CLARIFY PENALTIES FOR VIOLATIONS,
CLARIFY REMOVAL PROCEDURES AND PROVIDE
PROCEDURES FOR DISPOSAL OF LOST OR ABANDONED
FLOATING STRUCTURES; REPEALING PART 3
(VIOLATIONS, PENALTIES AND ENFORCEMENT),
CHAPTER 388 (BOATS AND WATERWAYS), *ORDINANCE
CODE*, IN ITS ENTIRETY; CREATING A NEW PART 3
(DERELICT VESSELS, AT-RISK PUBLIC NUISANCE
VESSELS, VESSELS INTERFERING WITH NAVIGATION),
CHAPTER 388 (BOATS AND WATERWAYS), *ORDINANCE*

1 *CODE*, TO PROVIDE DEFINITIONS, PROVIDE PROCEDURES
2 FOR LOCAL ENFORCEMENT OF DERELICT VESSELS, AT-
3 RISK PUBLIC NUISANCE VESSELS AND VESSELS
4 INTERFERING WITH NAVIGATION, PROVIDE PROCESS FOR
5 REMOVAL OF VESSELS, PROVIDE PROCESS FOR
6 NOTIFICATION AND CITATIONS, PROVIDE PENALTIES
7 FOR VIOLATIONS, TO ESTABLISH LOCAL
8 ADMINISTRATIVE HEARING PROCEDURE FOR CHALLENGES
9 TO INTENT TO REMOVE DERELICT VESSELS, AT-RISK
10 PUBLIC NUISANCE VESSELS AND ANCHORING
11 LIMITATION/PUBLIC NUISANCE VESSELS; AMENDING
12 PART 4 (ANCHORING LIMITATION AREAS), CHAPTER 388
13 (BOATS AND WATERWAYS), *ORDINANCE CODE*, TO
14 SPECIFY NOTIFICATION AND CITATION PROCEDURES,
15 UPDATE PENALTIES, CLARIFY REMOVAL PROCEDURES,
16 ESTABLISH ANCHORING LIMITATION/PUBLIC NUISANCE
17 VESSEL LOCAL PROCESS AND CRITERIA, PROVIDE LOCAL
18 ADMINISTRATIVE PROCEDURE FOR CHALLENGES TO
19 INTENT TO REMOVE ANCHORING LIMITATION/PUBLIC
20 NUISANCE VESSELS AND PROVIDE LOCAL PROCESS FOR
21 DISPOSAL OF VESSELS; CREATING A NEW PART 5
22 (ABANDONED VESSELS; LOST VESSELS), CHAPTER 388
23 (BOATS AND WATERWAYS), *ORDINANCE CODE*, TO
24 PROVIDE DEFINITIONS, PROVIDE LOCAL PROCESS FOR
25 REMOVAL OF VESSELS, PROVIDE PROCESS FOR
26 NOTIFICATION AND CITATIONS, PROVIDE PENALTIES
27 FOR VIOLATIONS AND PROVIDE FOR DISPOSAL OF
28 VESSELS; REPEALING AND RESERVING SECTION 360.104
29 (INDIVIDUAL ENJOYMENT AND RESPONSIBILITY), PART
30 1 (PUBLIC POLICY; GENERAL PROVISIONS), CHAPTER

360 (ENVIRONMENTAL REGULATION), *ORDINANCE CODE*,
IN ITS ENTIRETY; AMENDING SECTION 360.107
(ADMINISTRATION), PART 1 (PUBLIC POLICY; GENERAL
PROVISIONS), CHAPTER 360 (ENVIRONMENTAL
REGULATION), *ORDINANCE CODE*, TO REMOVE LANGUAGE
INCONSISTENT WITH CHAPTER 388, PART 1, *ORDINANCE
CODE*; CREATING A NEW SECTION 360.404.2 (HEARINGS
ON ADMINISTRATIVE DECLARATIONS REGARDING
DERELICT VESSELS, AT-RISK/PUBLIC NUISANCE
VESSELS, AND ANCHORING LIMITATION/PUBLIC
NUISANCE VESSELS), PART 4 (ENFORCEMENT), CHAPTER
360 (ENVIRONMENTAL REGULATION), *ORDINANCE CODE*,
TO PROVIDE FOR AUTHORITY OF THE ENVIRONMENTAL
PROTECTION BOARD TO HEAR CHALLENGES TO INTENT TO
REMOVE CERTAIN VESSELS; AMENDING SEC. 23.801
(ESTABLISHMENT; FUNCTIONS), PART 8
(ENVIRONMENTAL QUALITY DIVISION), CHAPTER 23
(OFFICE OF ADMINISTRATIVE SERVICES), *ORDINANCE
CODE*, TO REMOVE LANGUAGE INCONSISTENT WITH
CHAPTER 388, *ORDINANCE CODE*; AMENDING SECTION
34.301 (Establishment; functions), PART 3
(MUNICIPAL CODE COMPLIANCE DIVISION), CHAPTER 34
(NEIGHBORHOODS DEPARTMENT), *ORDINANCE CODE*, TO
REMOVE LANGUAGE INCONSISTENT WITH CHAPTER 388,
ORDINANCE CODE; CREATING A NEW SECTION 670.111
(ABANDONED VESSELS), CHAPTER 670 (ABANDONED
PROPERTY), *ORDINANCE CODE*, TO EXCEPT FROM THE
CHAPTER VESSELS WITHIN THE MEAN HIGH WATER LINE;
AMENDING SECTION 28.802 (TRESPASS PROCEDURES),
PART 8 (TRESPASS IN PUBLIC PARKS; VIOLATION AND

1 APPEAL), CHAPTER 28 (PARKS, RECREATION AND
2 COMMUNITY SERVICES), *ORDINANCE CODE*, TO PROVIDE
3 FOR AN ENHANCED PENALTY FOR REPEAT VIOLATORS
4 INCLUDING DOCKS; PROVIDING THAT COUNCIL IS
5 EXERCISING COUNTY POWERS; PROVIDING FOR
6 CODIFICATION INSTRUCTIONS; PROVIDING AN
7 EFFECTIVE DATE.

8
9 **WHEREAS,** the Jacksonville Waterways Commission is committed to
10 the protection of Jacksonville waterways and the citizens of
11 Jacksonville; and

12 **WHEREAS,** the Jacksonville Waterways Commission created a
13 committee entitled the "Derelict Vessels and Floating Structures
14 Committee", and then the "Derelict Vessel Task Force", in order to
15 focus on the many citizen complaints heard by the Commission, Council
16 Members, and the Mayor's Office involving sunken boats, partially
17 sunken boats, and boats or other structures deteriorating while at
18 anchor or adrift on the waters of Duval County; and

19 **WHEREAS,** the Derelict Vessel and Floating Structures
20 Committee, and later, the Derelict Vessel Task Force, met to gather
21 citizen and City staff input, and research ways to combat the problem;
22 and

23 **WHEREAS,** the Florida legislature has specifically authorized
24 local governments, pursuant to Section 327.60, Florida Statutes,
25 (Local regulations; limitations), to regulate floating structures,
26 live aboard vessels, and commercial vessels (excluding commercial
27 fishing vessels) within their jurisdictions; and

28 **WHEREAS,** the City has the authority to provide by ordinance a
29 process for the local removal and disposition, including destruction,
30 of derelict vessels pursuant to Section 705.103(2)(a)2, Florida

1 Statutes, in accordance with Section 823.11, Florida Statutes, and
2 vessels deemed a public nuisance pursuant to Section 705.103(2)(a)2,
3 Florida Statutes, and in accordance with Section 327.4108(6)(d),
4 Florida Statutes; and

5 **WHEREAS**, by Section 327.4108, Florida Statutes, the Florida
6 Legislature expressly authorized counties meeting certain criteria
7 to enact regulations that establish anchoring limitation areas
8 adjacent to urban areas that have residential docking facilities and
9 significant recreational boating traffic; and

10 **WHEREAS**, the City is acting under its authority as a chartered
11 County government pursuant to Section 1.101 of the City Charter and
12 Section 4.102, *Ordinance Code*, meeting the criteria established in
13 Section 327.4108, Florida Statutes, created Part 4 of Chapter 388,
14 *Ordinance Code*, through Ordinance 2022-61-E, to establish Anchoring
15 Limitation Areas within its jurisdiction; and

16 **WHEREAS**, the Florida Legislature, by Chapter 24-174, Laws of
17 Florida, amended Section 327.4108, Florida Statutes, and for the
18 purpose of alignment with the Florida Statutes, Part 4 of Chapter 388
19 is due to be revised; and

20 **WHEREAS**, on September 19, 2024, the Derelict Vessel Task Force
21 voted to recommend this legislation to the full Waterways Commission
22 as a continuation and strengthening of the laws put forward in
23 Ordinance 2020-589-E to combat the dangerous and unsanitary condition
24 presented by floating structures, derelict vessels, and abandoned or
25 lost vessels; and

26 **WHEREAS**, on November 14, 2024, the Waterways Commission voted
27 to request the Office of General Counsel draft legislation to
28 strengthen and clarify enforcement concerning floating structures,
29 derelict vessels, vessels as navigational hazards, and abandoned or
30 lost vessels, for consideration by the City Council, to promote public

1 health, safety and welfare on the waterways of the county, to reduce
2 potential hazards to safe navigation and commercial or recreational
3 use of county waters, to reduce sources of pollution of county waters,
4 sources of degradation of the aesthetic value of county waters and
5 shoreline, and hazards to waterfront property and public safety during
6 severe weather, to protect county infrastructure, and to promote the
7 safe beneficial public use and enjoyment of the waters of the county;

8 **WHEREAS**, on March 13, 2025, the Waterways Commission voted
9 approval of the draft of the legislation in substantial form; now
10 therefore

11 **BE IT ORDAINED** by the Council of the City of Jacksonville:

12 **Section 1. Amending Part 1 (Watercraft Regulations),**
13 **Chapter 388 (Boats and Waterways), Ordinance Code.** Part 1 (Watercraft
14 Regulations), Chapter 388 (Boats and Waterways), *Ordinance Code*, is
15 hereby amended to read as follows:

16 **Chapter 388 - BOATS AND WATERWAYS**

17 **PART 1. - FINDINGS AND LEGISLATIVE INTENT; DEFINITIONS;**

18 **ADMINISTRATION AND ENFORCEMENT ~~WATERCRAFT REGULATIONS~~**

19 **Sec. 388.101. - Findings and legislative intent.**

20 (a) Pursuant to Florida Statute § 327.60(3), ~~F.S.~~ (2019), the
21 Florida Legislature has expressly authorized local governments to
22 enact regulations that prohibit or restrict the mooring or anchoring
23 of floating structures, live-aboard vessels, or commercial vessels,
24 (excluding commercial fishing vessels, as defined in Section 327.02,
25 Florida Statute), within the local government's jurisdiction.

26 (b) Insecure and improper mooring or anchoring of vessels on the
27 waters of the county, particularly with no anchor watch, increases
28 the danger of grounding and breaking loose of vessels and thereby
29 endangers navigation, life and property; insecurely and improperly
30 moored vessels have broken loose in the past and damaged bridges,

1 structures, infrastructure and other valuable property.

2 Pursuant to Section 327.02(14), F.S., the Florida Legislature
3 has defined "floating structures" and has expressly excluded
4 "floating structures" from the definition of the term "vessel."

5 (c) Vessels on the waters of the county that remain anchored
6 or moored in the same location for over 10 days out of a 30-day period
7 not under the supervision and control of a person capable of
8 operating, maintaining, or moving it from one location to another,
9 demonstrates that the vessel is no longer engaged in the exercise of
10 navigation, and such vessels are known to be contributors to abandoned
11 and derelict vessels and conflicts with the Public Trust Doctrine,
12 which holds and protects sovereign submerged lands and the water
13 column above it for the benefit and use of the public.

14 A "Floating Structure" is defined in Section 388.102, below.

15 (d) Unattended vessels that remain on the waters of the county,
16 whether at-risk or derelict, through deterioration cause physical
17 damage to the surrounding ecosystems through the proliferation of
18 marine debris, or the threat of discharge of sewage, oil and/or
19 hazardous substances into the marine environment, and cause damage
20 to infrastructure, including collisions with docks, bridges, and
21 power lines, and contribute to the obstruction and loss of use of the
22 waterways, public docks and boat ramps and pose a risk to public
23 safety and the environment. Prohibiting vessels from becoming
24 unauthorized stored vessels on the waters of the county bears a
25 rational relation to the legitimate government interest of protecting
26 public safety on the waterways, promoting maritime tourism,
27 protecting county infrastructure, preventing obstructions to
28 navigation and protecting sovereign submerged lands and the water
29 column above it for the benefit and use of the public.

30 (e) Lost vessels and abandoned vessels present a threat to

1 public health, safety and welfare, such as potential hazards to safe
2 navigation and commercial or recreational use of county waters,
3 sources of pollution of county waters, sources of degradation of the
4 aesthetic value of county waters and shoreline, and hazards to
5 waterfront property and public safety during severe weather.

6 (f) The Floating Structures that have been observed in Duval
7 County pose a significant threat to the environment, human health,
8 and navigational safety as an obstruction to navigation through
9 deterioration, physical damage to the surrounding ecosystems, through
10 the proliferation of marine debris, or the threat of discharge of
11 sewage, oil and/or hazardous substances into the marine environment,
12 including materials left on the Floating Structure if abandoned, and
13 the potential use of the structure as an illegal dumping site for oil
14 and other hazardous substances.

15 (g) The potential damage that a Floating Structure could cause
16 the persons or property is significant because they are not regulated
17 as vessels and thus are not required to meet even basic structural
18 capability or to provide basic safety equipment for either their
19 inhabitants or other mariners, such as lighting equipment that would
20 warn other mariners using the waters of the county that an obstacle
21 was present in the marine environment.

22 (h) ~~Additionally,~~ Floating Structures are not required by the
23 State to register with the Florida Department of Highway Safety and
24 Motor Vehicles, so ownership and liability for the damage that they
25 may cause becomes a hindrance to enforcement.

26 (i) Derelict vessels and vessels at risk of becoming derelict
27 that have been observed in Duval County pose a significant threat to
28 the environment, safe navigation, and commercial and recreational use
29 of City waters and are sources of degradation of the aesthetic value
30 of City waters and shoreline. Derelict vessels that remain on the

1 waters of the county can become difficult and expensive to remove.
2 ~~Floating Structures are hereby declared to be public nuisances and~~
3 ~~may also be "abandoned property" pursuant to Section 705.103, Florida~~
4 ~~Statutes.~~

5 (j) Pursuant to Florida Statute Section 823.11, as amended from
6 time to time, the City Council has the authority to provide by
7 ordinance for the removal and disposition, including destruction, of
8 derelict vessels, to promote the public safety, health, and welfare
9 of the residents, and tourists and guests visiting or vacationing in
10 Jacksonville, by reducing or eliminating the threats posed by derelict
11 vessels.

12 ~~(k)(d)~~ Pursuant to Chapter 253 of the Florida Statutes ~~(2023)~~,
13 the Board of Trustees of the Internal Improvement Trust Fund is vested
14 and charged with, among other things, the administration, management,
15 control, supervision, conservation and protection of all lands owned
16 by the State by right of its sovereignty, including sovereign
17 submerged lands.

18 ~~(l)(e)~~ Enabled by Florida Statutes Chapter 253, ~~F.S.~~, the
19 Florida Department of Environmental Protection ("FDEP") has
20 promulgated Rule 18-21.004, Florida Administrative Code (2019), which
21 outlines the general proprietary powers of the FDEP and instructs
22 that the activities on sovereignty lands be, with very few exceptions
23 as outlined in the statute, limited to water dependent activities,
24 and that residential structures be prohibited on sovereignty lands.

25 ~~(m)(k)~~ The provisions of this Chapter are not intended and should
26 not be construed as in any way superseding or attempting to conflict
27 with applicable statutes, ordinances, rules or regulations of the
28 federal government or of the State of Florida but are intended to
29 supplement any such enactments or provisions. Pursuant to Florida
30 Statute Section 327.60(2)(h) (2023), ~~if~~ ~~if any penalty of provision~~

1 described in this Chapter is deemed inconsistent with any Florida
2 Statute, the provisions of the Florida Statute shall prevail.

3 ~~(n)-(j)~~ It is the legislative intent of the City Council in
4 enacting this Chapter to provide additional or supplemental means of
5 obtaining compliance with the requirements stated herein. Nothing
6 contained in this Chapter shall be deemed to prohibit the City from
7 seeking enforcement by any other means provided by law, including,
8 but not limited to, filing an action for declaratory and injunctive
9 relief in a court of competent jurisdiction.

10 ~~(o)-(l)~~ The Council in enacting this Chapter is acting as the
11 governing body of Duval County, Florida. The area of enforcement of
12 the provisions of this Chapter shall be on the waters of the county,
13 as defined in this Part, throughout and within the boundaries of
14 Duval County, Florida. The municipalities of Atlantic Beach, Neptune
15 Beach, and Jacksonville Beach within Duval County are also authorized
16 to administer and enforce the provisions of this Chapter either
17 individually, or in partnership with the City or each other, or both.

18 **Sec. 388.102. - Definitions.**

19 For the purpose of this Chapter, the following terms, phrases,
20 words, abbreviations and their derivations shall have the meaning
21 given herein. ~~When not inconsistent with the context, words used in~~
22 ~~the present tense include the future tense, words in the plural number~~
23 ~~include the singular number and words in the singular number include~~
24 ~~the plural number. The word "shall" is always mandatory and not merely~~
25 ~~directory. Words not defined shall be given their meaning as provided~~
26 ~~in Sections 1.102 (Definitions and rules of construction), Ordinance~~
27 ~~Code.~~

28 ~~Abandoned property means, pursuant to § 705.101(3), F.S., all~~
29 ~~tangible personal property that does not have an identifiable owner~~
30 ~~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 § 823.11, F.S. The term is also defined in Section 670.101, Ordinance Code, to mean wrecked or derelict personal property, including wrecked, inoperative or partially dismantled motor vehicles; trailers; boats; machinery; refrigerators, washing machines, stoves, hot water heaters and other household appliances; plumbing fixtures; and furniture.~~

~~Abandoned vessel means abandoned property pursuant to § 705.101(3), F.S., which includes "derelict vessels" as defined in § 823.11, F.S., as stated below. See also Section 670.101(a), Ordinance Code.~~

Aground, or grounded, means a vessel which is, intentionally or unintentionally, resting on the bottom of a body of water or on the shore (within the mean high tide mark). As used in this Chapter aground includes sunk.

Anchoring means the temporary attachment of a vessel or floating structure to the bottom of a body of water or to the shore or coast by means of an anchor or similar retrievable ground tackle. ~~the act of securing a vessel or dinghy in navigable Waters of the County by means of an anchor or other device and associated tackle that is carried on board the vessel and cast or dropped overboard.~~

Barge means as defined in Florida Statute Section 327.02, a vessel that does not have living quarters, is not propelled by its own power, and is designed to be pushed or pulled by another vessel. ~~See also § 327.02(3), F.S.~~

Boating accident means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of a person from on

1 board under circumstances that indicate the possibility of death or
2 injury, or property damage to any vessel or bulkhead, floating dock,
3 fixed dock, pier or piling.

4 ~~City means the City of Jacksonville, Florida.~~

5 *Code enforcement officer* means any designated or authorized
6 employee or agent of the City whose duty is to enforce or assure
7 compliance with ordinances enacted by the City.

8 Commercial fishing vessel means as defined in Florida Statute
9 Section 327.02, a vessel primarily engaged in the taking or landing
10 of saltwater fish or saltwater products or freshwater fish or
11 freshwater products, or a vessel licensed pursuant to Florida Statute
12 Section 379.361, from which commercial quantities of saltwater
13 products are harvested, from within and without the of the for sale
14 to the consumer or to a retail or wholesale dealer.

15 ~~Commercial Marina means a licensed and permitted commercial~~
16 ~~facility that provides secured public moorings or dry storage for~~
17 ~~vessels on a leased basis.~~

18 ~~County means Duval County, Florida.~~

19 ~~Derelict vessel, pursuant to Section 823.11, F.S., means a~~
20 ~~vessel, as defined in Section 327.02, F.S. that is left, stored or~~
21 ~~abandoned:~~

22 ~~(1) In a wrecked, junked, or substantially dismantled~~
23 ~~condition upon any public waters of this State.~~

24 ~~(2) At a port in this State without the consent of the~~
25 ~~agency having jurisdiction thereof.~~

26 ~~(3) Docked, grounded, or beached upon the property of~~
27 ~~another without consent of the owner of the property.~~

28 ~~Dinghy means any vessel not exceeding 12 feet designed for and~~
29 ~~used primarily to serve a larger vessel by transporting persons and/or~~
30 ~~property to and from the larger vessel, from or to other vessels,~~

~~piers, docks, or landing facilities.~~

Effective means of propulsion for safe navigation means a vessel, other than a barge that meets the requirements of Rule 68D-15.002, F.A.C. (Effective Means of Propulsion for Safe Navigation), that is equipped with one of the following:

(1) A functioning motor, controls, and steering system;
or

(2) Rigging and sails that are present and in good working order, and a functioning steering system. ~~See also, § 327.02(13), F.S.~~

Floating Structure means as defined in ~~pursuant to~~ Florida Statute Section 327.02(14), F.S., ~~(1) a~~ A floating entity, ~~(2) with~~ With or without accommodations built thereon, and ~~(3) which~~ which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term ~~"Floating structure"~~ includes, but is not limited to, each entity used as a residence, place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity represented as such. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure. Pursuant to Florida Statute Section 327.02(14), floating structures are expressly excluded from the definition of the term "vessel". Pursuant to Florida Statute Section 192.001(17), a floating structure is expressly included as a type of tangible personal property.

Gross negligence means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the

1 safety of the property exposed to such conduct. The use of this term
2 shall not be interpreted as a waiver of Florida Statute Section
3 768.28.

4 *Houseboat* means as defined in Florida Statute Section 327.02, a
5 vessel that is used primarily as a residence for at least 21 days
6 during any 30-day period in a ~~Florida~~ county of this state if such
7 residential use of the vessel is to the preclusion of its use as a
8 means of transportation. ~~See also, § 327.02(17), F.S.~~

9 ~~*In the same area* means a vessel that is within a radius of eight~~
10 ~~miles of any location where the vessel was previously moored or~~
11 ~~anchored withing the last six months.~~

12 *Law enforcement officer* means as defined in Florida Statute
13 Section 705.101, any person who is elected, appointed, or employed
14 full time by any sheriff, any municipality, or the State or any
15 political subdivision thereof; who is vested with the authority to
16 bear arms and make arrests; and whose primary responsibility is the
17 prevention and detection of crime or the enforcement of the penal,
18 criminal, traffic or highway laws of the State. ~~See also Section~~
19 ~~705.101(4), F.S.~~

20 ~~*License agreement* means any transient dockage agreement, mooring~~
21 ~~and dockage agreement, commercial dockage agreement, or mooring~~
22 ~~agreement entered into between the City or a commercial marina, and~~
23 ~~a vessel owner for dockage at a City dock or mooring facility.~~

24 ~~*Licensee* means the person or entity entering into or possessing~~
25 ~~a dockage or mooring license agreement with the City.~~

26 *Live-aboard vessel* means as defined in Florida Statute Section
27 pursuant to F.S. § 327.02, as amended from time to time ~~means:~~

- 28 (1) A vessel used solely as a residence not for navigation;
29 (2) A vessel for which a declaration of domicile has been file
30 pursuant to § 222.17, F.S. (Homestead and Exemptions:

Manifesting and evidencing domicile in Florida); or

- (3) A vessel used as a residence that does not have an effective means of propulsion for safe navigation.

A commercial fishing vessel is expressly excluded from the term "live-aboard vessel."

Marina means as defined in Florida Statute Section 327.02, a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis.

Marine sanitation device means as defined in Florida Statute Section 327.02, equipment, other than a toilet, for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation device Types I, II, and III shall be defined as provided in 33 C.F.R. part 159. ~~See also § 327.02(26), F.S.~~

Marker means a channel mark or other aid to navigation, an information or regulatory mark, an isolated danger mark, a safe water mark, a special mark, an inland waters obstruction mark, or mooring buoy in, on, or over the Waters of the county or the shores thereof, and includes, but is not limited to, a sign, beacon, buoy, or light.

Mooring, or to moor, means to fasten, attach or secure a vessel or floating structure to a fixed object such as a pier, quay, or to an object fixed to the bottom of the waters of the county, such as a mooring buoy ~~the act of securing a vessel in navigable Waters of the County by means of a permanent or semi-permanent mooring system affixed to the bottom.~~

Mooring field means a designated water area managed by a municipality or non-governmental entity where five (5) or more recreational vessels are moored, established by local ordinance, codifying a management plan that regulates activity within the mooring field ~~City-designated areas in and adjacent to City-installed mooring~~

~~systems, which may include City and state owned harbor and bayou bottoms but which exclude privately owned harbor bottoms.~~

~~Mooring system means any weight, chain, rope, floating object, structure or appliance used for the purpose of holding a vessel in a particular place and which is not carried on board such vessel as regular equipment when the vessel is underway.~~

Operate means to be in charge of, in command of, or in actual physical control of a vessel on the waters of the county, to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway on the waters of the county, or to control or steer a vessel being towed by another vessel on the waters of the county.

~~Operator means every person who shall own, physically operate, navigate or control any vessel.~~

Owner means a person, other than a lienholder, having the property in or title to a watercraft vessel. The term includes a person entitled to the use or possession of a watercraft 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.
~~See also § 327.02(34), F.S.~~

Person means an individual, partnership, firm, corporation, association, or other entity.

~~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. See also § 327.02(37), F.S.~~

~~Public property means lands and improvement owned by the Federal Government, the State, the County, or a municipality and includes~~

~~sovereignty submerged lands located adjacent to the County or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way, and other similar property. See also § 705.101(5), F.S.~~

Reasonable effort to ascertain the name and address of the owner and any lien holder, as the term applies to vessels subject to registration requirements of Chapter 328 of the Florida Statutes, means, at minimum, a query to the Department of Highway Safety and Motor Vehicles or the appropriate agency in the state of registration, if known, to determine the name and address of the owner, as provided in Florida Statute Section 328.48, and the name and address of any person who has filed a lien on the vessel as provided in Florida Statute Section 319.27(2) or (3), or Florida Statute Section 328.15.

Registration means as defined in Florida Statute Section 327.02, as amended from time to time, 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. See also Section 327.02(41), F.S.

Safe navigation means as defined in Rule 68D-15.002, F.A.C. (Effective Means of Propulsion for Save Navigation), the ability of a vessel operator to make headway, properly steering the vessel on a predetermined course without substantial risk of injury or damage to other persons, vessels, or property solely from the vessel's operation.

Vessel, is synonymous with "boat" as referenced in Section 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. ~~See also Section 327.02(46), F.S.~~

Waters of the county ~~County~~ means all portions of those waters,

up to and including the mean high water mark, located within the limits of Duval County, including, but not limited to, all navigable and non-navigable waterways, canals, lagoons, bayous, bays, rivers, lakes, streams, springs, impoundments, and all other bodies of water, including fresh, brackish, saline, tidal surfaces or underground, and including surface waters created by the removal of soil from uplands, but excluding any area preempted by law.

Willful misconduct means 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.

Sec. 388.103. - Administration and enforcement.

(a) Violations of this Chapter may be prosecuted as provided in Florida Statute Section 125.69 and may be punishable upon conviction by a fine not to exceed \$500 or by imprisonment not to exceed 60 days or by both such fine and imprisonment. Each violation of this Part shall constitute a separate offense. Nothing contained in this Chapter shall be deemed to prohibit the City of Jacksonville from seeking enforcement by any other means provided by law.

(b) Except as otherwise stated within this Chapter, ~~The Director of the Parks, Recreation & Community Services Department~~ ~~Neighborhoods Department~~ shall have responsibility ~~be responsible~~ for the administration of this Chapter for the City of Jacksonville and will cooperate with the second, third, and fourth urban services districts (the Beaches communities) in the administration ~~enforcement~~ of this Chapter.

(c) The Director of the Parks, Recreation & Community Services Department, or designee, shall be responsible for the development of a tracking system to record complaints, notifications, citations, removals, and a general record of the enforcement of this Chapter.

1 (d) The Director of the Parks, Recreation & Community Services
2 Department, or designee, shall make annual reports to the Waterways
3 Commission, in the month of June, regarding the enforcement of
4 floating structures, derelict vessels, vessels at risk of
5 becoming derelict, lost vessels, abandoned vessels, and At-
6 risk/Public Nuisance Vessels, as defined in this Chapter.

7 (e) Except as otherwise stated within this Chapter, members of
8 all duly authorized law enforcement agencies within Duval County and
9 its municipalities, as well as Code Enforcement Officers authorized
10 pursuant to Section 23.803 of the Jacksonville Environmental Quality
11 Division, as described in Section 23.801, Ordinance Code, and the
12 Jacksonville Municipal Code Compliance Division, as described in
13 Section 34.301, Ordinance Code, share enforcement duties as provided
14 in this chapter.

15 (f) Except as otherwise stated within this Chapter, the
16 Municipal Code Compliance Division shall be responsible for
17 enforcement of the City's laws concerning nuisance abatement,
18 floating structures, derelict vessels, vessels at risk of becoming
19 derelict, and similar subject matters subject of this Chapter.

20 (g) Except as otherwise stated within this Chapter, the
21 Environmental Quality Division within the Office of Administrative
22 Services shall be responsible for the enforcement of the City's laws
23 concerning floating structures, derelict vessels, vessels at risk of
24 becoming derelict, and other hazards to the environment, water
25 quality, and related public health concerns within the waters of the
26 county and similar subject matters subject of this Chapter.

27 (h) The City may request legal representation from the Office
28 of General Counsel, to commence and maintain the necessary action in
29 the appropriate court to assist in the enforcement of this Chapter.

30 (i) A law enforcement agency, law enforcement officer, or code

1 enforcement officer, acting under this Chapter to relocate, remove,
2 impound, store, destroy or dispose of, or cause to be relocated,
3 removed, impounded, stored, destroy or dispose of, a vessel or
4 floating structure from Waters of the County shall be held harmless
5 for all damages to the vessel or floating structure resulting from
6 such relocation, removal, impoundment, storage, or disposal, unless
7 the damage results from gross negligence or willful misconduct.

8 (j) Nothing in this Chapter shall be interpreted as a waiver
9 of Florida Statute Section 768.28.

10 (k) A contractor performing activities at the direction of a
11 law enforcement agency, law enforcement officer, or code enforcement
12 officer, acting under this chapter, must: be licensed in accordance
13 with applicable United States Coast Guard regulations where required;
14 obtain and carry in full force and effect a policy from a licensed
15 insurance carrier in this state to insure against any accident, loss,
16 injury, property damage, or other casualty caused by or resulting
17 from the contractor's actions; and be properly equipped to perform
18 the services to be provided.

19 (l) All costs incurred by the City to abate a violation of this
20 Chapter includes costs owed to a third party, and may include costs
21 to relocate, remove, store, destroy or dispose of a vessel or floating
22 structure pursuant to this Chapter; costs to remediate or mitigate
23 damage or threatened damage to the environment caused by the violation
24 which may include, but is not limited to, the release of a pollutant
25 or contaminant as described in Sections 360.408(4) and (5), Ordinance
26 Code; and may include costs to remediate or mitigate litter or debris
27 caused by the violation; and the costs of enforcement of this Chapter.
28 Costs are recoverable against the owner, operator, or other person
29 legally responsible for the vessel or floating structure that is the
30 subject of an enforcement action. Reimbursement for the removal,

1 storage, destruction or disposal of vessels or floating structures
2 resulting from the enforcement of this Chapter shall be provided to
3 the entity that initially paid for those services. The Office of
4 General Counsel shall represent the City in actions to recover such
5 costs. The recovery of costs may include, but is not limited to, a
6 special assessment lien against the subject vessel or floating
7 structure. Such lien may be recorded in the public records of Duval
8 County. Such lien shall accrue interest at the maximum legal rate
9 allowed by law from the date of the City's invoice until the costs
10 and administrative fee are paid. The Office of General Counsel is
11 hereby authorized to file such instruments as are necessary to
12 establish and enforce any lien for such costs. The City may foreclose
13 on such lien pursuant to Section 91.112, Ordinance Code. Such lien
14 shall have equal dignity with a tax lien.

15 **Sec. 388.104. - Nonexclusivity of remedy ~~Floating Structures~~**
16 **~~prohibited.~~**

17 The remedies referenced in this Chapter are cumulative with
18 other available remedies pursuant to state law or municipal law,
19 including, but not limited to, arrest and prosecution pursuant to
20 criminal statutes, civil remedies, and fines, and are not exclusive.
21 The City's access to the courts of the state is neither precluded nor
22 prohibited by the enactment of this Chapter.

23 ~~All Floating Structures are prohibited from anchoring, docking, or~~
24 ~~mooring in any Waters of the County, unless specifically exempt~~
25 ~~pursuant to this Chapter, and are subject to the penalties and~~
26 ~~enforcement pursuant to this Chapter and other laws as may be~~
27 ~~referenced. Floating Structures, as determined by the agencies of the~~
28 ~~Environmental Quality Division, Municipal Code Compliance Division,~~
29 ~~or a law enforcement officer, are declared a public nuisance and in~~
30 ~~certain circumstances may be handled as abandoned property on public~~

property.

Sec. 388.105. - Anonymous complaints. ~~Exemption from enforcement of Floating Structures.~~

As provided in Florida Statute Section 162.21(8), a code enforcement officer may not initiate an investigation of a potential violation of this Chapter by way of an anonymous complaint. A person who reports a potential violation of this Chapter must provide his or her name and address to the respective local government before an investigation may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

~~Commercial or governmental Floating Structures that are designed for, and in use by, a licensed marine contractor for water-dependent construction or shoreside vessel operation are exempt from the prohibition on Floating Structures in the County. However, inactivity of such a structure for a period greater than ten days within a 30-day period if moored outside of a commercial marina or a sovereign submerged land lease, and within the same area (eight-mile radius), will be considered to be "not in use" and thus subject to all enforcement mechanisms in this Chapter.~~

Sec. 388.106. - Interfering with enforcement. ~~Obstructing channels; unlawful anchoring, mooring or docking.~~

(a) Notwithstanding Chapter 609, Ordinance Code, whoever opposes, obstructs, or resists any law enforcement officer or any person authorized by the law enforcement officer in the discharge of her or his duties as provided in this Chapter, upon conviction is guilty of a class D offense, as defined in Section 632.101. This section does not prohibit prosecution under the Florida Statutes.

(b) Notwithstanding Chapter 609, Ordinance Code, whoever

interferes with, prevents or hinders any code enforcement officer in the performance of any duty required by this Chapter, upon conviction is guilty of a is guilty of a class D offense, as defined in Section 632.101.

(c) Notwithstanding Chapter 609, Ordinance Code, whoever mutilates, obstructs, defaces, removes or otherwise tampers with an official notice required by this Chapter to be posted upon a vessel or floating structure, unless authorized to do so by a law enforcement officer, upon conviction is guilty of a is guilty of a class C offense, as defined in Section 632.101.

~~It shall be unlawful: (1) for any vessel or Floating Structure within the County to tie up to any navigational aid within the County; except in an emergency; or (2) to anchor or moor any Floating Structure within Waters of the County.~~

Section 2. Repealing Part 2 (Enforcement Authority), Chapter 388 (Boats and Waterways), Ordinance Code. Part 2 (Enforcement Authority), Chapter 388 (Boats and Waterways), Ordinance Code, a copy of which is **Revised On File** with the Legislative Services Division, is hereby repealed in its entirety.

Section 3. Creating a new Part 2 (Floating Structures), Chapter 388 (Boats and Waterways), Ordinance Code. A new Part 2 (Floating Structures), Chapter 388 (Boats and Waterways), Ordinance Code, is hereby created to read as follows:

CHAPTER 388 - BOATS AND WATERWAYS

*** * ***

PART 2. - FLOATING STRUCTURES

Sec. 388.201. - Prohibitions; Exceptions.

(a) Except in case of emergency, a person may not anchor, moor, or ground, or allow to be anchored, moored, or aground, a floating structure on the waters of the county.

1 (b) Except in case of emergency, a person may not anchor, moor,
2 or ground, or allow to be anchored, moored, or aground, a floating
3 structure on the waters of the county in a manner which unreasonably
4 or unnecessarily constitutes a navigational hazard, hinders access
5 to a public right-of-way or to public utilities, or creates an
6 imminent danger to public safety or to the environment.

7 (c) It is unlawful for any person who finds any lost or
8 abandoned floating structure anchored, moored, or aground, on the
9 waters of the county to appropriate the same to his or her own use
10 or to refuse to deliver the same when required by law. Any person who
11 unlawfully appropriates a lost or abandoned floating structure to his
12 or her own use, or refuses to deliver such property when required,
13 commits theft, as defined in Florida Statute Section 812.014,
14 punishable as provided by law. As used in this subsection, the terms,
15 *abandoned floating structure* and *lost floating structure*, are defined
16 in Section 388.206(e), *Ordinance Code*.

17 (d) Commercial or governmental floating structures that are
18 designed for, and in use by, a licensed marine contractor for water-
19 dependent construction or shoreside vessel operation are exempt from
20 the prohibition on floating structures under subsection (a). However,
21 inactivity of such a floating structure anchored or moored on the
22 waters of the county outside of a commercial marina or a sovereign
23 submerged land lease for a period greater than ten days within a 30-
24 day period, within an eight nautical mile radius, will be considered
25 to be not in use by a licensed marine contractor.

26 (e) Floating structures on the waters of the county owned or
27 operated by the City of Jacksonville to which watercraft are permitted
28 to be moored, such as within the definition of *dock*, in Section
29 28.701, *Ordinance Code*, are exempt from the prohibition on floating
30 structures under this Part.

Sec. 388.202. - Investigations; Inspections; Emergency Right of Entry.

(a) A code enforcement officer or law enforcement officer has the authority to conduct investigations of a floating structure, when such floating structure is anchored, moored, or aground, on the waters of the county. The term *officer* as used in this Part refers to either or both, a code enforcement officer or a law enforcement officer.

(b) Reporting lost or abandoned floating structures. Whenever any person finds any lost or abandoned floating structure, such person may report the description and location of the floating structure to the Director of the Parks, Recreation & Community Services Department, or designee, or to a law enforcement officer who shall deliver a copy of the report to the Director of the Parks, Recreation & Community Services Department, or designee. The person taking the report shall ascertain whether the person reporting the floating structure wishes to make a claim to it if the rightful owner cannot be identified or located. If the person does wish to make such claim, he or she shall deposit with the City a reasonable sum sufficient to cover the cost for transportation, storage, and publication of notice. This sum shall be reimbursed to the finder by the rightful owner should he or she identify and reclaim the lost floating structure.

(c) An officer investigating a floating structure pursuant to this Part shall make a reasonable inquiry to ascertain the name and address of the owner and any lien holder.

(d) Except as provided below, an officer may not board or make an inspection of a floating structure in the enforcement of this part, unless:

(1) Consent for the inspection is received from the owner, operator, or person in charge; or

(2) The appropriate warrant, as provided in Florida Statute

Chapter 933, is obtained.

(e) In the event of an emergency or extreme hazard which may involve the loss of life or severe property damage, or to otherwise assure the maintenance of public health and safety, including the floating structure posing or reasonably likely to become a navigational hazard, and under circumstances which preclude reference to a court or magistrate for a warrant, a law enforcement officer may enter upon a floating structure without warrant for the limited purpose of such emergency action as the circumstances may require to avert the emergency. This provision shall not authorize action which could, consistent with the public interest, be deferred pending the obtaining of a warrant.

(f) This section does not prohibit the lawful right of entry or inspection of a floating structure pursuant to any other provision of law or Rule.

Sec. 388.203. - Notice of Violation; Form and service of notice.

(a) Whenever a code enforcement officer or law enforcement officer has reasonable cause to believe that a floating structure exists on the waters of the county in violation of this Part, the officer shall cause notice of violation to be served upon the owner, operator, or other person legally responsible for the floating structure. The officer may also provide a copy of the notice of violation to the owner of any non-public land adjacent to which such a floating structure is anchored, moored or aground.

(b) Notice of violation shall be in writing, shall specify the violation alleged with reference to the relevant ordinance, and shall direct that the floating structure be removed from the waters of the county within a reasonable time, not less than 5 days otherwise a citation may be issued to the owner, operator, or other person legally responsible for the floating structure. Notice shall include that a

1 person who has been issued a citation may request a hearing in the
2 county court to challenge a citation issued. Notice shall include a
3 conspicuous statement in substantially the following form,

4 IF THE OWNER OR OPERATOR HAS NOT REMOVED THIS FLOATING
5 STRUCTURE FROM THE WATERS OF THE COUNTY OR SHOWN REASONABLE
6 CAUSE FOR FAILURE TO DO SO WITHIN 21 DAYS OF THE DATE OF
7 THIS NOTICE THIS FLOATING STRUCTURE WILL BE REMOVED AND
8 DISPOSED OF AS LOST OR ABANDONED PROPERTY, PURSUANT TO
9 CHAPTER 705, FLORIDA STATUTES OR SECTION 388.206, *ORDINANCE*
10 *CODE*.

11 The notice shall also inform that in addition to fines and penalties,
12 the owner, operator, or other person legally responsible for the
13 floating structure may be liable for all costs incurred by the City
14 to abate the violation, as described in Section 388.103(1), *Ordinance*
15 *Code*, which may include costs to relocate, remove, store, destroy or
16 dispose of a floating structure; costs to remediate or mitigate damage
17 or threatened damage to the environment caused by the violation;
18 costs to remediate or mitigate litter or debris caused by the
19 violation; and the costs of enforcement of Chapter 388, Part 2,
20 *Ordinance Code*.

21 (c) Service of notice of violation required by this Part shall
22 be provided as follows:

23 (1) If the owner, operator, or other person legally
24 responsible for the floating structure is known or
25 ascertained by reasonable inquiry, notice shall be provided
26 by:

27 A. Certified mail, return receipt requested, to the
28 address listed in the tax collector's office for tax
29 notices or to the address listed in the county
30 property appraiser's database. If the floating

1 structure is owned by a corporation, notices may be
2 provided by certified mail to the registered agent of
3 the corporation. If notice sent by certified mail is
4 not signed as received within 14 days after the
5 postmarked date of mailing, notice may be provided by
6 posting as described in subparagraph (2);

7 B. Hand delivery by the sheriff or other law
8 enforcement officer, or code enforcement officer;

9 C. Certified mail, return receipt requested, to the
10 person's usual place of residence, if known; or
11 leaving the notice at the person's usual place of
12 residence with any person residing therein who is
13 above 15 years of age and informing such person of
14 the contents of the notice; or,

15 D. In the case of commercial premises, leaving the
16 notice with the manager or other person in charge.

17 (2) If the owner, operator, or other person legally
18 responsible for the floating structure is not known or
19 cannot be ascertained upon reasonable inquiry such notice
20 shall be posted in the following two locations for a period
21 of 21 days:

22 A. conspicuously posted to the floating structure;
23 and

24 B. posted at the primary municipal government office.

25 If the owner, operator, or other person legally responsible
26 for the floating structure is known or ascertained by
27 reasonable inquiry, in addition to providing notice or
28 attempting notice as set forth in subsection (1), notice
29 may be served by posting as described in this subsection.

30 (3) In addition to providing notice as set forth in

subsection (1) or (2), notice may be served by publication, if published in print in a newspaper or on a publicly accessible website, as provided in Florida Statute Section 50.0311, for 3 consecutive weeks. If published in print, the notice shall be published once during each week for 3 consecutive weeks (three publications being sufficient) in a newspaper in the county, such newspaper shall meet such requirements as are prescribed under Florida Statute Chapter 50 for legal and official advertisements.

(d) Failure in notification to the owner of any non-public land adjacent to which a floating structure is anchored, moored or aground is not grounds to invalidate otherwise lawful service upon the owner, operator, or other person legally responsible for the floating structure.

(e) A copy of the notice of violation shall be sent to the lien holder, if any, by certified mail, return receipt requested, on the same day as posting, mailing or publishing, or as soon as practicable thereafter. Failure in notice to the lien holder, if any, does not invalidate an otherwise validly issued citation.

(f) Notice by posting or publishing may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (c).

(g) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (c)(1), together with proof of posting as provided in subsection (c)(2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

(h) Proof of posting or publishing shall be by affidavit of the person posting or publishing the notice, which affidavit shall

1 include a copy of the notice, posted or published, and the dates and
2 locations of posting or publishing.

3 (i) Notice of violation posted to a floating structure shall
4 be not less than 8 inches by 10 inches and shall be sufficiently
5 weatherproof to withstand normal exposure to the elements, and shall
6 be in substantially the following form:

7 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST
8 IN THE ATTACHED PROPERTY. There is reasonable cause to
9 believe that this floating structure, to wit: (describe
10 the floating structure) is in violation of Section
11 388.201, *Ordinance Code*, and is unlawfully on the waters
12 of the county, to wit: (setting forth brief description
13 of location). THIS FLOATING STRUCTURE MUST BE REMOVED
14 FROM THE WATERS OF THE COUNTY WITHIN 5 DAYS OF THE
15 POSTING OF THIS NOTICE OTHERWISE A CITATION MAY BE
16 ISSUED. A person to whom a citation is issued may request
17 a hearing in the county court to challenge the citation.
18 IF THE OWNER OR OPERATOR HAS NOT REMOVED THIS FLOATING
19 STRUCTURE FROM THE WATERS OF THE COUNTY OR SHOWN
20 REASONABLE CAUSE FOR FAILURE TO DO SO WITHIN 21 DAYS OF
21 THE DATE OF THIS NOTICE THIS FLOATING STRUCTURE WILL BE
22 REMOVED AND DISPOSED OF AS LOST OR ABANDONED PROPERTY,
23 PURSUANT TO CHAPTER 705, FLORIDA STATUTES OR SECTION
24 388.206, *ORDINANCE CODE*. The owner, operator or other
25 person legally responsible for the floating structure
26 being unlawfully on the waters of the county may be
27 liable for all costs incurred by the City to abate the
28 violation, as described in Section 388.103(1), *Ordinance*
29 *Code*, which may include costs to relocate, remove,
30 store, destroy or dispose of the floating structure;

costs to remediate or mitigate damage or threatened damage to the environment caused by the violation; costs to remediate or mitigate litter or debris caused by the violation; and the costs of enforcement of Chapter 388, Part 2, *Ordinance Code*.

Dated this: (setting forth the date of posting of notice)

Signed: (setting forth name, title, address, and telephone number of officer).

Sec. 388.204. - Citations; Form and service of citation.

(a) Whenever an officer has reasonable cause to believe that a floating structure exists on the waters of the county in violation of this Part, after notification of violation and after the time period for the opportunity for the violator to correct the violation, if required in Section 388.203, such officer has the authority to issue a citation consistent with this Part.

(b) If the owner, operator, or other person legally responsible for the floating structure is known or ascertained by reasonable inquiry, service of a citation shall be effectuated upon such person by:

(1) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. If the floating structure is owned by a corporation, citations may be provided by certified mail to the registered agent of the corporation. If any citation sent by certified mail is not signed as received within 15 days after the postmarked date of mailing, the citation may be posted in a weatherproof covering in a conspicuous location upon the floating structure;

(2) Hand delivery by the sheriff or other law enforcement

officer, or code enforcement officer;

(3) Certified mail, return receipt requested, to the person's usual place of residence, if known; or leaving the citation at the person's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the citation; or,

(4) In the case of commercial premises, leaving the citation with the manager or other person in charge.

(c) A citation issued under this Part shall contain:

(1) The date and time of issuance.

(2) The name and address of the person to whom the citation is issued.

(3) The date and time the infraction was committed.

(4) G.P.S. coordinates and a general description of the location of the violation.

(5) The facts constituting reasonable cause to believe the violation has been committed.

(6) The number or section of the *Ordinance Code* which has been violated.

(7) The name and authority of the officer issuing the citation.

(8) The procedure for the person to follow in order to pay the civil penalty or to contest the citation, which may include a reference to the Jacksonville.gov webpage that contains such information.

(9) The applicable civil penalty if the person elects to contest the citation, and the applicable civil penalty if the person elects not to contest the citation.

(10) A conspicuous statement that if the person fails to

1 pay the civil penalty within the time allowed, or fails to
2 appear in court to contest the citation, he or she shall
3 be deemed to have waived the right to contest the citation
4 and that, in such case, judgement may be entered against
5 the person for an amount up to the maximum civil penalty.

6 (11) A conspicuous statement that in addition to any
7 penalties under law, the City may recover from the owner,
8 operator or other responsible person for all costs incurred
9 by the City to abate the violation, as described in Section
10 388.103(1), *Ordinance Code*, which may include costs to
11 relocate, remove, store, destroy or dispose of the floating
12 structure; costs to remediate or mitigate damage or
13 threatened damage to the environment caused by the
14 violation; costs to remediate or mitigate litter or debris
15 caused by the violation; and the costs of enforcement of
16 Chapter 388, Part 2, *Ordinance Code*.

17 (d) Within 5 days after issuing a citation, the issuing officer
18 shall deposit the original and one copy of the citation with the
19 County Court and shall transmit a copy of the citation to the Director
20 of the Parks, Recreation & Community Services Department, or designee.

21 (e) The County Court in and for the Fourth Judicial Circuit is
22 the Court of competent jurisdiction for citations issued pursuant to
23 this Part.

24 **Sec. 388.205. - Penalties.**

25 (a) Notwithstanding Chapter 609, *Ordinance Code*, any person
26 who causes or knowingly allows a floating structure to be anchored,
27 moored, or grounded, on the waters of the county, in violation of
28 Section 388.201(a), shall be guilty of a violation of this part as a
29 Class C offense, as described in Section 609.109, *Ordinance Code*. The
30 penalty for a second violation within 3 years shall be twice the

1 amount of the first offender fine. The penalty for a third or
2 subsequent violation within 5 years shall be three times the amount
3 of the first offender fine. The penalty shall be in addition to
4 restitution for damage to the property of another and all costs
5 incurred by the City to abate the violation.

6 (b) Notwithstanding Chapter 609, *Ordinance Code*, any person
7 who causes or knowingly allows a floating structure to be anchored,
8 moored, or grounded, on the waters of the county which results in
9 damage to the property of another, or causes or knowingly allows a
10 floating structure to be anchored, moored, or grounded, on the waters
11 of the county in violation of Section 388.201(b), or willfully
12 abandons a floating structure on the waters of the county, shall be
13 guilty of a violation of this part as a Class D offense, as described
14 in Section 609.109, *Ordinance Code*. The penalty for a subsequent
15 violation within 5 years shall be punishable as a misdemeanor by a
16 fine of up to \$500 per violation and a definite term of imprisonment
17 of not more than 60 days, as provided in Florida Statutes Section
18 125.69. The penalty shall be in addition to restitution for damage
19 to the property of another and all costs incurred by the City to
20 abate the violation.

21 (c) The penalties under this section are in addition to other
22 penalties provided by law.

23 (d) As used in this subsection, all costs incurred by the City
24 to abate the violation means as described in Section 388.103(1),
25 *Ordinance Code*. The City shall have the right to utilize any available
26 method under the law to recover such costs. Recovered costs for
27 abatement of a violation of this Part shall be deposited into the
28 *Derelict and Abandoned Vessel and Floating Structure Enforcement and*
29 *Removal Trust Fund*, Section 111.787, *Ordinance Code*.

30 (e) Each day during any portion of which a violation of this

Part occurs shall constitute a separate offense.

Sec. 388.206. - Relocation, removal, and other disposition of floating structures.

(a) When a law enforcement officer determines that a floating structure constitutes an immediate hazard to navigation, the environment, or to public health, safety, and welfare, the officer may immediately remove or relocate, but not destroy, the floating structure. As soon as practicable thereafter, notice of violation shall be provided as described in Section 388.203, and notice shall include the location where the floating structure is being held and the reason for removal or relocation, and how to reclaim the vessel, including that the owner or other interested party with legal standing on the disposition of the floating structure must make a claim to the floating structure within 21 days of notice of removal or relocation and must pay the costs for removal, relocation and storage, within 30 days of the attempt to reclaim the floating structure. The owner, operator, or other person legally responsible for the floating structure is liable to the City for all costs incurred by the City to abate the violation, as described in Section 388.103(1). Relocation or removal under this subsection does not prevent the issuance of a citation under this Part.

(b) If the owner, operator, or other person legally responsible for the floating structure is known or ascertained by reasonable inquiry, and either,

(1) The owner, operator, or other person legally responsible for the floating structure has disavowed responsibility for the floating structure and no other owner or other interested party with legal standing on the disposition of the floating structure is known; or

(2) After service of the notice of violation has been

attempted as provided in Section 388.203, and the term of days to correct the violation has lapsed under Section 388.203, and the term of days to contest an issued citation has lapsed, and no person has come forward in response to the notice or citation;

the floating structure may be designated as a Lost Floating Structure or Abandoned Floating Structure, subject to subsection (e).

(c) If the owner, operator, or other person legally responsible for the floating structure is not known or cannot be ascertained upon reasonable inquiry, and notice of violation has been attempted as provided in Section 388.203, and the term of days to correct the violation has lapsed under Section 388.203, and no person has come forward to take responsibility for the floating structure, the floating structure may be designated as a Lost Floating Structure or Abandoned Floating Structure, subject to subsection (e).

(d) If, at the end of 21 days after service of the notice of violation as provided in Section 388.203, and the term of days to correct the violation has lapsed under Section 388.203, and the term of days to contest an issued citation has lapsed, if the owner, operator, or other person legally responsible for the floating structure has not removed the floating structure from the waters of the county or shown reasonable cause for failure to do so, the floating structure may be designated as a Lost Floating Structure or Abandoned Floating Structure, subject to subsection (e).

(e) An *Abandoned Floating Structure* or *Lost Floating Structure* is tangible personal property, pursuant to Florida Statutes Section 192.001(17). As the used in this Part, an Abandoned Floating Structure or a Lost Floating Structure, is "abandoned property" and "lost property", respectively, as defined in Florida Statutes Section 705.101. An Abandoned Floating Structure or a Lost Floating Structure may be

1 removed or relocated by a law enforcement officer, and,

2 (1) As to an Abandoned Floating Structure, the City may retain
3 the property for its own use or for use, trade the property
4 to another unit of local government or state agency, donate
5 the property to a charitable organization, sell the property,
6 or dispose of the property.

7 (2) As to a Lost Floating Structure, the City shall take
8 custody and the agency shall retain custody of the property
9 for 90 days, and shall publish notice of the intended
10 disposition of the property during the first 45 days of this
11 time period, as provided,

12 A. If the City elects to retain the property for use by
13 the unit of government, donate the property to a
14 charitable organization, surrender such property to the
15 finder, sell the property, or trade the property to
16 another unit of local government or state agency, notice
17 of such election shall be given by an advertisement
18 published once a week for 2 consecutive weeks in a
19 newspaper of general circulation in the county where
20 the property was found if the value of the property is
21 more than \$100. If the value of the property is \$100 or
22 less, notice shall be given by posting a description of
23 the property at the law enforcement agency where the
24 property was turned in. The notice must be posted for
25 not less than 2 consecutive weeks in a public place
26 designated by the law enforcement agency. The notice
27 must describe the property in a manner reasonably
28 adequate to permit the rightful owner of the property
29 to claim it.

30 B. If the City elects to sell the property, it must do

1 so at public sale by competitive bidding. Notice of the
2 time and place of the sale shall be given by an
3 advertisement of the sale published once a week for 2
4 consecutive weeks in a newspaper of general circulation
5 in the county where the sale is to be held. The notice
6 shall include a statement that the sale shall be subject
7 to any and all liens. The sale must be held at the
8 nearest suitable place to that where the lost or
9 abandoned property is held or stored. The advertisement
10 must include a description of the goods and the time
11 and place of the sale. The sale may take place no earlier
12 than 10 days after the final publication. Notice of the
13 intended disposition shall describe the property in a
14 manner reasonably adequate to permit the rightful owner
15 of the property to identify it.

16 (f) If a Lost Floating Structure is sold at public sale pursuant
17 to subsection (e)(2)B, the City shall deduct from the proceeds the costs
18 of transportation, storage, and publication of notice, including all
19 costs incurred by the City to abate the violation, as described in
20 Section 388.103(1), and any balance of proceeds shall be deposited into
21 an interest-bearing account not later than 30 days after the date of the
22 sale and held there for 1 year. The City shall provide a bill of sale
23 clearly stating that the sale is subject to any and all liens. The
24 rightful owner of the property may claim the balance of the proceeds
25 within 1 year from the date of the above stated deposit by making
26 application to the agency. If no rightful owner comes forward with a
27 claim to the property within the designated year, the balance of the
28 proceeds shall be deposited into the *Derelict and Abandoned Vessel and*
29 *Floating Structure Enforcement and Removal Trust Fund*, Section
30 111.787.

(g) The owner, operator, or other person legally responsible for the floating structure, who, after notice of violation as provided in Section 388.203, does not remove such vessel within the specified period is liable to the City for all costs incurred by the City to abate the violation, as described in Section 388.103(1), less any salvage value obtained by disposal of the floating structure. Upon final disposition of the floating structure, the City shall notify the owner or other interested party with legal standing on the disposition of the floating structure, if known, of the amount owed. Notice shall be effectuated by the methods described for notice of violation in this Part. If the rightful owner does not pay such costs within 30 days of making claim to the property, the property shall vest with the City and the City may recover the costs as provided in Section 388.103(1).

(h) Employees of any state, county, or municipal agency shall be deemed agents of such governmental entity, and lost or abandoned floating structure found by them during the course of their official duties shall be turned in to the proper person or department designated to receive such property by the governmental entity. Such property shall be subject to the provisions of this Part, or Florida Statute Chapter 705, after which, if unclaimed by the rightful owner, the title to such property shall be vested in the state, county, or municipality and not in the employee.

Section 4. Repealing Part 3 (Violations, Penalties and Enforcement), Chapter 388 (Boats and Waterways), Ordinance Code. Part 3 (Violations, Penalties and Enforcement), Chapter 388 (Boats and Waterways), *Ordinance Code*, a copy of which is **Revised On File** with the Legislative Services Division, is hereby repealed in its entirety.

Section 5. Creating a new Part 3 (Derelict Vessels; At-Risk/Public Nuisance Vessels; Vessels interfering with navigation), Chapter 388 (Boats and Waterways), Ordinance Code. A new Part 3

(Floating Structures), Chapter 388 (Boats and Waterways), *Ordinance Code*, is hereby created to read as follows:

CHAPTER 388 - BOATS AND WATERWAYS

*** * ***

**PART 3. - DERELICT VESSELS; AT-RISK/PUBLIC NUISANCE VESSELS;
VESSELS INTERFERING WITH NAVIGATION**

Sec. 388.301. - Definitions.

As used in this Part,

(a) *Derelict vessel* means a vessel that is:

(1) In a wrecked, junked, or substantially dismantled condition on waters of this county.

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, operator, or other person legally responsible for the vessel. 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 for safe navigation, as the term is defined in Section 388.102.

C. A vessel is substantially dismantled if at least two of 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.

D. 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 for safe navigation, as the term is defined in Section 388.102.

(2) At any City-owned or leased bulkhead, floating dock, fixed dock or pier, without the consent of the Director, the Parks, Recreation & Community Services Department, or designee. For the purpose of this subsection, *without the consent of the Director* means in violation of Park Rules or in violation of any provision of law.

(3) Anchored, moored or aground upon the property of another without the consent of the owner of the property.

(b) *Vessel at risk of becoming derelict* means, as defined in Florida Statutes Section 327.4107, a vessel on the Waters of the County with any one of the following conditions:

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

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

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

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

(5) The vessel does not have an effective means of propulsion, and the vessel owner or operator is unable to

1 provide a receipt, proof of purchase, or other
2 documentation of having ordered necessary parts for repair.
3 If the owner or operator is present on the vessel, a law
4 enforcement officer may require a test of the vessel's
5 effective means of propulsion for safe navigation, to be
6 conducted immediately. If the owner or operator is not
7 present on the vessel, the owner or operator must, in the
8 presence of law enforcement, conduct the test for effective
9 means of propulsion for safe navigation within 48 hours
10 after the vessel owner, operator, or other person legally
11 responsible for the vessel receives notice from a law
12 enforcement officer. A law enforcement officer
13 investigating a vessel regarding the factor "effective
14 means of propulsion for safe navigation," is required to
15 follow the evaluation procedures promulgated as Rule 68D-
16 15.002, F.A.C. (Effective Means of Propulsion for Safe
17 Navigation) by the Florida Fish and Wildlife Conservation
18 Commission.

19 (6) The vessel is tied to an unlawful or unpermitted
20 structure or mooring.

21 The term vessel at risk of becoming derelict does not include a
22 vessel that is moored to a private dock or wet slip with the
23 consent of the owner for the purpose of receiving repairs.

24 (c) *At-risk/Public Nuisance Vessel* means a vessel that is on
25 the Waters of the County and has been the subject of three or more
26 citations issued pursuant to the same paragraph of Florida Statutes
27 Section 327.4107(2), within a 24-month period which result in
28 dispositions other than acquittal or dismissal, as described in
29 Florida Statutes Section 327.73(1)aa. For purposes of this paragraph,
30 failure to appear at a hearing or failure to pay the civil penalty

1 constitutes a disposition other than acquittal or dismissal unless
2 such failure to appear or such nonpayment is excused or set aside by
3 the court for good cause shown.

4 **Sec. 388.302. - Findings.**

5 (a) Derelict Vessels on the waters of the county endanger
6 public health, safety and welfare, and are public nuisances.

7 (b) Vessels at risk of becoming derelict, being in neglected
8 or deteriorating condition on the waters of the county, are subject
9 to enforcement necessary to protect public health, safety and welfare.

10 (c) At-risk/Public Nuisance Vessels on the waters of the county
11 endanger public health, safety and welfare, and are public nuisances.

12 **Sec. 388.303. - Derelict Vessels, Vessels At-Risk of Becoming**
13 **Derelict, and At-Risk/Public Nuisance Vessels Prohibited.**

14 (a) No person shall cause or allow a derelict vessel to be
15 anchored, moored, or grounded, on the waters of the county, or to be
16 grounded upon the property of another.

17 (b) No person shall cause or allow a vessel that is at risk of
18 becoming derelict to be anchored, moored, or grounded, on the waters
19 of the county, or be grounded upon the property of another.

20 (c) No person shall cause or allow an At-risk/Public Nuisance
21 Vessel to be anchored, moored, or grounded, on the waters of the
22 county, or to be grounded upon the property of another.

23 (d) Paragraphs (a) and (b), do not apply to a vessel that
24 becomes derelict or a vessel at risk of becoming derelict on the
25 waters of the county solely as a result of a boating accident that
26 is reported to law enforcement in accordance with Florida Statutes
27 Section 327.301, or otherwise reported to law enforcement; a
28 hurricane; or another sudden event outside of his or her control if:

29 (1) The person documents for law enforcement the specific
30 event that led to the vessel to become derelict or to

become at risk of becoming derelict on the waters of the county; and

(2) The vessel has been removed from the waters of the county or has been repaired or addressed such that it is no longer derelict or at risk of becoming derelict on the waters of the county.

A. For a vessel that has been derelict or at risk of becoming derelict as a result of a boating accident or other sudden event outside his or her control, within 7 days after such accident or event; or

B. Within 45 days after the hurricane has passed over the state.

(e) The additional time provided in subparagraph (d) for an owner, operator, or other person legally responsible for the vessel to remove a derelict vessel or vessel at risk of becoming derelict from the waters of the county or to repair and remedy the vessel's derelict condition does not apply to a vessel that was derelict or at risk of becoming derelict on the waters of the county before the stated accident or event.

Sec. 388.304 - Vessels Interfering with navigation.

In addition to the provisions of Section 28.723 ("Boating"), and the limitations on docking as described in Chapter 615 ("Docking"),

(a) On the waters of the county, except in case of emergency, a person may not anchor, moor or ground, or allow to be anchored, moored, or aground, a vessel in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interference with another vessel, that hinders access to a public right-of-way or to public utilities, or creates an imminent danger to public safety or to the environment.

(b) Anchoring, mooring or grounding a vessel under bridges or

1 in or adjacent to heavily traveled channels constitutes a navigational
2 hazard or interference with another vessel if unreasonable under the
3 prevailing circumstances. The term *under bridges* includes bridge
4 approaches, bridge fenders or piles driven or placed for the
5 protection of bridges or their approaches or in the area between the
6 bank or shore owned by a public authority and the bridge fender
7 system.

8 (c) Anchoring or mooring a vessel to any marker or other aid
9 to navigation constitutes a navigational hazard.

10 (d) On the waters of the county, except in case of emergency,
11 a person may not anchor or moor, or allow to be anchored or moored,
12 a vessel to a floating structure. Vessels in use by a licensed marine
13 contractor, or agent thereof, for water-dependent construction or
14 shoreside vessel operation that are anchored or moored to a commercial
15 or governmental floating structure that is in use by the licensed
16 marine contractor, or agent thereof, for water-dependent construction
17 or shoreside vessel operation are exempt from this subsection.
18 Floating structures owned or operated by the City of Jacksonville to
19 which watercraft are permitted to be moored, such as within the
20 definition of dock, in Section 28.701, are exempt from the prohibition
21 on anchoring or mooring to floating structures under this Part.

22 (e) A mechanical failure that poses an unreasonable risk of
23 harm to the vessel or the persons onboard such vessel may constitute
24 an emergency. The owner, operator, or other person legally responsible
25 for such vessel may anchor, moor or be aground, on the waters of the
26 county, for 5 business days or until the vessel is repaired, whichever
27 occurs first, unless the vessel unreasonably or unnecessarily
28 constitutes a navigational hazard or interferes with another vessel.
29 Imminent or existing weather conditions in the vicinity of the vessel
30 that pose an unreasonable risk of harm to the vessel or to the persons

onboard such vessel may constitute an emergency. However, during a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

Sec. 388.305. - Relocation or removal of vessels.

A law enforcement officer is authorized and empowered to relocate, remove, or cause to be relocated or removed, any vessel anchored, moored, or grounded, on the waters of the county that the officer has reasonable cause to believe is in violation of Section 388.304, or is a Derelict Vessel, or is an At-Risk/Public Nuisance Vessel. The law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner and any lien holder, as described in Section 388.102. Such a vessel may be relocated or removed as follows:

(a) *Without prior notice.* Where a law enforcement officer determines that a vessel constitutes an immediate hazard to navigation, the environment, or to public health, safety, and welfare, a law enforcement officer may immediately remove or relocate, but not destroy, the vessel pursuant to Florida Statutes Sections 327.44, 327.70, and 823.11. As soon as practicable thereafter, notice of violation shall be provided as described in Section 388.306, *Ordinance Code*. The owner, operator, or other person legally responsible for the vessel is liable to the City for all costs of removal, relocation and storage. Relocation or removal under this subsection does not prevent the issuance of a citation under this Part.

(b) *With prior notice.* Except where a vessel constitutes an immediate hazard to navigation, the environment, or to public health, safety, and welfare, a law enforcement officer shall serve notice of violation as described in Section 388.306.

Sec. 388.306. - Notice of violation; Form and service of notice.

1 (a) Notice of violation shall be in writing and shall specify
2 the violation alleged, with reference to the relevant ordinance.

3 (1) If the vessel has been removed or relocated pursuant
4 to Section 388.305(a), notice shall include the location
5 where the vessel is being held, the reason for removal or
6 relocation, and how to reclaim the vessel, including that
7 the owner or other interested party with legal standing on
8 the disposition of the vessel must make a claim to the vessel
9 within 21 days of notice of removal or relocation and must
10 pay the costs for removal, relocation and storage, within 30
11 days of the attempt to reclaim the vessel. If the vessel has
12 not been removed or relocated, notice shall direct that
13 the vessel be removed from the Waters of the County within
14 a reasonable time, not less than 21 days, otherwise a
15 citation may be issued.

16 (2) Notice shall advise that the owner, operator, or other
17 person legally responsible for the vessel may be subject
18 of a citation for violation of this Part and that a person
19 issued such citation may request a hearing in the county
20 court to challenge a citation. The notice shall inform the
21 owner, operator or other person legally responsible for
22 the vessel, that in addition to any penalties under law,
23 the City may recover from the owner, operator or other
24 person legally responsible for the vessel for all costs
25 incurred by the City to abate the violation, as described
26 in Section 388.103(1), which may include costs to relocate,
27 remove, store, destroy or dispose of a vessel; costs to
28 remediate or mitigate damage or threatened damage to the
29 environment caused by the violation; costs to remediate or
30 mitigate litter or debris caused by the violation; and the

costs of enforcement of this Part.

(3) As to a Derelict Vessel or At-risk/Public Nuisance Vessel, in addition to subsections 1. and 2., the notice shall also include that the owner or other interested party with legal standing on the disposition of the vessel has 30 days to request an administrative hearing regarding the determination that the vessel is a Derelict Vessel or an At-risk/Public Nuisance Vessel in accordance with Section 388.310, and that failure to request such hearing shall be deemed a waiver of the right to such administrative hearing.

(4) As to a vessel that is at risk of becoming derelict, as described in Section 388.303(b), in addition to subsections 1. and 2., the notice shall also include a description of the specific issue with the vessel that denotes it is at risk of becoming derelict, as described in Section 388.301, and that the condition must be corrected or the vessel removed from the waters of the county within 10 days or a citation may be issued and that a person issued such citation may request a hearing in the county court to challenge a citation. Subsection (b) notwithstanding, if the at-risk condition is or includes that the vessel does not have an effective means of propulsion for safe navigation, prior to a citation being issued a notice of the lack of effective means of propulsion must be made from an officer to the owner or operator of the vessel notifying the owner or operator that the vessel owner or operator has 48 hours to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The

1 notice of the effective means of propulsion shall inform
2 that the evaluation procedures promulgated as Rule 68D-
3 15.002, F.A.C. (Effective Means of Propulsion for Safe
4 Navigation) by the Florida Fish and Wildlife Conservation
5 Commission shall be the measure employed to verify if the
6 vessel has an effective means of propulsion.

7 (b) Notice required by this Part shall be provided as follows:

8 (1) If the vessel has not been removed or relocated
9 pursuant to Section 388.305(a), notice shall be posted upon
10 the vessel for at least 21 days in substantially the
11 following form:

12 A. For a vessel in violation of Section 388.304,
13 but not a Derelict Vessel or At-Risk/Public
14 Nuisance Vessel:

15 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
16 INTEREST IN THE ATTACHED PROPERTY.
17 This vessel, to wit: (make, model,
18 registration numbers, if available, HIN, if
19 available) is anchored, moored or grounded
20 [choose/ short description of nature of
21 violation: in a manner which unreasonably or
22 unnecessarily constitutes a navigational
23 hazard or interference with another vessel,
24 that hinders access to a public right-of-way
25 or to public utilities, or creates an imminent
26 danger to public safety or to the environment;
27 under a bridge, bridge approaches, bridge
28 fenders, or piles driven or placed for the
29 protection of bridges or their approaches or
30 in the area between the bank or shore owned

1 by a public authority and the bridge fender
2 system; to a marker or other aid to
3 navigation; to a floating structure] in
4 violation of Sec 388.304, *Ordinance Code*, and
5 is unlawfully on the Waters of the County
6 (setting forth brief description of
7 location). THIS VESSEL MUST BE REMOVED FROM
8 THE WATERS OF THE COUNTY WITHIN 5 DAYS OF THE
9 POSTING OF THIS NOTICE OTHERWISE A CITATION
10 MAY BE ISSUED. A person to whom a citation is
11 issued may request a hearing in the county
12 court to challenge the citation.

13 IF THE OWNER OR OTHER PERSON LEGALLY
14 RESPONSIBLE THIS VESSEL HAS NOT REMOVED THIS
15 VESSEL FROM THE WATERS OF THE COUNTY OR SHOWN
16 REASONABLE CAUSE FOR FAILURE TO DO SO WITHIN
17 21 DAYS OF THE DATE OF THIS NOTICE THIS VESSEL
18 WILL BE REMOVED AND DISPOSED OF AS LOST OR
19 ABANDONED PROPERTY, PURSUANT TO CHAPTER 705,
20 FLORIDA STATUTES, OR SECTION 388.506,
21 ORDINANCE CODE. The City may recover from the
22 owner or other person legally responsible for
23 the vessel for all costs incurred by the City
24 to abate the violation, as described in
25 Section 388.103(1), *Ordinance Code*, which may
26 include costs to relocate, remove, store,
27 destroy or dispose of a vessel; costs to
28 remediate or mitigate damage or threatened
29 damage to the environment caused by the
30 violation; costs to remediate or mitigate

1 litter or debris caused by the violation; and
2 the costs of enforcement of Chapter 388, Part
3 3, *Ordinance Code*.

4 Dated this: (setting forth the date of posting
5 of notice), signed: (setting forth name,
6 title, address, and telephone number of the
7 law enforcement officer).

8 B. For a Derelict Vessel or At-Risk/Public
9 Nuisance Vessel,

10 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
11 INTEREST IN THE ATTACHED PROPERTY.
12 This vessel, to wit: (make, model,
13 registration numbers, if available, HIN, if
14 available) has been determined to be [choose:
15 a Derelict Vessel OR an At-risk/Public
16 Nuisance Vessel] as described in Chapter 388,
17 Part 3, *Ordinance Code*, and is unlawfully on
18 the waters of this county (setting forth brief
19 description of location), in violation of
20 Section 388.303, *Ordinance Code*. THIS VESSEL
21 MUST BE REMOVED WITHIN 21 DAYS OTHERWISE, IT
22 WILL BE REMOVED AND DISPOSED OF PURSUANT TO
23 CHAPTER 705, FLORIDA STATUTES, OR PURSUANT TO
24 SECTION 388.311, *ORDINANCE CODE*, AND A
25 CITATION MAY BE ISSUED. The owner or other
26 party with legal standing on the disposition
27 of the vessel has 30 days to request an
28 administrative hearing to challenge the
29 determination that this vessel is [choose: a
30 Derelict Vessel or an At-risk/Public Nuisance

Vessel] or otherwise in violation of the law, as described in Section 388.310, *Ordinance Code*. Contact (contact information for person who can arrange for a hearing in accordance with this section). A person to whom a citation is issued may request a hearing in the county court to challenge the citation. The City may recover from the owner or other person legally responsible for the vessel for all costs incurred by the City to abate the violation, as described in Section 388.103(1), *Ordinance Code*, which may include costs to relocate, remove, store, destroy or dispose of a vessel; costs to remediate or mitigate damage or threatened damage to the environment caused by the violation; costs to remediate or mitigate litter or debris caused by the violation; and the costs of enforcement of Chapter 388, Part 3, *Ordinance Code*.

Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of the law enforcement officer).

C. For a vessel at risk of becoming derelict, NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST IN THE ATTACHED PROPERTY. This vessel, to wit: (make, model, registration numbers, if available, HIN, if available) has been determined to be at risk of becoming derelict as described in Chapter

1 388, Part 3, *Ordinance Code*, and is unlawfully
2 on the waters of this county (setting forth
3 brief description of location) in violation
4 of Section 388.303, *Ordinance Code*.
5 Specifically, this vessel is deemed at risk
6 of becoming derelict due to the following
7 condition(s): [include any that apply:

8 The vessel is taking on or has taken on water
9 without an effective means to dewater.;
10 Spaces on the vessel which are designed to be
11 enclosed are incapable of being sealed off or
12 remain open to the elements for extended
13 periods of time.; The vessel has broken loose
14 or is in danger of breaking loose from its
15 anchor or mooring.; The vessel is listing due
16 to water intrusion.; That on (date, at least
17 48 hours prior) notice by (method of notice
18 described in subsection (a)4.) this vessel
19 does not have an effective means of propulsion
20 for safe navigation within 48 hours after the
21 vessel owner or operator received notice of
22 the specific condition.; The vessel is tied
23 to an unlawful or unpermitted structure or
24 mooring.] THE CONDITION MUST BE CORRECTED
25 WITHIN 10 DAYS OR A CITATION MAY BE ISSUED. A
26 person to whom a citation is issued may
27 request a hearing in the county court to
28 challenge the citation.

29 Further, IF THE CONDITION IS NOT CORRECTED OR
30 IF THE VESSEL IS NOT REMOVED FROM THE WATERS

1 OF THE COUNTY WITHIN 30 DAYS THIS VESSEL WILL
2 BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER
3 705, FLORIDA STATUTES, OR PURSUANT TO SECTION
4 388.311, *ORDINANCE CODE*. The City may recover
5 from the owner or other person legally
6 responsible for the vessel for all costs
7 incurred by the City to abate the violation,
8 as described in Section 388.103(1), *Ordinance*
9 *Code*, which may include costs to relocate,
10 remove, store, destroy or dispose of a vessel;
11 costs to remediate or mitigate damage or
12 threatened damage to the environment caused
13 by the violation; costs to remediate or
14 mitigate litter or debris caused by the
15 violation; and the costs of enforcement of
16 Chapter 388, Part 3, *Ordinance Code*.

17 Dated this: (setting forth the date of posting
18 of notice), signed: (setting forth name,
19 title, address, and telephone number of the
20 law enforcement officer).

21 Notice posted on the vessel shall not be less than eight
22 inches by ten inches and shall be sufficiently weatherproof
23 to withstand normal exposure to the elements.

24 (2) If the owner, operator, or other person legally
25 responsible for the vessel is known or ascertained by
26 reasonable effort, notice shall also be provided to such
27 person on the date of posting to the vessel as described
28 in subsection 1., or as soon thereafter as is practical,
29 as follows:

30 A. Certified mail, return receipt requested, to the

1 last address listed in vessel registration record for
2 the state of registration; if the vessel is not
3 registered, by certified mail, return receipt
4 requested, to the address listed in the tax
5 collector's office for tax notices or to the address
6 listed in the county property appraiser's database.
7 If the vessel is owned by a corporation, notices may
8 be provided by certified mail to the registered agent
9 of the corporation. If notice sent by certified mail
10 is not signed as received within 30 days after the
11 postmarked date of mailing, notice may be provided by
12 posting as described in subparagraph 3;

13 B. Hand delivery by the sheriff or other law
14 enforcement officer, or code enforcement officer;

15 C. Certified mail, return receipt requested, to the
16 person's usual place of residence, if known; or
17 leaving the notice at the person's usual place of
18 residence with any person residing therein who is
19 above 15 years of age and informing such person of
20 the contents of the notice; or,

21 D. In the case of commercial premises, leaving the
22 notice with the manager or other person in charge.

23 (3) If the owner, operator, or other person legally
24 responsible for the vessel is not known or cannot be
25 ascertained upon reasonable effort such notice shall also
26 be posted in the following two locations for a period of
27 at least 30 days:

28 A. posted at the primary municipal government office
29 in the jurisdiction of the location of the vessel;
30 and,

1 B. by publication in print in a newspaper or on a
2 publicly accessible website, as provided in Florida
3 Statutes Section 50.0311, for 3 consecutive weeks. If
4 published in print, the notice shall be published
5 once during each week for 3 consecutive weeks (three
6 publications being sufficient) in a newspaper in the
7 county, such newspaper shall meet such requirements
8 as are prescribed under Florida Statute Chapter 50
9 for legal and official advertisements.

10 If the owner, operator, or other person legally responsible
11 for the vessel is known or ascertained by reasonable
12 effort, in addition to providing notice or attempting
13 notice as set forth in subsection 2, notice may be served
14 by posting as described in this subsection.

15 (4) A copy of the notice shall be sent to the lien holder,
16 if any, by certified mail, return receipt requested, on
17 the same day as posting, mailing or publishing, or as soon
18 as practicable thereafter. Failure in notice to the lien
19 holder, if any, does not invalidate an otherwise validly
20 issued citation.

21 (c) Proof of posting or publishing shall be by affidavit of
22 the person posting or publishing the notice, which affidavit shall
23 include a copy of the notice, posted or published, and the dates and
24 locations of posting or publishing.

25 (d) Evidence of posting as provided in subsection 1, together
26 with proof of posting and publishing as provided in subsection 3, and
27 if the owner, operator, or other person legally responsible for the
28 vessel is known or ascertained by reasonable effort, proof that an
29 attempt has been made to hand deliver or mail notice as provided in
30 subsection 2, shall be sufficient to show that the notice requirements

1 of this part have been met, without regard to whether or not the
2 alleged violator actually received such notice.

3 **Section 388.307. - Citations; Form and service of citation.**

4 (a) Whenever a law enforcement officer has reasonable cause to
5 believe that a vessel exists on the waters of the county in violation
6 of this Part, after notification of violation and after the time
7 period for the opportunity for the violator to correct the violation,
8 if required, such officer has the authority to issue a citation
9 consistent with this Part.

10 (b) If the owner, operator, or other person legally responsible
11 for the vessel is known or ascertained by reasonable effort, service
12 of a citation shall be effectuated upon such person by:

13 (1) Certified mail, return receipt requested, to the last
14 address listed in vessel registration record for the state
15 of registration; if the vessel is not registered, by
16 certified mail, return receipt requested, to the address
17 listed in the tax collector's office for tax notices or to
18 the address listed in the county property appraiser's
19 database. If the vessel is owned by a corporation,
20 citations may be provided by certified mail to the
21 registered agent of the corporation. If any citation sent
22 by certified mail is not signed as received within 15 days
23 after the postmarked date of mailing, the citation may be
24 posted in a weatherproof covering in a conspicuous location
25 upon the vessel;

26 (2) Hand delivery by the sheriff or other law enforcement
27 officer;

28 (3) Certified mail, return receipt requested, to the
29 person's usual place of residence, if known; or leaving
30 the citation at the person's usual place of residence with

any person residing therein who is above 15 years of age and informing such person of the contents of the citation; or

(4) In the case of commercial premises, leaving the citation with the manager or other person in charge.

(c) A citation issued under this Part shall contain:

(1) The date and time of issuance.

(2) The name and address of the person to whom the citation is issued.

(3) The date and time the infraction was committed.

(4) G.P.S. coordinates and a general description of the location of the violation.

(5) The facts constituting reasonable cause to believe the violation has been committed.

(6) The number or Section of the Ordinance Code which has been violated.

(7) The name and authority of the officer issuing the citation.

(8) The procedure for the person to follow in order to pay the civil penalty or to contest the citation, which may include a reference to the Jacksonville.gov webpage that contains such information.

(9) The applicable civil penalty if the person elects to contest the citation, and the applicable civil penalty if the person elects not to contest the citation.

(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived the right to contest the citation and that, in such case, judgement may be entered against

the person for an amount up to the maximum civil penalty.

(11) A conspicuous statement that in addition to any penalties under law, the City may recover from the owner, operator, or other person legally responsible for the vessel, for all costs incurred by the City to abate the violation, as described in Section 388.103(1), *Ordinance Code*, which may include costs to relocate, remove, store, destroy or dispose of a vessel; costs to remediate or mitigate damage or threatened damage to the environment caused by the violation; costs to remediate or mitigate litter or debris caused by the violation; and the costs of enforcement of this Part.

(e) Within 5 days after issuing a citation, the issuing officer shall deposit the original and one copy of the citation with the County Court and shall transmit a copy of the citation to the Director of the Parks, Recreation & Community Services Department, or designee.

(f) The County Court in and for the Fourth Judicial Circuit is the Court of competent jurisdiction for citations issued pursuant to this Part.

Sec. 388.308 - Penalties and Remedies.

(a) Notwithstanding Chapter 609, any person owning, operating or having control of a vessel, in violation of 388.304, other than a Derelict Vessel or an At-Risk/Public Nuisance Vessel, in violation of this Part shall be guilty of a violation of this part as a Class C offense, as described in Section 609.109. The penalty for a second violation within 3 years shall be twice the amount of the first offender fine. The penalty for a third or subsequent violation within 5 years shall be three times the amount of the first offender fine. The penalty shall be in addition to restitution for damage to the property of another and all costs incurred by the City to abate the

violation, as described in Section 388.103(1).

(b) Notwithstanding Chapter 609, any person owning, operating or having control of a Derelict Vessel in violation of this Part shall be guilty of a violation of this part as a Class D offense, as described in Section 609.109. The penalty for a subsequent violation within 5 years shall be twice the amount of the first offender fine. The penalty shall be in addition to restitution for damage to the property of another and all costs incurred by the City to abate the violation, as described in Section 388.103(1).

(c) Notwithstanding Chapter 609, any person owning, operating or having control of an At-Risk/Public Nuisance Vessel in violation of this Part shall be guilty of a violation of this part 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 but within 3 years, \$250.

(3) For a third or subsequent offense occurring 30 days or more after a previous offense but within 5 years, \$500.

The penalty shall be in addition to restitution for damage to the property of another and all costs incurred by the City to abate the violation, as described in Section 388.103(1).

(d) Notwithstanding Chapter 609, any person owning, operating or having control of a vessel in violation of this Part which results in damage to the property of another shall be guilty of a violation of this part as a Class E offense, as described in Section 609.109. The penalty shall be in addition to restitution for damage to the property of another and all costs incurred by the City to abate the violation, as described in Section 388.103(1).

(e) Adjudication of guilt shall not be withheld for any violation of this Part.

1 (f) Each day during any portion of which a violation of this
2 Part occurs shall constitute a separate offense.

3 (g) As used in this subsection, all costs incurred by the City
4 to abate the violation means as described in Section 388.103(1). The
5 City shall have the right to utilize any available method under the
6 law to recover such costs. Recovered costs for abatement of a
7 violation of this Part shall be deposited into the *Derelict and*
8 *Abandoned Vessel and Floating Structure Enforcement and Removal Trust*
9 *Fund*, Section 111.787.

10 **Sec. 388.309. - Bar on vessel and vehicle registration privileges as**
11 **penalty for failure to pay costs.**

12 In addition to any penalty for violation of this part, pursuant to
13 Florida Statutes Section 705.103(4), a law enforcement officer or
14 representative of the law enforcement agency or other governmental
15 entity shall supply the Department of Highway Safety and Motor
16 Vehicles with the name of any person who, after having been provided
17 written notice via certified mail that such costs are owed, has
18 neglected or refused to pay all costs of removal, storage,
19 destruction, or disposal of a derelict vessel, and the person shall
20 not be entitled to be issued a certificate of registration for such
21 derelict vessel, or any other vessel, or motor vehicle, until such
22 costs have been paid.

23 **Sec. 388.310. - Administrative hearings on declarations regarding**
24 **Derelict Vessels, At-Risk/Public Nuisance Vessels, and Anchoring**
25 **Limitation/Public Nuisance Vessels.**

26 The procedure for hearings requested by adversely affected vessel
27 owners who have received notice from City of a "Notice of Intent" to
28 remove and dispose a vessel declared to be a Derelict Vessel, under
29 Section 388.306, an At-Risk/Public Nuisance Vessel, under Section
30 388.306, or an Anchoring Limitation/Public Nuisance Vessel, under

Section 388.412, shall be as follows,

(a) The Jacksonville Environmental Protection Board (the "Board") shall have jurisdiction to hold hearings and issue orders, including Final Orders, regarding the removal and disposal of Derelict Vessels, At-Risk / Public Nuisance Vessels, and Anchoring Limitation/ Public Nuisance Vessels.

(b) Any hearing pursuant to this section shall be conducted in accordance with the processes set forth in Florida Statutes Section 120.569, except that pursuant to Florida Statutes Section 705.103(2)(a)2, the Manager of the Office of Administrative Services with due regard to the expertise required for the particular matter shall name a Code Enforcement Officer to serve as the presiding officer to hear and make findings of fact and law, and to produce a recommended order to the Board. The Board shall promulgate rules of procedure, including but not limited to rules on the review of requests for hearing, notice of hearing, procedure of hearing, application of rules of evidence, proposed findings of facts and orders, procedure to file exceptions to a presiding officer's recommended order, procedure for requesting Board review, content of the record, and procedure for request for judicial review.

(c) At every hearing under this section, the case for the City shall be presented by one or more assistant(s) general counsel. A presenting assistant general counsel shall not concurrently serve as Counsel to the Board. If a presenting assistant general counsel prevails in a case before the Board, the City shall be entitled to recover all costs incurred in prosecuting the case and such costs may be included in a lien authorized under Florida Statutes Section 162.09(3).

(d) Upon service of Notice of Intent, a vessel owner or other interested party with legal standing on the disposition of the vessel

1 who wishes to be heard on a Notice of Intent shall file a Notice of
2 Request for Hearing with the Manager of the Office
3 of Administrative Services and the Office of General Counsel within
4 30 days of service of the notice of intent. Each request for hearing
5 shall be in writing and shall be filed by electronic mail to the
6 Manager of the Office of Administrative Services and to the General
7 Counsel. A request for hearing must include a clear articulation of
8 legal standing as to the disposition of the vessel. A person making
9 the request is the "Respondent."

10 (e) In any proceeding held under this subsection, the
11 definitions of terms defined in Chapter 388, *Ordinance Code*, apply.

12 (f) Final Orders by the Board pursuant to this section shall
13 be considered final agency action. A party who is adversely affected
14 by a Final Order of the Board, including the local governing body,
15 is entitled to request judicial review in the Circuit Court of the
16 Fourth Judicial Court in and for Duval County.

17 **Sec. 388.311. - Disposal of Vessels.**

18 (a) As to a vessel other than a Derelict Vessel or an At-
19 Risk/Public Nuisance Vessel,

20 (1) If, after the term of days required for posting,
21 publishing, or mailing notice, as required by Section
22 388.306, the owner, operator, or other person legally
23 responsible for the vessel has not caused the vessel to be
24 removed within the term of days specified in the notice or
25 shown reasonable cause for failure to do so, or if a vessel
26 has been removed by law enforcement pursuant to Section
27 388.305(a) and no person makes a claim to the vessel within
28 21 days of notice of removal or relocation, or if a rightful
29 owner makes a claim to the vessel within 21 days but fails
30 to pay costs of removal, relocation and storage within 30

1 days of the attempt to reclaim, and if a citation has been
2 issued the term of days to contest a citation has lapsed,
3 or,

4 (2) If the owner, operator, or other person legally
5 responsible for the vessel has disavowed responsibility
6 for the vessel and no other owner, operator, or other
7 person legally responsible for the vessel, or lien holder,
8 can be ascertained by reasonable effort,

9
10 the vessel may be designated as a Lost or Abandoned Vessel, subject
11 to Section 388.506, of this Chapter. The term of days specified in
12 the notice posted, mailed or published, as required under Section
13 388.306(b) of this Part may run concurrently to the required term of
14 days for notice required under Part 5 of this Chapter.

15 (b) As to a Derelict Vessel or an At-Risk/ Public Nuisance
16 Vessel,

17 (1) If, after the term of days required for posting,
18 publishing, or mailing notice, if required, the owner,
19 operator, or other person legally responsible for the
20 vessel has not caused the vessel to be removed within the
21 term of days specified in the notice or shown reasonable
22 cause for failure to do so, or if a vessel has been removed
23 by law enforcement pursuant to Section 388.305(a) and no
24 person makes a claim to the vessel within 21 days of notice
25 of removal or relocation, or if a rightful owner makes a
26 claim to the vessel within 21 days but fails to pay costs
27 of removal, relocation and storage within 30 days of the
28 attempt to reclaim, and the rightful owner has not timely
29 requested an administrative hearing on the determination
30 of the vessel as either a Derelict Vessel or an At-risk/

Public Nuisance Vessel, and if a citation has been issued the term of days to contest a citation has lapsed; or

(2) If the owner, operator, or other person legally responsible for the vessel has disavowed responsibility for the vessel and no other owner, operator, or other person legally responsible for the vessel, or lien holder, can be ascertained by reasonable effort; or,

(3) If, following a hearing pursuant to Florida Statutes Section 705.103(2)(a)2., a judge, magistrate, administrative law judge, or hearing officer, or in the instance of an administrative proceeding described in Section 388.310, *Ordinance Code*, a code enforcement officer named as the presiding officer or the Environmental Protection Board, has determined the vessel to be a Derelict Vessel or an At-risk/Public Nuisance Vessel, and a final order has been entered;

the law enforcement agency, or its designee, may:

1. Remove the vessel from the waters of the county and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

2. Authorize the use of the vessel as an artificial reef in accordance with Florida Statutes Section 379.249 if all necessary federal, state, and local authorizations are received.

Section 6. Amending Part 4 (Anchoring Limitation Areas), Chapter 388 (Boats and Waterways), Ordinance Code. Part 4 (Anchoring Limitation Areas), Chapter 388 (Boats and Waterways), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 388 - BOATS AND WATERWAYS

*** * ***

PART 4. - ANCHORING LIMITATION AREAS

Sec. 388.401. - Findings and legislative intent.

(a) Pursuant to F.S. § 327.4108, ~~(2022)~~, as amended from time to time, the Florida Legislature has expressly authorized counties meeting certain criteria to enact regulations that establish anchoring limitation areas adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.

(b) The Council finds that the City of Jacksonville, acting under its authority as a chartered county ~~County~~ government pursuant to Section 1.101 of the City Charter and Section 4.102, *Ordinance Code*, meets the criteria established in F.S. § 327.4108, ~~(2022)~~, to create anchoring limitation areas within its jurisdiction.

(c) The purpose of this Part 4 ~~is~~ to implement the provisions of F.S. § 327.4108, ~~(2022)~~, by creating anchoring limitation areas ("Anchoring Limitation Areas"), as more fully described below, which will promote the public access to the waters ~~Waters~~ of the county and state; enhance navigational safety; protect maritime infrastructure; protect the marine environment, deter improperly stored, abandoned, or derelict vessels, and provide a civil enforcement mechanism with regard to Anchoring Limitation Areas.

(d) Should F.S. § 327.4108 be amended, the statute will immediately take precedence over this Part ~~4~~.

Sec. 388.402. Definitions.

As used in this Part,

~~Impoundment of vessel means, for purposes of this Part, the removal of the vessel by a law enforcement officer, or under authorization of a law enforcement officer, without the ability of the owner to claim the vessel.~~

Navigable-in-fact waterways means, as defined in Florida Statutes Section 327.4108, waterways that are navigable in their

1 natural or unimproved condition over which useful commerce or public
2 recreation of a substantial and permanent character is or may be
3 conducted in the customary mode of trade and travel on water. The
4 term does not include lakes or streams that are theoretically
5 navigable; have a potential for navigability; or are temporary,
6 precarious, and unprofitable, but the term does include lakes or
7 streams that have practical usefulness to the public as highways for
8 transportation.

9 ~~Storage of vessel means the period of time after impoundment~~
10 ~~that a vessel occupies space in the water or on land for the purpose~~
11 ~~of vessel storage.~~

12 Unattended vessel, for the purpose of this Part, means a vessel
13 that is not under the supervision and control of a person capable of
14 operating, maintaining, or moving the vessel from one location to
15 another. A vessel is attended for a day if a person is on board the
16 vessel for 4 continuous hours in a 24-hour period. Any vessel left
17 unattended for more than 10 days out of a 30-day period in an Anchoring
18 Limitation Area demonstrates that the vessel is no longer engaged in
19 navigation and may be deemed an unauthorized stored vessel.

20 **Sec. 388.403. - Criteria for Anchoring Limitation Areas.**

21 The following criteria required by F.S. § 327.4108 ~~(2022)~~, as
22 amended from time to time, are as follows:

23 (a) The aggregate total of Anchoring Limitation Areas within
24 Duval County may not exceed ten percent of the County's delineated
25 navigable-in-fact waterways.

26 (b) Each Anchoring Limitation Area established herein must meet
27 all of the following requirements:

28 (1) Be less than 100 acres in size. For purposes of this
29 subsection, the calculated size of the anchoring limitation
30 area does not include any portion of the marked channel of

the Florida Intracoastal Waterway contiguous to the anchoring limitation area;

(2) Not include any mooring field or marina; and

(3) Be clearly marked with the following:

A. Signs that provide reasonable notice to boaters identifying the duration of time beyond which anchoring is limited and identifying Ch. 388, Part 4, *Ordinance Code*, as the ordinance that created the Anchoring Limitation Area.

B. Buoys may, if required, also be installed and maintained to mark the boundary of the anchoring limitations areas.

(c) The design and the proposed location of the signs, as either posts or buoys, shall be managed by the Parks, Recreation and Community Services Department. The Parks, Recreation and Community Services Department shall coordinate the permitting of the signs and buoys with Florida Fish and Wildlife Conservation Commission ("FWC"), pursuant to F.S. §§ 327.4108, 327.40, and FWC Rules.

* * *

Sec. 388.405. Anchoring Restricted in Anchoring Limitation Areas.

(a) A person may not anchor a vessel for more than 45 consecutive days in any six-month period in an Anchoring Limitation Area established in this Part without leaving all Anchoring Limitation Areas on the waters of the county for at least 24 hours, and eight nautical miles away, except as provided in Section 388.406, below.

~~(b) In order to not be in violation of this Part, If~~ if a person moves a vessel from an Anchoring Limitation Area on or before the forty-fourth day, ~~then~~ that vessel shall not relocate to another Anchoring Limitation Area within a radius of eight nautical miles within six months from the date the vessel was moved from an Anchoring

1 Limitation Area.

2 (b) A vessel anchored for one or more nights within an
3 Anchoring Limitation Area, as described in this Part, shall display
4 a current vessel registration decal on the port side of the vessel
5 and shall exhibit an all-around white light where it can best be
6 seen, pursuant to USCG Navigation Rules (2023), as amended from time
7 to time. A vessel anchored for more than one night within an Anchoring
8 Limitation Area without a functional, visible all-around white light
9 as described in the USCG Navigation Rules creates an imminent danger
10 to public safety and may constitute a navigational hazard if
11 unreasonable under the prevailing circumstances and may be subject
12 to relocation or removal as a violation of Section 388.304(a).

13 (c) An unattended vessel, as defined in this Part, anchored or
14 moored for more than 10 days out of a 30-day period in an Anchoring
15 Limitation Area may be investigated by a law enforcement officer as
16 an unauthorized stored vessel and may be subject to Part 5 of this
17 Chapter.

18 (d) Notwithstanding subsection (a), a person may anchor a
19 vessel in an anchoring limitation area during a time that would
20 otherwise be unlawful:

21 (1) If the vessel suffers a mechanical failure that poses
22 an unreasonable risk of harm to the vessel or the persons
23 onboard unless the vessel anchors. The vessel may anchor
24 for 3 business days or until the vessel is repaired,
25 whichever occurs first.

26 (2) If imminent or existing weather conditions in the
27 vicinity of the vessel pose an unreasonable risk of harm
28 to the vessel or the persons onboard unless the vessel
29 anchors. The vessel may anchor until weather conditions no
30 longer pose such risk. During a hurricane or tropical

storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

Sec. 388.406. Vessels not restricted in Anchoring Limitation Areas.

The anchoring restrictions of this Part do not apply to:

(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) Commercial fishing vessels ~~Vessels~~ actively engaged in ~~fully licensed commercial fishing, as defined in F.S. Section 327.02.~~

(d) Vessels anchored or moored within the riparian rights of the owner of the vessel, and only at a maximum distance from the shore of the riparian owner that provides the depth required for the safe anchoring/mooring of such vessel, considering the swing of the vessel at mean low tide. Riparian rights means those rights incident to the lands bordering upon navigable waters, as recognized by the courts of Florida and in common law.

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

Sec. 388.407. Enforcement Procedures.

(a) A law enforcement officer who has reason to believe that a vessel exists on the waters of the county in violation of this Part has the authority to investigate ~~issue a citation~~ consistent with this Part.

(b) A law enforcement officer investigating a violation of this Part shall make a reasonable effort to ascertain the name and address of the owner and any lien holder. ~~If based upon an investigation by the officer or evidence provided by others, the officer has reasonable cause to believe that a vessel has been in an Anchoring Limitation Area in violation of this Part, the officer shall inquire regarding~~

~~same of the vessel owner, operator or responsible party. Personal investigation may include receipt of at least one sworn affidavit from each of at least two unrelated adult witnesses setting forth facts establishing, either separately or together with other information known to the officer, the reasonable cause referenced above.~~

(c) Prior to issuing a citation, the law enforcement officer shall provide the owner, operator, or other person legally responsible for the subject vessel notice of the violation, as described in Section 388.408, and an opportunity to demonstrate proof that the vessel has not exceeded the limitations on anchoring. Proof that the vessel has not exceeded the limitations on anchoring may include any of the following:

(1) Documentation showing that the vessel was in another location at least eight nautical miles away, and for at least 24 hours, within a period of less than 45 days before the inquiry; or

(2) Electronic evidence, including, but not limited to, navigational devices or tracking devices permanently affixed to the vessel that show the vessel was in another location at least 8 nautical miles away, for at least 24 hours, within a period of less than 45 days before the inquiry.

~~In order to avoid a violation of this Part, the vessel owner, operator or responsible party must rebut the presumption that the vessel has not exceeded the limitations described in this Part, by the greater weight of the evidence.~~

(d) After the period for notice of violation as described in Section 388.408(a), if the owner, operator, or other person legally responsible for the vessel fails or refuses to correct the violation

1 or timely provide proof that the vessel has not exceeded the
2 limitations on anchoring, the law enforcement officer who has
3 reasonable cause to believe that the vessel is in violation of this
4 Part may issue a citation as described in Section 388.409.

5 ~~Upon inquiry by a law enforcement officer, a vessel owner,~~
6 ~~operator, or responsible party must be given an opportunity to provide~~
7 ~~such proof. Such proof may include any of the~~
8 ~~following:(1)Documentation showing that the vessel was in another~~
9 ~~location at least eight miles away, and for at least 24 hours, within~~
10 ~~a period of less than 45 days before the inquiry; or(2)Electronic~~
11 ~~evidence, including, but not limited to, navigational devices or~~
12 ~~tracking devices that show the vessel was in another location at~~
13 ~~least eight miles away, for at least 24 hours, within a period of~~
14 ~~less than 45 days before the inquiry.~~

15 ~~(c) If a vessel owner or operator is present and fails or~~
16 ~~refuses to provide proof that the vessel has not exceeded the~~
17 ~~limitations described in Section 388.405, herein, the law enforcement~~
18 ~~officer may issue a citation for a violation of this Part.~~

19 ~~(f) Any person who willfully refuses to sign and accept a~~
20 ~~citation issued by a law enforcement officer shall be guilty of a~~
21 ~~misdemeanor as provided for in F.S. § 162.21, and Chapter 609 (Code~~
22 ~~Enforcement Citations), Ordinance Code.~~

23 ~~(g) If the vessel owner or responsible party is not present,~~
24 ~~the law enforcement officer shall follow the standard operating~~
25 ~~procedures of the Jacksonville Sheriff's Office to locate and notify~~
26 ~~the owner or responsible party of the violation. The law enforcement~~
27 ~~officer may issue the citation through the U.S. mail if the owner or~~
28 ~~responsible party if not present. A law enforcement officer may also~~
29 ~~provide hand delivery of the citation.~~

30 ~~(h) The civil citation shall contain:(1)The date and time of~~

1 ~~issuance. (2) The name and address of the person to whom the citation~~
2 ~~is issued if the person is known or is present to accept the citation~~
3 ~~and provide his or her name and address. (3) The date and time the~~
4 ~~civil infraction was committed. (4) The facts constituting reasonable~~
5 ~~cause. (5) The number or Section of the Ordinance Code which has been~~
6 ~~violated. (6) The name and authority of the Officer. (7) The procedure~~
7 ~~for the person to follow in order to pay the civil penalty or to~~
8 ~~contest the citation. (8) A conspicuous statement that if the person~~
9 ~~fails to pay the civil penalty within the time allowed, or fails to~~
10 ~~appear in court to contest the citation, he shall be deemed to have~~
11 ~~waived his right to contest the citation and that, in such case,~~
12 ~~judgement may be entered against the person for an amount up to the~~
13 ~~maximum civil penalty.~~

14 ~~(i) After issuance of a citation in person, the law enforcement~~
15 ~~officer may authorize the removal of a vessel from an Anchoring~~
16 ~~Limitation Area and impound the vessel for up to 48 hours, or may~~
17 ~~cause such removal and impoundment, if the vessel owner, operator or~~
18 ~~responsible party: (1) Anchors the vessel in violation of this Part~~
19 ~~within 12 hours after being issued the citation in person;~~
20 ~~or (2) Refuses to leave the anchoring limitation area after being~~
21 ~~directed to do so by a law enforcement officer.~~

22 ~~(j) If the vessel is impounded, after 48 hours have elapsed~~
23 ~~since impoundment, if the vessel owner, operator, or responsible~~
24 ~~party has not appeared to claim the vessel at the designated~~
25 ~~impoundment location, then the law enforcement officer acting under~~
26 ~~this Part is authorized to place, or have placed, the vessel into a~~
27 ~~designated storage location, at the vessel operator's expense, until~~
28 ~~the vessel owner, operator, or responsible party has claimed the~~
29 ~~vessel and paid all removal, impoundment, penalty and storage fees~~
30 ~~which have accrued since impoundment and as a result of any penalties.~~

~~The owner or responsible party of the vessel may claim the vessel during storage after payment of towing, impoundment and storage fees.~~

~~(k) A person cited for a civil infraction shall elect one of the following within 10 calendar days of the date of receipt of the citation. (1) To pay the civil penalty to the Tax Collector or to the Clerk of Court (as specified on the citation) in accordance with the schedule set forth in Section 609.109, Ordinance Code, or (2) To obtain a court date from the office of the Clerk of the County Court.~~

~~(l) If a person cited pays the civil penalty then the person has admitted to committing the violation.~~

~~(m) If a person cited elects to obtain a court date but fails to appear in court, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of the Commission of the infraction.~~

~~(n) The person to whom the citation is issued shall be provided a copy of the citation through certified mail, return receipt requested, if the address of the owner or responsible party is known, provided if such notice of the citation is sent under this paragraph is returned as unclaimed or refused, notice may be provided by posting as follows: (1) Such notice may be posted at least ten calendar days prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the vessel upon which the violation is alleged to exist and the other of which shall be at Jacksonville City Hall; and (2) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.~~

~~(o) A vessel that is the subject of four or more violations within 12 months which result in dispositions other than acquittal or dismissal shall, by operation of law be declared to be a public~~

1 nuisance and subject to F.S. § 705.103, which provides that the vessel
 2 may be removed, after a 21-day notice period, and destroyed or used
 3 for an artificial reef; or by operation of law declared to be a
 4 derelict vessel, subject to F.S. § 823.11, which provides that the
 5 vessel may be relocated, removed, stored, destroyed or disposed
 6 of. (p) The costs of such removal and destruction are recoverable
 7 against the vessel owner or the party determined to be legally
 8 responsible for the vessel being upon the waters of the State in a
 9 derelict condition.

10 (q) Pursuant to F.S. § 327.4108(6)(d), the law enforcement
 11 agency acting under this Part to remove or impound a vessel, or to
 12 cause such removal or impoundment, shall be held harmless for any
 13 damage to the vessel resulting from such removal or impoundment unless
 14 the damage results from gross negligence or willful misconduct.

15 (r) A contractor performing removal, impoundment and/or
 16 storage services or other such activities at the direction of a law
 17 enforcement officer or the Neighborhoods Department pursuant to this
 18 Part must: (1) Be licensed in accordance with United States Coast Guard
 19 regulations, as applicable. (2) Obtain and carry a current policy
 20 issued by a licensed insurance carrier in this State to insure against
 21 any accident, loss, injury, property damage, or other casualty caused
 22 by or resulting from the contractor's actions. (3) Be properly equipped
 23 to perform such services.

24 **Sec. 388.408. - Notice of violation, form, method of service ~~County~~**
 25 **Court jurisdiction.**

26 (a) A notice of violation shall be in writing and shall
 27 identify the vessel in violation [to include: the registration number
 28 of the vessel (if known); Hull identification number; the general
 29 description of the vessel including, make, model, color and length;
 30 and the name of the vessel (if known)]; the section of the code

1 violated; the date(s) of the violation; and the location of the
2 violation (to include: a general physical description and the identity
3 of the Anchoring Limitation Area). The notice shall include a
4 conspicuous statement that if the vessel is not removed within 10
5 days, a citation may be issued. The notice shall provide the name and
6 contact information of an officer to whom proof of non-violation of
7 violation of anchoring limitation term limits may be presented and a
8 statement informing that the owner, operator, or other person legally
9 responsible for the vessel have 10 days to provide proof that the
10 vessel has not exceeded the limitations on anchoring, as described
11 in Section 388.407(c), otherwise a citation may be issued. The notice
12 shall inform that a person to whom a citation is issued may request
13 a hearing in the county court to challenge an issued citation. The
14 notice shall inform that the owner or the party legally responsible
15 for the vessel being unlawfully anchored in an anchoring limitation
16 area may be liable for and all costs incurred by the City to abate
17 the violation, as described in Section 388.103(1), if the vessel is
18 not removed by the owner, operator, or other interested party.

19 (b) If the owner, operator, or other person legally responsible
20 for the vessel is known or ascertained by reasonable effort, notice
21 shall be provided by:

22 (1) Certified mail, return receipt requested, to the last
23 address listed in vessel registration record for the state
24 of registration; if the vessel is not registered, by
25 certified mail, return receipt requested, to the address
26 listed in the tax collector's office for tax notices or to
27 the address listed in the county property appraiser's
28 database. If the vessel is owned by a corporation, notices
29 may be provided by certified mail to the registered agent
30 of the corporation. If notice sent by certified mail is

1 not signed as received within 30 days after the postmarked
2 date of mailing, notice may be provided by posting as
3 described in subparagraph (b);

4 (2) Hand delivery by the sheriff or other law enforcement
5 officer;

6 (3) Certified mail, return receipt requested, to the
7 person's usual place of residence, if known; or leaving
8 the notice at the person's usual place of residence with
9 any person residing therein who is above 15 years of age
10 and informing such person of the contents of the notice;
11 or

12 (4) In the case of commercial premises, leaving the notice
13 with the manager or other person in charge.

14 (c) If the owner, operator, or other person legally responsible
15 for the vessel is not known or cannot be ascertained upon reasonable
16 effort, notice shall be posted in the following two locations for a
17 period of 30 days:

18 (1) conspicuously posted to the vessel in substantially
19 the form described in Section 388.409; and

20 (2) posted at the primary municipal government office.

21 If the owner, operator, or other person legally responsible for
22 the vessel is known or ascertained by reasonable effort, in addition
23 to providing notice as set forth in subsection (b), notice may be
24 served by posting as described in this subsection.

25 (d) In addition to providing notice as set forth in subsection
26 (b) or (c), notice may be served by publication, if published in
27 print in a newspaper or on a publicly accessible website, as provided
28 in Florida Statutes Section 50.0311, for 4 consecutive weeks. If
29 published in print, the notice shall be published once during each
30 week for 4 consecutive weeks (four publications being sufficient) in

1 a newspaper in the county, such newspaper shall meet such requirements
2 as are prescribed under Florida Statutes Chapter 50 for legal and
3 official advertisements.

4 (e) A copy of the notice shall be sent to the lien holder, if
5 any, by certified mail, return receipt requested, on the same day as
6 posting, mailing or publishing, or as soon as practicable thereafter.
7 Failure in notice to the lien holder, if any, does not invalidate an
8 otherwise validly issued citation.

9 (f) Notice by posting or publishing may run concurrently with,
10 or may follow, an attempt or attempts to provide notice by hand
11 delivery or by mail as required under subsection (b).

12 (g) Proof of posting or publishing shall be by affidavit of the
13 person posting or publishing the notice, which affidavit shall include
14 a copy of the notice, posted or published, and the dates and locations
15 of posting or publishing.

16 (h) Evidence that an attempt has been made to hand deliver or
17 mail notice as provided in subsection (b), together with proof of
18 posting as provided in subsection (c), shall be sufficient to show
19 that the notice requirements of this part have been met, without
20 regard to whether or not the alleged violator actually received such
21 notice.

22 (i) Notice of violation posted to a vessel shall be not less
23 than 8 inches by 10 inches and shall be sufficiently weatherproof to
24 withstand normal exposure to the elements, and shall be in
25 substantially the following form:

26 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST
27 IN THE ATTACHED PROPERTY. There is reasonable cause to
28 believe that this vessel, to wit: (describe the vessel)
29 is in violation of Section 388.405, Ordinance Code, and
30 is unlawfully anchored for more than 45 consecutive days

1 in any 6-month period in an anchoring limitation area
2 established pursuant to Chapter 388, Part 4, Ordinance
3 Code, to wit: (setting forth brief description of
4 location and dates of known anchoring). The owner,
5 operator, or other person legally responsible for the
6 vessel may within 10 days of the posting of this Notice
7 present evidence of non-violation of the anchoring
8 limitation area restrictions by contacting the officer
9 listed below to provide information described in Section
10 388.407, Ordinance Code, otherwise a citation may be
11 issued. A person to whom a citation is issued may request
12 a hearing in the county court to challenge the citation.
13 The owner or the other party legally responsible for the
14 vessel being unlawfully anchored in an anchoring
15 limitation area may be liable for all costs incurred by
16 the City to abate the violation, as described in Section
17 388.103(1), Ordinance Code, which may include costs to
18 abate the violation, costs to remediate or mitigate
19 damage or threatened damage to the environment caused
20 by the violation, and the costs of enforcement of Chapter
21 388, Part 4, Ordinance Code, if the vessel is not removed
22 by the owner, operator, or other person legally
23 responsible for the vessel.

24 Dated this: (setting forth the date of posting of notice)

25 Signed: (setting forth name, title, address, and
26 telephone number of law enforcement officer).

27 ~~(a)The County Court in and for the Fourth Judicial Circuit shall hear~~
28 ~~charges of code violations pursuant to the issuance of citations.~~

29 ~~(b)Any person so charged may contest the citation in the County Court.~~

30 **Sec. 388.409. - Citations; Form and service of citation Violations.**

1 Whenever a law enforcement officer with reasonable cause to believe
2 that a vessel on the waters of the county is in violation of this
3 Part, after notification of violation and after the time period for
4 the opportunity for the violator to correct the violation, if
5 required, and has lapsed, and after an opportunity to demonstrate
6 proof that the vessel has not exceeded the limitations on anchoring
7 has expired (as described in Section 388.407), such officer has the
8 authority to issue a citation consistent with this Part, as follows:

9 (a) A citation issued pursuant to this Part shall contain:

10 (1) The date and time of issuance.

11 (2) The name and address of the person to whom the
12 citation is issued;

13 (3) The date and time of the violation;

14 (4) The number or Section of the Ordinance Code which has
15 been violated;

16 (5) A description of the vessel, to include: the
17 registration number of the vessel; the name of the title
18 owner of the vessel (if known); Hull identification number;
19 the general description of the vessel including, make,
20 model, color and length; and the name of the vessel (if
21 known);

22 (6) The location of the violation, to include: a general
23 physical description and the identity of the Anchoring
24 Limitation Area;

25 (7) Facts constituting reasonable cause to believe the
26 violation has occurred or is occurring.

27 (8) The name and agency authority of the Officer issuing
28 the citation;

29 (9) The procedure for the person to follow in order to
30 pay the civil penalty or to contest the citation, which

1 may include a reference to the Jacksonville.gov webpage
2 that contains such information.

3 (10) The applicable civil penalty if the person elects to
4 contest the citation, and the applicable civil penalty if the
5 person elects not to contest the citation.

6 (11) A conspicuous statement that if the person fails to
7 pay the civil penalty within the time allowed, or fails to
8 appear in court to contest the citation, he or she shall
9 be deemed to have waived the right to contest the citation
10 and that, in such case, judgement may be entered against
11 the person for an amount up to the maximum civil penalty.

12 (12) A conspicuous statement that the vessel owner or
13 operator is directed to remove the vessel from the
14 Anchoring Limitation Area within 12 hours of effective
15 service of the citation. The statement shall include the
16 warning that the vessel may be impounded by law enforcement
17 pursuant to Section 399.411, Ordinance Code, and Florida
18 Statutes Section 327.4108(6)(c), if the vessel is not
19 removed from the anchoring limitation area after being
20 served the directive to do so by a law enforcement, or if
21 the vessel is moved it is anchored in violation of Part 4
22 of Chapter 388 within 12 hours after being issued the
23 citation.

24 (13) A conspicuous statement that in addition to any
25 penalties under law, the City may recover from the owner,
26 operator, or other person legally responsible for the
27 vessel, for all costs incurred by the City to abate the
28 violation, as described in Section 388.103(1), Ordinance
29 Code, which may include costs to abate the violation, costs
30 to remediate or mitigate damage or threatened damage to

1 the environment caused by the violation, and the costs of
2 enforcement of this Part.

3 (b) If the owner, operator, or other person legally responsible
4 for the vessel is known or ascertained by reasonable effort, service
5 of a citation shall be effectuated upon such person by:

6 (1) Certified mail, return receipt requested, to the last
7 address listed in vessel registration record for the state
8 of registration; if the vessel is not registered, by
9 certified mail, return receipt requested, to the address
10 listed in the tax collector's office for tax notices or to
11 the address listed in the county property appraiser's
12 database. If the vessel is owned by a corporation,
13 citations may be provided by certified mail to the
14 registered agent of the corporation. If a citation sent by
15 certified mail is not signed as received within 15 days
16 after the postmarked date of mailing, the citation may be
17 posted in a weatherproof covering in a conspicuous location
18 upon the vessel;

19 (2) Hand delivery by the sheriff or other law enforcement
20 officer;

21 (3) Certified mail, return receipt requested, to the
22 person's usual place of residence, if known; or leaving
23 the citation at the person's usual place of residence with
24 any person residing therein who is above 15 years of age
25 and informing such person of the contents of the citation;
26 or

27 (4) In the case of commercial premises, leaving the
28 citation with the manager or other person in charge.

29 (c) Within 5 days after issuing a citation, the issuing officer
30 shall deposit the original and one copy of the citation with the

1 County Court and shall transmit a copy of the citation to the Director
2 of the Parks, Recreation & Community Services Department, or designee.

3 (d) Upon the issuance of a citation, or as soon as practicable,
4 law enforcement may post to the vessel a directive to remove the
5 vessel. Such notice shall be not less than 8 inches by 10 inches and
6 shall be sufficiently weatherproof to withstand normal exposure to
7 the elements, and shall be in substantially the following form:

8 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST
9 IN THE ATTACHED PROPERTY. There is reasonable cause to
10 believe that this vessel, to wit: (describe the vessel)
11 is in violation of Section 388.405, Ordinance Code, and
12 is unlawfully anchored for more than 45 consecutive days
13 in any 6-month period in an anchoring limitation area
14 established pursuant to Chapter 388, Part 4, Ordinance
15 Code, to wit: (setting forth brief description of
16 location and dates of known anchoring). A citation has
17 been issued. THE OWNER, OPERATOR, OR OTHER PERSON
18 LEGALLY RESPONSIBLE FOR THE VESSEL ARE DIRECTED TO
19 REMOVE THE VESSEL FROM THE ANCHORING LIMITATION AREA
20 WITHIN 12 HOURS OF THE POSTING OF THIS NOTICE. If the
21 vessel is not removed from the anchoring limitation area
22 in 12 hours, or if the vessel is otherwise anchored in
23 violation of Chapter 388, Section 4, Ordinance Code,
24 within 24 hours, THE VESSEL MAY BE REMOVED AND IMPOUNDED,
25 pursuant to Section 399.411, Ordinance Code, or Florida
26 Statutes Section 327.4108(6)(c). The owner, operator,
27 or other person legally responsible for the vessel may
28 be liable for all costs incurred by the City to abate
29 the violation, as described in Section 388.103(1),
30 Ordinance Code, which may include costs to abate the

violation, costs to remediate or mitigate damage or threatened damage to the environment caused by the violation, and the costs of enforcement of Chapter 388, Part 4, Ordinance Code, if the vessel is not removed by the owner, operator, or other person legally responsible for the vessel.

Dated this: (setting forth the date of posting of notice)

Signed: (setting forth name, title, address, and telephone number of law enforcement officer).

Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and location(s) of its posting.

Sec. 388.410 409. - Penalties and Remedies Violations.

(a) ~~Notwithstanding Chapter 609, Pursuant to F.S. § 327.73(1)(z), (2022),~~ a violation of Anchoring Limitation Areas is punishable as a noncriminal infraction for which the penalty is:

(1) For a first offense, up to a maximum of ~~\$50~~ 100.

(2) For a second offense, up to a maximum of ~~\$100~~ 250.

(3) For a third or subsequent offense, up to a maximum of ~~\$250~~ 500.

(b) The penalties under this section are in addition to other penalties provided by law.

~~Pursuant to F.S. § 327.72, any person who does not pay the civil penalty listed in Section 388.408 (Violations), above, within 30 days commits a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.~~

(c) In addition to the civil penalty imposed above, the owner or other person legally responsible for a vessel that is removed and impounded pursuant to Section 388.411, must pay all removal and storage fees before the vessel is released. A vessel removed pursuant

1 to Section 388.411 may not be impounded for longer than 48 hours.
2 Following impoundment, the vessel may be stored as described in
3 Section 388.411 ~~388.407(j)~~.

4 (d) All ~~penalties and~~ fines relating to this Part shall be
5 deposited into the *Derelict and Abandoned Vessel and Floating*
6 *Structure Enforcement and Removal Trust Fund*, Section 111.787,
7 *Ordinance Code*. ~~Reimbursement for the removal, impoundment and~~
8 ~~storage of vessels resulting from the enforcement of this Part shall~~
9 ~~be provided to the entity that initially paid for those services.~~

10 (e) Each day during any portion of which a violation of this
11 Part occurs shall constitute a separate offense.

12 (f) The County Court in and for the Fourth Judicial Circuit is
13 the Court of competent jurisdiction for citations issued pursuant to
14 this Part.

15 **Sec. 388.411 - Impoundment, removal and disposal of vessels.**

16 (a) After posting the removal directive to the vessel, as
17 described in Section 388.409(d), a law enforcement officer may
18 authorize the removal of a vessel from an Anchoring Limitation Area
19 and impound the vessel for up to 48 hours, or may cause such removal
20 and impoundment, if the vessel owner, operator or other legally
21 responsible party fails to remove the vessel from the anchoring
22 limitation area or shown reasonable cause for failure to do so, or
23 anchors the vessel in violation of this Part within 12 hours after
24 being issued a citation for violation of this Part. If the vessel is
25 impounded pursuant to this subsection, after 48 hours have elapsed
26 since impoundment, if the vessel owner or other interested party with
27 legal standing on the disposition of the vessel has not claimed the
28 vessel at the designated impoundment location, then the law
29 enforcement officer acting under this Part is authorized to place,
30 or have placed, the vessel into a designated storage location, at the

1 expense of the vessel owner, operator, or other responsible party,
2 until the vessel owner, operator, or responsible party has paid all
3 removal, impoundment, penalty and storage fees which have accrued
4 since impoundment and as a result of any penalties. Notice of removal
5 and storage shall be served in the same manner as provided for notice
6 of violation in Section 388.408. The vessel owner or other interested
7 party with legal standing on the disposition of the vessel may reclaim
8 a stored vessel after payment of towing, impoundment and storage
9 fees. If, within 30 days of service of notice of removal and storage
10 pursuant to this subsection, no attempt has been made to claim the
11 vessel, the vessel may be designated as a Lost or Abandoned Vessel,
12 subject to Section 388.506, of this Chapter.

13 (b) If the owner, operator, or other person legally responsible
14 for the vessel is known or ascertained by reasonable effort, and
15 either,

16 (1) The owner, operator, or other person legally
17 responsible for the vessel has disavowed responsibility
18 for the vessel and no other owner, operator, or other
19 person legally responsible for the vessel is known; or

20 (2) After service of the notice of violation has been
21 attempted as provided in Section 388.408, and the term of
22 days to correct the violation has lapsed under Section
23 388.408, no party legally responsible for the vessel has
24 removed the vessel from the waters of the county or shown
25 reasonable cause for failure to do so, and the term of days
26 to contest an issued citation has lapsed, and no person
27 has come forward in response to the notice or citation;

28 the vessel may be designated as a Lost or Abandoned Vessel, subject
29 to Section 388.506, of this Chapter.

30 (c) If the owner, operator, or other person legally responsible

1 for the vessel is not known or cannot be ascertained upon reasonable
2 effort, and notice of violation has been provided pursuant to Section
3 388.408, and the term of days to correct the violation has lapsed
4 under Section 388.408, and no person legally responsible for the
5 vessel has caused the vessel to be removed within the term of days
6 specified in the notice or shown reasonable cause for failure to do
7 so, the vessel may be designated as a Lost or Abandoned Vessel,
8 subject to Section 388.506, of this Chapter.

9 (d) If the following language is included in the notice of
10 violation pursuant to Section 388.408, the term of days required
11 under subsection (a), may run concurrent to the required term of days
12 under Part 5 of this Chapter:

13 IF THE OWNER, OPERATOR, OR OTHER PERSON LEGALLY RESPONSIBLE
14 FOR THE ATTACHED PROPERTY HAS NOT REMOVED THIS VESSEL FROM
15 THE WATERS OF THE COUNTY OR SHOWN REASONABLE CAUSE FOR
16 FAILURE TO DO SO WITHIN 30 DAYS OF THE DATE OF THIS NOTICE
17 THIS VESSEL WILL BE REMOVED AND DISPOSED OF AS ABANDONED,
18 PURSUANT TO CHAPTER 705, FLORIDA STATUTES OR CHAPTER 388,
19 PART 5, ORDINANCE CODE.

20 **Sec. 388.412 - Anchoring Limitation/Public Nuisance Vessel.**

21 (a) A vessel that is the subject of four or more violations
22 within 12 months which result in dispositions other than acquittal
23 or dismissal, as described in Florida Statutes Section 327.4108, is
24 a vessel habitually in violation of anchoring limitations and shall,
25 by operation of law, be declared an Anchoring Limitation/Public
26 Nuisance Vessel and may be disposed of as provided in this section,
27 or as provided in Florida Statutes Section 705.103.

28 (b) A law enforcement officer with reasonable cause to believe
29 a vessel anchored or moored on the waters of the county is an Anchoring
30 Limitation/Public Nuisance Vessel, the officer shall serve upon the

owner, operator, or other person legally responsible for the vessel a notice of intent to remove and dispose a vessel declared to be an Anchoring Limitation/Public Nuisance Vessel ("notice of intent"). Notice of intent shall be in writing and shall identify the vessel in violation [to include: the registration number of the vessel (if known); Hull identification number (if known); the general description of the vessel including, make, model, color and length; and the name of the vessel (if known)]; shall refer to Section 388.412, *Ordinance Code*, and Florida Statutes Section 327.4108; shall include the court case number or citation number of four or more previous violations within 12 months, with the dispositions and dates of disposition for each; and the notice shall include that the owner or other interested party with legal standing on the disposition of the vessel has 30 days from service of the notice of intent to request an administrative hearing regarding on the determination that the vessel is an Anchoring Limitation/Public Nuisance Vessel and that failure to request such hearing shall be deemed a waiver of the right to such administrative hearing.

(c) Notice of intent to remove and dispose a vessel declared to be an Anchoring Limitation/Public Nuisance Vessel shall be served by the methods described for a notice of violation pursuant to Section 388.408, except that the content of the notice shall be as described in subsection (b) of this section, and notice posted to the vessel shall be as described in subsection (d) of this section.

(d) Notice of intent to remove and dispose a vessel declared to be an Anchoring Limitation/Public Nuisance Vessel posted to a vessel shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements, and shall be in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL

1 INTEREST IN THE ATTACHED PROPERTY. This vessel, to
2 wit: (make, model, registration numbers, if
3 available, HIN, if available) has been declared to be
4 an Anchoring Limitation/Public Nuisance Vessel, as
5 described in Section 388.412, Ordinance Code, and
6 Florida Statutes Section 327.4108, and is unlawfully
7 on the waters of this county in violation of Section
8 388.405, Ordinance Code, to wit: (brief description
9 of location). The vessel having been the subject of
10 four or more violations of anchoring limitations
11 within 12 months, to wit: [court case number or
12 citation number of four or more previous violations
13 within 12 months, the dispositions and dates of
14 disposition], the vessel is declared to be a public
15 nuisance. The vessel owner or other interested party
16 with legal standing on the disposition of the vessel
17 has 30 days from the date of this notice to request
18 an administrative hearing regarding the determination
19 that the vessel is an Anchoring Limitation/Public
20 Nuisance Vessel, under Section 388.412, Ordinance
21 Code. Failure to request such hearing shall be deemed
22 a waiver of the right to such administrative hearing.
23 THIS VESSEL MUST BE REMOVED WITHIN 21 DAYS OTHERWISE
24 IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER
25 705, FLORIDA STATUTES, OR PURSUANT TO SECTION
26 388.412, ORDINANCE CODE, AND A CITATION MAY BE ISSUED.
27 The City may recover from the owner or other person
28 legally responsible for the vessel for all costs
29 incurred by the City to abate the violation, as
30 described in Section 388.103(1), Ordinance Code,

1 which may include costs to abate the violation, costs
2 to remediate or mitigate damage or threatened damage
3 to the environment caused by the violation, and the
4 costs of enforcement of Chapter 388, Part 4, Ordinance
5 Code.

6 Dated this: (setting forth the date of posting of
7 notice), signed: (setting forth name, title, address,
8 and telephone number of the law enforcement officer).

9 (e) The procedure for hearings requested by adversely affected
10 vessel owners who have received notice of intent to remove and dispose
11 a vessel declared to be an Anchoring Limitation/Public Nuisance
12 Vessel, under this section shall be as described in Section 388.310,
13 Ordinance Code.

14 (f) Disposal of an Anchoring Limitation/Public Nuisance Vessel
15 may occur as follows,

16 (1) If, after the term of days required for posting,
17 publishing, or mailing notice of intent to remove and
18 dispose a vessel declared to be an Anchoring
19 Limitation/Public Nuisance Vessel, the owner, operator, or
20 other person legally responsible for the vessel has not
21 caused the vessel to be removed or shown reasonable cause
22 for failure to do so, the owner or other interested party
23 with legal standing on the disposition of the vessel has
24 not timely requested an administrative hearing on the
25 determination of the vessel as an Anchoring
26 Limitation/Public Nuisance Vessel, and if a citation has
27 been issued the term of days to contest a citation has
28 lapsed; or

29 (2) If the owner, operator, or other person legally
30 responsible for the vessel has disavowed responsibility

for the vessel and no other owner, operator, or other person legally responsible for the vessel, or lien holder, can be ascertained by reasonable effort; or,

(3) If, following a hearing pursuant to Florida Statutes Section 705.103(2)(a)2., a judge, magistrate, administrative law judge, or hearing officer, or in the instance of an administrative proceeding described in Section 388.310, Ordinance Code, a Code Enforcement Officer named as a presiding officer or the Environmental Protection Board, has determined the vessel to be an Anchoring Limitation/Public Nuisance Vessel and a final order has been entered;

the law enforcement agency or its designee may dispose of the vessel as a lost vessel as described in Section 388.506(f), Ordinance Code.

Section 7. Creating Part 5 (Abandoned Vessels; Lost Vessels), Chapter 388 (Boats and Waterways), Ordinance Code. Part 5 (Abandoned Vessels; Lost Vessels), Chapter 388 (Boats and Waterways), *Ordinance Code*, is hereby created to read as follows:

CHAPTER 388 - BOATS AND WATERWAYS

*** * ***

PART 5. - ABANDONED VESSELS; LOST VESSELS

Sec. 388.501. - Findings and legislative intent.

(a) Pursuant to Florida Statutes Section 327.60 (2023), as amended from time to time, the Florida Legislature has expressly authorized local governments to enact and enforce regulations to implement the procedures for abandoned or lost property that allow the local law enforcement agency to remove a vessel affixed to a public dock or mooring within its jurisdiction that is abandoned or lost property pursuant to Florida Statutes Section 705.103(1). Such regulation must require the local law enforcement agency to post a

1 written notice at least 24 hours before removing the vessel.

2 (b) Abandoned vessels pose a significant threat to the
3 environment, human health, and navigational safety as an obstruction
4 to navigation through deterioration, physical damage to the
5 surrounding ecosystems, through the proliferation of marine debris,
6 or the threat of discharge of sewage, oil and/or hazardous substances
7 into the marine environment.

8 (c) Vessels which are not under the supervision and control of
9 a person capable of operating, maintaining, or moving it from one
10 location to another and which remain anchored or moored in the same
11 location for over 10 days out of a 30-day period demonstrates that
12 such vessels are no longer engaged in the exercise of navigation, and
13 should be classified as unauthorized stored vessels.

14 (d) The abandonment of vessels conflicts with the Public Trust
15 Doctrine, which holds and protects sovereign submerged lands and the
16 water column above it for the benefit and use of the public.

17 (e) Prohibitions on lost or abandoned vessels serve to promote
18 public health, safety and welfare by reducing or eliminating the
19 threats posed by lost vessels and abandoned vessels, through the
20 exercise of the authority granted to the City pursuant to Florida
21 Statutes Chapter 705.

22 **Sec. 388.502. - Definitions.**

23 For the purpose of this Part, the following terms, phrases,
24 words, abbreviations and their derivations shall have the meaning
25 given herein.

26 (a) *Abandoned Vessel* means any vessel that has an identified
27 owner who is unwilling to take control of the vessel, or an vessel
28 that does not have an identifiable owner upon reasonable effort (to
29 ascertain the name and address of the owner and any lien holder, as
30 described in Section 388.102) and which is anchored or moored on the

1 waters of the county under the following criterion, but no single
2 criterion shall be conclusive:

3 (1) The vessel identification numbers and other means of
4 identification have been removed so as to hinder or nullify
5 efforts to locate or identify the owner.

6 (2) Absence of a current license decal, registration or
7 inspection.

8 (3) Evidence that the vessel's registration certificate
9 is expired for 45 or more days and the registered owner no
10 longer resides at the address listed in the vessel
11 registration.

12 (4) Evidence that the last registered owner of record
13 disclaims ownership and the current owner's name or address
14 cannot be determined.

15 (5) The Department of Highway Safety and Motor Vehicles
16 or the appropriate agency in the state of registration, if
17 known, have no record of the vessel having ever been
18 registered and the owner's name or address cannot be
19 determined.

20 (6) Whether the vessel has value other than nominal
21 salvage value.

22 (7) Whether the vessel is in sufficient repair to perform
23 its intended purpose.

24 A. Evidence of disrepair shall include missing,
25 removed, or partially or completely dismantled
26 parts; broken glass; or other signs of substantial
27 deterioration.

28 B. In making evaluations under this subsection, the
29 compliance officer may require the owner to
30 demonstrate the operability of the article.

(8) Evidence that the vessel has been left unprotected from the elements, including without limitation: growth of vegetation or standing pools subject to insect infestation; rust or other corrosion; the positioning of the vessel in other than an upright or operable manner; and vandalism.

(9) Evidence that the vessel was involved in a collision or other incident during which it was physically damaged and has remained in the condition for in excess of 72 hours and no repair activity has taken place over a 72-hour period. This criterion does not apply to persons who abandon a vessel on the waters of the County solely as a result of a boating accident that is reported to law enforcement in accordance with Florida Statutes Section 327.301 (2023), or otherwise reported to law enforcement; a hurricane; or another sudden event outside of his or her control if:

A. The individual documents for law enforcement the specific event that led to the vessel to become abandoned on the waters of the county; and

B. The owner or operator of the abandoned vessel shall make a bona fide attempt to recover the vessel,

i. For a vessel that has been abandoned as a result of a boating accident or other sudden event outside his or her control, within 7 days after such accident or event; or

ii. Within 45 days after the hurricane has passed over the state.

The term *Abandoned Vessel* as used in this Part is distinct from the term *Abandoned Property*, as used in Chapter 670. Vessels described in Section 388.311, (a), (b) or (c), or Section 388.411, (a) or (c),

1 or Section 388.411, may be designated as a Lost Vessel or Abandoned
2 Vessel, subject to Section 388.506.

3 (b) *Attended vessel* means that a person capable of operating,
4 maintaining, or moving the vessel from one location to another is on
5 board the subject vessel for 4 continuous hours in a 24-hour period.
6 Any vessel left unattended for more than 10 days out of a 30-day
7 period demonstrates that the vessel is no longer engaged in navigation
8 and may be deemed unattended.

9 (c) *Lost Vessel* means any unattended vessel anchored or moored
10 on the waters of the county that does not have an identifiable owner
11 upon reasonable effort (to ascertain the name and address of the
12 owner and any lien holder, as described in Section 388.102) and which
13 is in a substantially operable, functioning condition or which has
14 an apparent intrinsic value to the rightful owner. A vessel described
15 in Section 388.412(f), may constitute a lost vessel.

16 **Sec. 388.503. - Prohibitions.**

17 (a) Notwithstanding Chapter 609, any person who willfully
18 abandons a vessel anchored, moored, or aground, on the waters of the
19 county, or allows a vessel to be anchored, moored, or aground, on the
20 waters of the county, shall be guilty of a violation of this part as
21 a Class C offense, as described in Section 609.109, Ordinance Code.
22 The penalty for a second violation within 3 years shall be twice the
23 amount of the first offender fine. The penalty for a third or
24 subsequent violation within 5 years shall be three times the amount
25 of the first offender fine. The penalty shall be in addition to
26 restitution for damage to the property of another and all costs
27 incurred by the City to abate the violation, as described in Section
28 388.103(1).

29 (b) It is unlawful for any person who finds any lost or
30 abandoned vessel on the waters of the county to appropriate the same

1 to his or her own use or to refuse to deliver the same when required
2 by law. Any person who unlawfully appropriates such lost or abandoned
3 vessel to his or her own use or refuses to deliver such property when
4 required commits theft, as defined in Florida Statutes Section
5 812.014, punishable as provided by law.

6 (c) As used in this subsection, all costs incurred by the City
7 to abate the violation means as described in Section 388.103(1). The
8 City shall have the right to utilize any available method under the
9 law to recover such costs. Recovered costs for abatement of a
10 violation of this Part shall be deposited into the *Derelict and*
11 *Abandoned Vessel and Floating Structure Enforcement and Removal Trust*
12 *Fund*, Section 111.787.

13 (e) Each day during any portion of which a violation of this
14 Part occurs shall constitute a separate offense.

15 (f) This section does not apply to persons who abandon a vessel
16 on the waters of the County solely as a result of a boating accident
17 that is reported to law enforcement in accordance with Florida
18 Statutes Section 327.301, or otherwise reported to law enforcement;
19 a hurricane; or another sudden event outside of his or her control
20 if:

21 (1) The individual documents for law enforcement the
22 specific event that led to the vessel to become abandoned
23 on the waters of the county; and

24 (2) The owner or operator of the abandoned vessel shall
25 make a bona fide attempt to recover the vessel,

26 A. For a vessel that has been abandoned as a result
27 of a boating accident or other sudden event outside
28 his or her control, within 7 days after such accident
29 or event; or

30 B. Within 45 days after the hurricane has passed over

the state.

Sec. 388.504. - Reporting, Notice, and Procedure for Lost or Abandoned Vessels.

(a) Law enforcement officers may investigate violations of this Part. An officer investigating a vessel pursuant to this Part shall make a reasonable effort to ascertain the name and address of the owner and any lien holder.

(b) Reporting lost or abandoned vessels. Whenever any person finds any lost or abandoned vessel, such person may report the description and location of the vessel to the Director of the Parks, Recreation & Community Services Department, or designee, or to a law enforcement officer who shall deliver a copy of the report to the Director of the Parks, Recreation & Community Services Department, or designee. The person taking the report shall ascertain whether the person reporting the vessel wishes to make a claim to it if the rightful owner cannot be identified or located. If the person does wish to make such claim, he or she shall deposit with the City a reasonable sum sufficient to cover the cost for transportation, storage, and publication of notice. This sum shall be reimbursed to the finder by the rightful owner should he or she identify and reclaim the property.

(c) Required Notice.

(1) Whenever a law enforcement officer has reasonable cause to believe that a vessel anchored, moored, or grounded, on the waters of the county, reported as lost or abandoned, is a Derelict Vessel, as described in Section 388.301, or an At-Risk/Public Nuisance Vessel, as described in Section 388.301, the officer shall proceed under Part 3 of this Chapter. If there is reasonable cause to believe that a vessel reported as lost or abandoned qualifies as an

1 Anchoring Limitation/Public Nuisance Vessel, as described
2 in Section 388.412, the officer shall proceed under Part 4
3 of this Chapter. However, any vessel described in Section
4 388.311, (a), (b) or (c); Section 388.411, (a) or (c); or
5 Section 388.411, may be designated as a Lost or Abandoned
6 Vessel and the subject to Section 388.506, regardless of
7 the vessel also qualifying as a Derelict Vessel, an At-
8 Risk/Public Nuisance Vessel, or an Anchoring
9 Limitation/Public Nuisance Vessel.

10 (2) Whenever a law enforcement officer has reasonable cause
11 to believe that a vessel anchored, moored, or grounded, on
12 the waters of the county, reported as lost or abandoned,
13 is a lost or abandoned vessel, the officer shall cause
14 notice of violation to be served as described in this
15 section. Notice of violation shall be in writing, shall
16 specify the violation alleged with reference to the
17 relevant ordinance, and shall direct that the vessel be
18 removed from the waters of the county within a reasonable
19 time, not less than 5 days otherwise a citation may be
20 issued to the owner, operator, or other person legally
21 responsible for the vessel. Notice shall include that a
22 person who has been issued a citation may request a hearing
23 in the county court to challenge a citation issued. Notice
24 shall include a conspicuous statement that if the owner or
25 other person legally responsible for the vessel has not
26 removed this vessel from the waters of the county within
27 the 5 days, it will be removed and disposed of pursuant to
28 Chapter 705, Florida Statutes or Chapter 388, Part 5,
29 *Ordinance Code*. The notice shall also inform that in
30 addition to fines and penalties, the owner, operator, or

1 other person legally responsible for the floating structure
2 may be liable for all costs incurred by the City to abate
3 the violation, as described in Section 388.103(1),
4 *Ordinance Code*, which may include costs to relocate,
5 remove, store, destroy or dispose of a vessel; costs to
6 remediate or mitigate damage or threatened damage to the
7 environment caused by the violation; costs to remediate or
8 mitigate litter or debris caused by the violation; and the
9 costs of enforcement of Chapter 388, Part 5, *Ordinance*
10 *Code*. Notice of violation posted upon such vessel, shall
11 be in substantially the following form:

12 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
13 INTEREST IN THE ATTACHED PROPERTY. This property, to
14 wit: (setting forth brief description of vessel) is
15 unlawfully upon public property known as (setting
16 forth brief description of location) in violation of
17 Section 388.503, *Ordinance Code*. THIS VESSEL MUST BE
18 REMOVED WITHIN 5 DAYS; OTHERWISE, IT WILL BE REMOVED
19 AND DISPOSED OF PURSUANT TO CHAPTER 705, FLORIDA
20 STATUTES OR CHAPTER 388, PART 5, *ORDINANCE CODE*, AND
21 A CITATION MAYBE ISSUED. A person to whom a citation
22 is issued may request a hearing in the county court
23 to challenge the citation. The owner or other person
24 legally responsible for the vessel will be liable for
25 all costs incurred by the City to abate the violation,
26 as described in Section 388.103(1), *Ordinance Code*,
27 which may include costs to abate the violation, costs
28 to remediate or mitigate damage or threatened damage
29 to the environment caused by the violation, and the
30 costs of enforcement of Chapter 388, Part 5, *Ordinance*

Code.

Dated this: (setting forth the date of posting of notice) , signed: (setting forth name, title, address, and telephone number of law enforcement officer) .

(3) Whenever a law enforcement officer has reasonable cause to believe that a vessel, reported as lost or abandoned, is a lost or abandoned vessel and is anchored, moored, or affixed to a public dock or public mooring, the officer shall cause notice of violation to be served as described in this section. Notice of violation shall be in writing, shall specify the violation alleged with reference to the relevant ordinance, and shall direct that the vessel be removed from the waters of the county within a reasonable time, not less than 48 hours otherwise a citation may be issued to the owner, operator, or other person legally responsible for the vessel. Notice shall include that a person who has been issued a citation may request a hearing in the county court to challenge a citation issued. Notice shall include a conspicuous statement that if the owner or other person legally responsible for the vessel has not removed this vessel from the waters of the county within 48 hours, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes or Chapter 388, Part 5, *Ordinance Code*. The notice shall also inform that in addition to fines and penalties, the owner, operator, or other person legally responsible for the floating structure may be liable for all costs incurred by the City to abate the violation, as described in Section 388.103(1), *Ordinance Code*, which may include costs to relocate,

1 remove, store, destroy or dispose of a vessel; costs to
2 remediate or mitigate damage or threatened damage to the
3 environment caused by the violation; costs to remediate or
4 mitigate litter or debris caused by the violation; and the
5 costs of enforcement of Chapter 388, Part 5, *Ordinance*
6 *Code*. Notice of violation posted upon such vessel, shall
7 be in substantially the following form:

8 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
9 INTEREST IN THE ATTACHED PROPERTY. This property, to
10 wit: (setting forth brief description of vessel) is
11 unlawfully upon public property known as (brief
12 description of location) in violation of Section
13 388.503, *Ordinance Code*. THIS VESSEL MUST BE REMOVED
14 WITHIN 48 HOURS OTHERWISE, IT WILL BE REMOVED AND
15 DISPOSED OF PURSUANT TO CHAPTER 705, FLORIDA
16 STATUTES, OR CHAPTER 388, PART 5, *ORDINANCE CODE*, AND
17 A CITATION MAYBE ISSUED. A person to whom a citation
18 is issued may request a hearing in the county court
19 to challenge the citation. The owner or other person
20 legally responsible for the vessel will be liable for
21 all costs incurred by the City to abate the violation,
22 as described in Section 388.103(1), *Ordinance Code*,
23 which may include costs to abate the violation, costs
24 to remediate or mitigate damage or threatened damage
25 to the environment caused by the violation, and the
26 costs of enforcement of Chapter 388, Part 5, *Ordinance*
27 *Code*.

28 Dated this: (setting forth the date of posting of
29 notice) , signed: (setting forth name, title,
30 address, and telephone number of law enforcement

officer) .

(d) Notice required to be posted to a vessel shall not be less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements.

(e) On the date of posting notice to a vessel, or as soon thereafter as is practical, the officer shall also serve a copy of such notice as follows,

(1) If the name and address of the owner is known to the officer or ascertained by reasonable effort, by,

A. Certified mail, return receipt requested, to the last address listed in vessel registration record for the state of registration; if the vessel is not registered, by certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. If the vessel is owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If notice sent by certified mail is not signed as received within 14 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraph 3;

B. Hand delivery by the sheriff or other law enforcement officer, or code enforcement officer;

C. Certified mail, return receipt requested, to the person's usual place of residence, if known; or leaving the notice at the person's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or,

D. In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) If the owner, operator, or other person legally responsible for the vessel is not known or cannot be ascertained upon reasonable effort such notice shall also be posted in the following two locations for a period of at least 21 days:

A. posted at the primary municipal government office in the jurisdiction of the location of the vessel; and,

B. by publication in print in a newspaper or on a publicly accessible website, as provided in Florida Statutes Section 50.0311, for 3 consecutive weeks. If published in print, the notice shall be published once during each week for 3 consecutive weeks (three publications being sufficient) in a newspaper in the county, such newspaper shall meet such requirements as are prescribed under Florida Statutes Chapter 50 for legal and official advertisements.

(3) If the owner, operator, or other person legally responsible for the vessel is known or ascertained by reasonable effort, in addition to providing notice or attempting notice as set forth in subsection 1., notice may be served by posting as described in this subsection.

(f) A copy of the notice shall be sent to the lien holder, if any, by certified mail, return receipt requested, on the same day as posting, mailing or publishing, or as soon as practicable thereafter. Failure in notice to the lien holder, if any, does not invalidate an otherwise validly issued citation.

(g) Proof of posting or publishing shall be by affidavit of

1 the person posting or publishing the notice, which affidavit shall
2 include a copy of the notice, posted or published, and the dates and
3 locations of posting or publishing.

4 (h) Evidence of posting as provided in subsection (c), together
5 with proof of posting and publishing as provided in subsection (e)2,
6 and if the owner, operator, or other person legally responsible for
7 the vessel is known or ascertained by reasonable effort, proof that
8 an attempt has been made to hand deliver or mail notice as provided
9 in subsection (e)1, shall be sufficient to show that the notice
10 requirements of this part have been met, without regard to whether
11 or not the alleged violator actually received such notice.

12 **Sec. 388.505. - Citations; Form and service of citation.**

13 (a) Whenever a law enforcement officer with reasonable cause to
14 believe that a vessel on the waters of the county is in violation of
15 this Part, after notification of violation and after the time period for
16 the opportunity for the violator to correct the violation, if required,
17 has lapsed, such officer has the authority to issue a citation consistent
18 with this Part.

19 (b) A citation issued pursuant to this Part shall contain:

20 (1) The date and time of issuance.

21 (2) The name and address of the person to whom the
22 citation is issued;

23 (3) The date and time of the violation;

24 (4) The number or Section of the Ordinance Code which has
25 been violated;

26 (5) A description of the vessel: the registration number
27 of the vessel; the name of the title owner of the vessel
28 (if known); Hull identification number; the general
29 description of the vessel including, make, model, color
30 and length; and the name of the vessel (if known);

1 (6) The location of the violation, to include: a general
2 physical description and G.P.S.;

3 (7) Facts constituting reasonable cause to believe the
4 violation has occurred or is occurring.

5 (8) The name and agency authority of the Officer issuing
6 the citation;

7 (9) The procedure for the person to follow in order to
8 pay the civil penalty or to contest the citation, which
9 may include a reference to the Jacksonville.gov webpage
10 that contains such information.

11 (10) The applicable civil penalty if the person elects to
12 contest the citation, and the applicable civil penalty if the
13 person elects not to contest the citation.

14 (11) A conspicuous statement that if the person fails to
15 pay the civil penalty within the time allowed, or fails to
16 appear in court to contest the citation, he or she shall
17 be deemed to have waived the right to contest the citation
18 and that, in such case, judgement may be entered against
19 the person for an amount up to the maximum civil penalty.

20 (12) A conspicuous statement that in addition to any
21 penalties under law, the City may recover from the owner,
22 operator, or other person legally responsible for the
23 vessel, for all costs incurred by the City to abate the
24 violation, as described in Section 388.103(1), which may
25 include costs to relocate, remove, store, destroy or
26 dispose of a vessel; costs to remediate or mitigate damage
27 or threatened damage to the environment caused by the
28 violation; costs to remediate or mitigate litter or debris
29 caused by the violation; and the costs of enforcement of
30 this Part.

1 (c) If the owner, operator, or other person legally responsible
2 for the vessel is known or ascertained by reasonable effort, service
3 of a citation shall be effectuated upon such person by:

4 (1) Certified mail, return receipt requested, to the last
5 address listed in vessel registration record for the state
6 of registration; if the vessel is not registered, by
7 certified mail, return receipt requested, to the address
8 listed in the tax collector's office for tax notices or to
9 the address listed in the county property appraiser's
10 database. If the vessel or floating structure is owned by
11 a corporation, citations may be provided by certified mail
12 to the registered agent of the corporation. If a citation
13 sent by certified mail is not signed as received within 14
14 days after the postmarked date of mailing, the citation
15 may be posted in a weatherproof covering in a conspicuous
16 location upon the vessel;

17 (2) Hand delivery by the sheriff or other law enforcement
18 officer;

19 (3) Certified mail, return receipt requested, to the
20 person's usual place of residence, if known; or leaving
21 the citation at the person's usual place of residence with
22 any person residing therein who is above 15 years of age
23 and informing such person of the contents of the citation;
24 or

25 (4) In the case of commercial premises, leaving the
26 citation with the manager or other person in charge.

27 (d) Within 5 days after issuing a citation, the issuing officer
28 shall deposit the original and one copy of the citation with the
29 County Court and shall transmit a copy of the citation to the Director
30 of the Parks, Recreation & Community Services Department, or designee.

1 (e) The County Court in and for the Fourth Judicial Circuit is
2 the Court of competent jurisdiction for citations issued pursuant to
3 this Part.

4 **Sec. 388.506. - Disposition of Abandoned or Lost Vessels.**

5 (a) If, at the end of 5 days after posting the notice under Section
6 388.504(c)2, or at the end of 48 hours after posting the notice under
7 Section 388.504(c)3, no party legally responsible for the vessel has
8 removed the vessel from the waters of the county or shown reasonable
9 cause for failure to do so, the vessel may be removed or relocated by
10 law enforcement. Relocation or removal under this subsection does not
11 prevent the issuance of a citation under this Part. As soon as
12 practicable after the vessel has been removed or relocated pursuant to
13 this subsection, notice shall be effectuated by the methods described
14 for notice of violation in this Part. The notice shall include the
15 location where the vessel is being held and how to reclaim the vessel,
16 including that the owner or other interested party with legal standing
17 on the disposition of the vessel must make a claim to the vessel within
18 21 days of notice of removal or relocation and must pay the costs for
19 removal, relocation and storage, within 30 days of the attempt to reclaim
20 the vessel. If no person makes a claim to the vessel within 21 days of
21 notice of removal or relocation, or if a rightful attempts to reclaim
22 the vessel within 21 days but fails to pay costs of removal, relocation
23 and storage within 30 days of the attempt to reclaim, the vessel may be
24 designated as a Lost or Abandoned Vessel, subject to subsection (f),
25 below.

26 (b) As to a vessel described in Section 388.411(c), or a vessel
27 described in Section 388.503, if the owner, operator, or other person
28 legally responsible for the vessel is not known or cannot be
29 ascertained upon reasonable effort, after notice of violation as
30 provided in Section 388.408 as to a Section 388.411(c) vessel, and

1 Section 388.504 as to a Section 388.503 vessel, and no person legally
2 responsible for the vessel has caused the vessel to be removed within
3 the term of days specified in the notice or shown reasonable cause
4 for failure to do so, and no person has come forward to take
5 responsibility for the vessel, the vessel may be designated as a Lost
6 or Abandoned Vessel, subject to subsection (f), below.

7 (c) As to a vessel described in Section 388.311(a) or Section
8 388.411(b), if the owner, operator, or other person legally
9 responsible for the vessel is known or ascertained by reasonable
10 effort, and the owner, operator, or other person legally responsible
11 for the vessel has disavowed responsibility for the vessel and no
12 other owner, operator, or other person legally responsible for the
13 vessel is known, the vessel may be designated as a Lost or Abandoned
14 Vessel, subject to subsection (f), below.

15 (d) As to a vessel described in Section 388.311(a), if, at the
16 end of 21 days after service of the notice of violation as provided
17 in Section 388.306, the owner, operator, or other person legally
18 responsible for the vessel has not caused the vessel to be removed
19 within the term of days specified in the notice or shown reasonable
20 cause for failure to do so, or if a vessel has been removed by law
21 enforcement pursuant to Section 388.305(a), but the owner or other
22 interested party with legal standing on the disposition of the vessel
23 has not attempted to reclaim the vessel within the term of days
24 specified in the notice, and if a citation has been issued the term
25 of days to contest a citation has lapsed, the vessel may be designated
26 as a Lost or Abandoned Vessel, subject to subsection (f), below.

27 (e) As to a vessel described in Section 388.411(a), if a vessel
28 has been impounded and stored pursuant to Section 388.411(a) for over
29 30 days and either, no owner or other interested party with legal
30 standing on the disposition of the vessel has attempted to reclaim

1 the vessel within the term of days specified in the notice or the
2 owner or other interested party with legal standing on the disposition
3 of the vessel made claim to the vessel but failed to timely pay the
4 cost of towing, cost of impoundment and storage fees, the vessel may
5 be designated as a Lost or Abandoned Vessel, subject to subsection
6 (f), below.

7 (f) An abandoned vessel or lost vessel may be removed or relocated
8 by a law enforcement officer, and,

9 (1) As to an abandoned vessel, the City may retain the
10 property for its own use or for use, trade the property to
11 another unit of local government or state agency, donate the
12 property to a charitable organization, sell the property, or
13 dispose of the property.

14 (2) As to a lost vessel, the City shall take custody and the
15 agency shall retain custody of the property for 90 days, and
16 shall publish notice of the intended disposition of the
17 property during the first 45 days of this time period, as
18 provided,

19 A. If the City elects to retain the property for use by
20 the unit of government, donate the property to a
21 charitable organization, surrender such property to the
22 finder, sell the property, or trade the property to
23 another unit of local government or state agency, notice
24 of such election shall be given by an advertisement
25 published once a week for 2 consecutive weeks in a
26 newspaper of general circulation in the county where
27 the property was found if the value of the property is
28 more than \$100. If the value of the property is \$100 or
29 less, notice shall be given by posting a description of
30 the property at the law enforcement agency where the

1 property was turned in. The notice must be posted for
2 not less than 2 consecutive weeks in a public place
3 designated by the law enforcement agency. The notice
4 must describe the property in a manner reasonably
5 adequate to permit the rightful owner of the property
6 to claim it.

7 B. If the City elects to sell the property, it must do
8 so at public sale by competitive bidding. Notice of the
9 time and place of the sale shall be given by an
10 advertisement of the sale published once a week for 2
11 consecutive weeks in a newspaper of general circulation
12 in the county where the sale is to be held. The notice
13 shall include a statement that the sale shall be subject
14 to any and all liens. The sale must be held at the
15 nearest suitable place to where the lost or abandoned
16 property is held or stored. The advertisement must
17 include a description of the goods and the time and
18 place of the sale. The sale may take place no earlier
19 than 10 days after the final publication. Notice of the
20 intended disposition shall describe the property in a
21 manner reasonably adequate to permit the rightful owner
22 of the property to identify it.

23 (g) Upon the expiration of the 90-day custodial time period and
24 the notice requirements specified in Section 388.504(f)(2), have been
25 met, unless the rightful owner or a lienholder claims the property within
26 that time, pursuant to Florida Statutes Section 705.104, title to a lost
27 or abandoned vessel vests in the finder of the vessel.

28 (h) If a lost vessel is sold at public sale pursuant to subsection
29 (f)(2)B, the City shall deduct from the proceeds the costs of
30 transportation, storage, and publication of notice, including costs as

described in Section 388.503(c), and any balance of proceeds shall be deposited into an interest-bearing account not later than 30 days after the date of the sale and held there for 1 year. The City shall provide a bill of sale clearly stating that the sale is subject to any and all liens. The rightful owner of the property may claim the balance of the proceeds within 1 year from the date of the above stated deposit by making application to the agency. If no rightful owner comes forward with a claim to the property within the designated year, the balance of the proceeds shall be deposited into the *Derelict and Abandoned Vessel and Floating Structure Enforcement and Removal Trust Fund*, Section 111.787.

(i) The owner, operator, or other person legally responsible for the vessel, who after notice of violation as provided in Section 388.504, does not remove such vessel within the specified period or show reasonable cause for failure to do so, is liable to the City for all costs incurred by the City to abate the violation, as described in Section 388.103(l), less any salvage value obtained by disposal of the vessel. Upon final disposition of the vessel, the City shall notify the owner, if known, of the amount owed. Notice shall be effectuated by the methods described for notice of violation in this Part. If the rightful owner does not pay such costs within 30 days of making claim to the property, title to the property shall vest in the City. The City may recover the costs as provided in Section 388.503(l).

(j) Employees of any state, county, or municipal agency shall be deemed agents of such governmental entity, and a lost vessel or abandoned vessel found by them during the course of their official duties shall be turned in to the proper person or department designated to receive such property by the governmental entity. Such property turned in to the City shall be subject to the provisions of this Part, or Florida Statutes Chapter 705, after which, if unclaimed by the rightful owner, the title

to such property shall be vested in the City and not in the employee.

Sec. 388.507. - Bar on vessel and vehicle registration privileges as penalty for failure to pay costs.

In addition to any penalty for violation of this part, a 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 the name of any person who has neglected or refused to pay all costs of removal, storage, destruction, or disposal of an abandoned vessel or lost vessel, after having been provided written notice via certified mail that such costs are owed, and the person shall not be entitled to be issued a certificate of registration for such vessel, or any other vessel, or motor vehicle, until such costs have been paid, as provided in Florida Statutes Section 705.103(4).

Section 8. Repealing Section 360.104 (Individual enjoyment and responsibility), Part 1 (Public Policy; General Provisions), Chapter 360 (Environmental Regulation), Ordinance Code. Section 360.104 (Individual enjoyment and responsibility), Part 1 (Public Policy; General Provisions), Chapter 360 (Environmental Regulation), *Ordinance Code*, a copy of which is **Revised On File** with the Legislative Services Division, is hereby repealed and reserved in its entirety.

Section 9. Amending Section 360.107 (Administration), Part 1 (Public Policy; General Provisions), Chapter 360 (Environmental Regulation), Ordinance Code. Section 360.107 (Administration), Part 1 (Public Policy; General Provisions), Chapter 360 (Environmental Regulation), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 360 - ENVIRONMENTAL REGULATION

*** * ***

PART 1. - PUBLIC POLICY; GENERAL PROVISIONS

* * *

Sec. 360.107. - Administration.

The Director shall be responsible for the administration of this Chapter and of Chapters 362, 368, and 376, ~~and 388~~, and for the rules promulgated by the Board pursuant to Chapters 362, 368, and 376, and shall make regular reports to the Board regarding Chapters 362, 368, and 376. The Director, or designee, shall also make annual reports to the Waterways Commission, each beginning with the Waterways Commission meeting held in June 2021, regarding Board activities related to administrative declarations on Derelict Vessels, At-Risk/Public Nuisance Vessels, and Anchoring Limitation/Public Nuisance Vessels, as described in Sections 360.404.2. and 388.310 ~~the enforcement of floating structures, derelict vessels, and vessels at risk of becoming derelict.~~

Section 10. Creating Section 360.404.2 (Hearings on administrative declarations regarding Derelict Vessels, At-Risk/Public Nuisance Vessels, and Anchoring Limitation/Public Nuisance Vessels), Part 4 (Enforcement), Chapter 360 (Environmental Regulation), Ordinance Code. Section 360.404.2 (Hearings on administrative declarations regarding Derelict Vessels, At-Risk/Public Nuisance Vessels, and Anchoring Limitation/Public Nuisance Vessels), Chapter 360 (Environmental Regulation), Part 4 (Enforcement), *Ordinance Code*, is hereby created to read as follows:

CHAPTER 360 - ENVIRONMENTAL REGULATION

* * *

PART 4. - ENFORCEMENT

* * *

Sec. 360.404.2. - Hearings on administrative declarations regarding Derelict Vessels, At-Risk/Public Nuisance Vessels, and Anchoring Limitation/Public Nuisance Vessels. Hearings requested by adversely

affected vessel owners who have received notice from the City of an intent to remove and dispose a vessel declared to be a Derelict Vessel, under Section 388.311, an At-Risk/Public Nuisance Vessel, under Section 388.311, or an Anchoring Limitation/Public Nuisance Vessel, under Section 388.412, shall be conducted as provided in Section 388.310. Requirements of the form and service of notice, applicable time periods, procedure for hearings, review or hearing by the Board, and the scope of appeals, are as described in Section 388.310, and as incorporated in the Rules promulgated by the Board.

Section 11. Amending Section 23.801 (Establishment; functions), Part 8 (Environmental Quality Division), Chapter 23 (Office Of Administrative Services), Ordinance Code. Section 23.801 (Establishment; functions), Part 8 (Environmental Quality Division), Chapter 23 (Office Of Administrative Services), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 23 - OFFICE OF ADMINISTRATIVE SERVICES

*** * ***

PART 8. - ENVIRONMENTAL QUALITY DIVISION

Sec. 23.801. - Establishment; functions.

There is created an Environmental Quality Division within the Office of Administrative Services. The Environmental Quality Division shall be responsible for the administration, operation and enforcement of the air and water resources management activities of the City. The Division shall also be responsible for the enforcement of, including the City's laws concerning floating structures, derelict vessels, vessels at risk of becoming derelict, as hazards to water quality, public health and the environment, and other hazards to the public health within the waters ~~Waters~~ of the county ~~County~~, as defined in Chapter 388, *Ordinance Code*. The ~~administration and~~ enforcement of floating structures, derelict vessels, and vessels at

1 risk of becoming derelict may be shared with the Municipal Code
 2 Compliance Division, and shall utilize a law enforcement officer as
 3 defined in § 705.101(4), F.S. when boarding a vessel or occupied
 4 floating structure.

5 **Section 12. Amending Section 34.301 (Establishment;**
 6 **functions), Part 3 (Municipal Code Compliance Division), Chapter 34**
 7 **(Neighborhoods Department), Ordinance Code.** Section 34.301
 8 (Establishment; functions), Part 3 (Municipal Code Compliance
 9 Division), Chapter 34 (Neighborhoods Department), *Ordinance Code*, is
 10 hereby amended to read as follows:

11 **CHAPTER 34 - NEIGHBORHOODS DEPARTMENT**

12 * * *

13 **PART 3. - MUNICIPAL CODE COMPLIANCE DIVISION**

14 **Sec. 34.301. - Establishment; functions.**

15 There is hereby created a Municipal Code Compliance Division within
 16 the Neighborhoods Department. The Municipal Code Compliance Division
 17 shall be responsible for administration and enforcement of the City's
 18 laws concerning proper zoning, the safety and cleanliness of private
 19 property, housing safety, nuisance abatement, ~~floating structures,~~
 20 ~~derelict vessels, vessels at risk of becoming derelict,~~ weed control,
 21 animal control and similar subject matters. The ~~administration and~~
 22 Division shall also be responsible for the enforcement of the City's
 23 laws concerning floating structures, derelict vessels, and vessels
 24 at risk of becoming derelict, such enforcement may be shared with the
 25 Environmental Quality Division, and shall utilize a law enforcement
 26 officer as defined in § 705.101(4), F.S. when boarding a vessel or
 27 occupied floating structure.

28 **Section 13. Creating Section 670.111 (Abandoned Vessels),**
 29 **Chapter 670 (Abandoned Property), Ordinance Code.** Section 670.111
 30 (Abandoned Vessels), Chapter 670 (Abandoned Property), *Ordinance*

Code, is hereby created to read as follows:

CHAPTER 670 - ABANDONED PROPERTY

*** * ***

Section 670.111. - Certain vessels not subject to this Chapter.

Vessels found on land above the mean high water line are subject to the provisions of this Chapter. Notwithstanding the provisions of this Chapter, the following vessels are excepted from this Chapter:

(a) Vessels on "the waters of the county", as defined in Section 388.102, up to and including the mean high water mark are subject to the provisions of Chapter 388;

(b) Derelict Vessels and At-Risk/ Public Nuisance Vessels, as both are defined in Section 388.301, are subject to the provisions of Chapter 388, Part 3.

Section 14. Amending Section 28.802 (Trespass Procedures), Part 8 (Trespass in Public Parks; Violation and Appeal), Chapter 28 (Parks, Recreation and Community Services), Ordinance Code. Section 28.802 (Trespass Procedures), Part 8 (Trespass in Public Parks; Violation and Appeal), Chapter 28 (Parks, Recreation and Community Services), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 28 - PARKS, RECREATION AND COMMUNITY SERVICES

*** * ***

PART 8. - TRESPASS IN PUBLIC PARKS; VIOLATION AND APPEAL

*** * ***

Sec. 28.802. - Trespass Procedures.

(a) *Trespass for violation of Certain State Statutes.* If a person is arrested based upon probable cause to believe that the person has committed any of the offenses enumerated in F.S. Chs. 790 (Weapons and Firearms), 749 (Sexual Battery), 796 (Prostitution), and 800 (Lewdness; Indecent Exposure) or any felony involving violence within a City park, beach, dock, marina or other recreational area

1 or facility, the Jacksonville Sheriff's Office shall exclude that
2 person from all City parks, beaches, docks, marinas or other
3 recreational areas or facilities for a period of one year. If a person
4 is arrested based upon probable cause to believe that the person has
5 committed any of the offenses enumerated in F.S. Ch. 806 (Arson and
6 Criminal Mischief) within a City park, beach, dock, marina or other
7 recreational area or facility, the Jacksonville Sheriff's Office
8 shall exclude for a period of one year that person from the particular
9 City park, beach, dock, marina or other recreational area or facility
10 where the offense occurred. Upon arrest, every person excluded shall
11 be provided a notice of trespass after warning, in accordance with
12 this Part.

13 (b) *Trespass for violation of Park Rules, Jacksonville*
14 *Ordinance Code and ~~certain~~ State Statutes not listed above.* If a
15 person is cited for violation of Park Rules, Jacksonville Ordinance
16 Code or and ~~certain~~ State Statutes not listed above, the Jacksonville
17 Sheriff's Office may exclude for a period of one year that person
18 from the particular City park, beach, dock, marina or other
19 recreational area or facility where the offense occurred for a period
20 of one year. However, if a person is cited for two or more violations
21 within 30 days of the same Park Rule, Jacksonville Ordinance Code or
22 State Statute, in two or more City parks, beaches, docks, marinas or
23 other recreational areas or facilities, the Jacksonville Sheriff's
24 Office may exclude for a period of one year that person from all City
25 parks, beaches, docks, marinas or other recreational areas or
26 facilities. Any ~~Every~~ person excluded under this subsection shall be
27 provided a notice of trespass after warning in accordance with this
28 Part.

29 (c) The notice of trespass after warning shall be in writing
30 with a case number and a copy delivered to the excluded person. The

notice of trespass after warning shall specify the following:

(1) The areas designated as public facilities by the Director and a list of the facility or facilities from which that person is excluded; and

(2) Information concerning the right to appeal the exclusion to a hearing officer.

Section 15. Council exercising county powers. Pursuant to Section 4.102, *Ordinance Code*, the enactment of this Ordinance shall be deemed to be the exercise of county powers.

Section 16. Codification Instructions. The Codifier and the Office of General Counsel are authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein. Such editorial changes and any other changes necessary to make the *Ordinance Code* consistent with the intent of this legislation are approved and directed herein, and changes to the *Ordinance Code* shall be made forthwith and when inconsistencies are discovered.

Section 17. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Shannon MacGillis

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