

Introduced by Council Members Gay, Peluso, and Amaro:

ORDINANCE 2025-432

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
CODE*, TO PROVIDE DEFINITIONS, PROVIDE PROCEDURES
FOR LOCAL ENFORCEMENT OF DERELICT VESSELS, AT-
RISK PUBLIC NUISANCE VESSELS AND VESSELS

INTERFERING WITH NAVIGATION, PROVIDE PROCESS FOR
REMOVAL OF VESSELS, PROVIDE PROCESS FOR
NOTIFICATION AND CITATIONS, PROVIDE PENALTIES
FOR VIOLATIONS, TO ESTABLISH LOCAL
ADMINISTRATIVE HEARING PROCEDURE FOR CHALLENGES
TO INTENT TO REMOVE DERELICT VESSELS, AT-RISK
PUBLIC NUISANCE VESSELS AND ANCHORING
LIMITATION/PUBLIC NUISANCE VESSELS; AMENDING
PART 4 (ANCHORING LIMITATION AREAS), CHAPTER 388
(BOATS AND WATERWAYS), *ORDINANCE CODE*, TO
SPECIFY NOTIFICATION AND CITATION PROCEDURES,
UPDATE PENALTIES, CLARIFY REMOVAL PROCEDURES,
ESTABLISH ANCHORING LIMITATION/PUBLIC NUISANCE
VESSEL LOCAL PROCESS AND CRITERIA, PROVIDE LOCAL
ADMINISTRATIVE PROCEDURE FOR CHALLENGES TO
INTENT TO REMOVE ANCHORING LIMITATION/PUBLIC
NUISANCE VESSELS AND PROVIDE LOCAL PROCESS FOR
DISPOSAL OF VESSELS; CREATING A NEW PART 5
(ABANDONED VESSELS; LOST VESSELS), CHAPTER 388
(BOATS AND WATERWAYS), *ORDINANCE CODE*, TO
PROVIDE DEFINITIONS, PROVIDE LOCAL PROCESS FOR
REMOVAL OF VESSELS, PROVIDE PROCESS FOR
NOTIFICATION AND CITATIONS, PROVIDE PENALTIES
FOR VIOLATIONS AND PROVIDE FOR DISPOSAL OF
VESSELS; REPEALING AND RESERVING SECTION 360.104
(INDIVIDUAL ENJOYMENT AND RESPONSIBILITY), PART
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
APPEAL), CHAPTER 28 (PARKS, RECREATION AND
COMMUNITY SERVICES), *ORDINANCE CODE*, TO PROVIDE
FOR AN ENHANCED PENALTY FOR REPEAT VIOLATORS
INCLUDING DOCKS; PROVIDING THAT COUNCIL IS
EXERCISING COUNTY POWERS; PROVIDING FOR

CODIFICATION INSTRUCTIONS; PROVIDING AN
EFFECTIVE DATE.

WHEREAS, the Jacksonville Waterways Commission is committed to the protection of Jacksonville waterways and the citizens of Jacksonville; and

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

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

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

WHEREAS, the City has the authority to provide by ordinance a process for the local removal and disposition, including destruction, of derelict vessels pursuant to Section 705.103(2)(a)2, Florida Statutes, in accordance with Section 823.11, Florida Statutes, and vessels deemed a public nuisance pursuant to Section 705.103(2)(a)2, Florida Statutes, and in accordance with Section 327.4108(6)(d), Florida Statutes; and

WHEREAS, by Section 327.4108, Florida Statutes, the Florida Legislature expressly authorized counties meeting certain criteria

1 to enact regulations that establish anchoring limitation areas
2 adjacent to urban areas that have residential docking facilities and
3 significant recreational boating traffic; and

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

10 **WHEREAS,** the Florida Legislature, by Chapter 24-174, Laws of
11 Florida, amended Section 327.4108, Florida Statutes, and for the
12 purpose of alignment with the Florida Statutes, Part 4 of Chapter 388
13 is due to be revised; and

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

20 **WHEREAS,** on November 14, 2024, the Waterways Commission voted
21 to request the Office of General Counsel draft legislation to
22 strengthen and clarify enforcement concerning floating structures,
23 derelict vessels, vessels as navigational hazards, and abandoned or
24 lost vessels, for consideration by the City Council, to promote public
25 health, safety and welfare on the waterways of the county, to reduce
26 potential hazards to safe navigation and commercial or recreational
27 use of county waters, to reduce sources of pollution of county waters,
28 sources of degradation of the aesthetic value of county waters and
29 shoreline, and hazards to waterfront property and public safety during
30 severe weather, to protect county infrastructure, and to promote the
31 safe beneficial public use and enjoyment of the waters of the county;

1 **WHEREAS**, on March 13, 2025, the Waterways Commission voted
2 approval of the draft of the legislation in substantial form; now
3 therefore

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

5 **Section 1. Amending Part 1 (Watercraft Regulations),**
6 **Chapter 388 (Boats and Waterways), Ordinance Code.** Part 1 (Watercraft
7 Regulations), Chapter 388 (Boats and Waterways), *Ordinance Code*, is
8 hereby amended to read as follows:

9 **Chapter 388 - BOATS AND WATERWAYS**

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

11 **ADMINISTRATION AND ENFORCEMENT ~~WATERCRAFT REGULATIONS~~**

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

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

19 (b) Insecure and improper mooring or anchoring of vessels on
20 the waters of the county, particularly with no anchor watch, increases
21 the danger of grounding and breaking loose of vessels and thereby
22 endangers navigation, life and property; insecurely and improperly
23 moored vessels have broken loose in the past and damaged bridges,
24 structures, infrastructure and other valuable property.

25 ~~Pursuant to Section 327.02(14), F.S., the Florida Legislature~~
26 ~~has defined "floating structures" and has expressly excluded~~
27 ~~"floating structures" from the definition of the term "vessel."~~

28 (c) Vessels on the waters of the county that remain anchored
29 or moored in the same location for over 10 days out of a 30-day period
30 not under the supervision and control of a person capable of
31 operating, maintaining, or moving it from one location to another,

1 demonstrates that the vessel is no longer engaged in the exercise of
2 navigation, and such vessels are known to be contributors to abandoned
3 and derelict vessels and conflicts with the Public Trust Doctrine,
4 which holds and protects sovereign submerged lands and the water
5 column above it for the benefit and use of the public.

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

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

22 (e) Lost vessels and abandoned vessels present a threat to
23 public health, safety and welfare, such as potential hazards to safe
24 navigation and commercial or recreational use of county waters,
25 sources of pollution of county waters, sources of degradation of the
26 aesthetic value of county waters and shoreline, and hazards to
27 waterfront property and public safety during severe weather.

28 (f) The Floating Structures that have been observed in Duval
29 County pose a significant threat to the environment, human health,
30 and navigational safety as an obstruction to navigation through
31 deterioration, physical damage to the surrounding ecosystems, through

1 the proliferation of marine debris, or the threat of discharge of
2 sewage, oil and/or hazardous substances into the marine environment,
3 including materials left on the Floating Structure if abandoned, and
4 the potential use of the structure as an illegal dumping site for oil
5 and other hazardous substances.

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

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

17 (i) Derelict vessels and vessels at risk of becoming derelict
18 that have been observed in Duval County pose a significant threat to
19 the environment, safe navigation, and commercial and recreational use
20 of City waters and are sources of degradation of the aesthetic value
21 of City waters and shoreline. Derelict vessels that remain on the
22 waters of the county can become difficult and expensive to remove.
23 ~~Floating Structures are hereby declared to be public nuisances and~~
24 ~~may also be "abandoned property" pursuant to Section 705.103, Florida~~
25 ~~Statutes.~~

26 (j) Pursuant to Florida Statute Section 823.11, as amended from
27 time to time, the City Council has the authority to provide by
28 ordinance for the removal and disposition, including destruction, of
29 derelict vessels, to promote the public safety, health, and welfare
30 of the residents, and tourists and guests visiting or vacationing in
31 Jacksonville, by reducing or eliminating the threats posed by derelict

1 vessels.

2 (k)~~(d)~~ Pursuant to Chapter 253 of the Florida Statutes ~~(2023)~~,
3 the Board of Trustees of the Internal Improvement Trust Fund is vested
4 and charged with, among other things, the administration, management,
5 control, supervision, conservation and protection of all lands owned
6 by the State by right of its sovereignty, including sovereign
7 submerged lands.

8 (l)~~(e)~~ Enabled by Florida Statutes Chapter 253, ~~F.S. (2023)~~, the
9 Florida Department of Environmental Protection ("FDEP") has
10 promulgated Rule 18-21.004, Florida Administrative Code (2019), which
11 outlines the general proprietary powers of the FDEP and instructs
12 that the activities on sovereignty lands be, with very few exceptions
13 as outlined in the statute, limited to water dependent activities,
14 and that residential structures be prohibited on sovereignty lands.

15 (m)~~(k)~~ The provisions of this Chapter are not intended and should
16 not be construed as in any way superseding or attempting to conflict
17 with applicable statutes, ordinances, rules or regulations of the
18 federal government or of the State of Florida but are intended to
19 supplement any such enactments or provisions. Pursuant to Florida
20 Statute Section 327.60(2)(h) (2023), if If any penalty provision
21 described in this Chapter is deemed inconsistent with any Florida
22 Statute, the provisions of the Florida Statute shall prevail.

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

30 (o)~~(l)~~ The Council in enacting this Chapter is acting as the
31 governing body of Duval County, Florida. The area of enforcement of

1 the provisions of this Chapter shall be on the waters of the county,
2 as defined in this Part, throughout and within the boundaries of
3 Duval County, Florida. The municipalities of Atlantic Beach, Neptune
4 Beach, and Jacksonville Beach within Duval County are also authorized
5 to administer and enforce the provisions of this Chapter either
6 individually, or in partnership with the City or each other, or both.

7 **Sec. 388.102. - Definitions.**

8 For the purpose of this Chapter, the following terms, phrases,
9 words, abbreviations and their derivations shall have the meaning
10 given herein. ~~When not inconsistent with the context, words used in~~
11 ~~the present tense include the future tense, words in the plural number~~
12 ~~include the singular number and words in the singular number include~~
13 ~~the plural number. The word "shall" is always mandatory and not merely~~
14 ~~directory. Words not defined shall be given their meaning as provided~~
15 ~~in Sections 1.102 (Definitions and rules of construction), Ordinance~~
16 ~~Code.~~

17 ~~Abandoned property means, pursuant to § 705.101(3), F.S., all~~
18 ~~tangible personal property that does not have an identifiable owner~~
19 ~~and that has been disposed on public property in a wrecked,~~
20 ~~inoperative, or partially dismantled condition or has no apparent~~
21 ~~intrinsic value to the rightful owner. The term includes derelict~~
22 ~~vessels as defined in § 823.11, F.S. The term is also defined in~~
23 ~~Section 670.101, Ordinance Code, to mean wrecked or derelict personal~~
24 ~~property, including wrecked, inoperative or partially dismantled~~
25 ~~motor vehicles; trailers; boats; machinery; refrigerators, washing~~
26 ~~machines, stoves, hot water heaters and other household appliances;~~
27 ~~plumbing fixtures; and furniture.~~

28 ~~Abandoned vessel means abandoned property pursuant to §~~
29 ~~705.101(3), F.S., which includes "derelict vessels" as defined in §~~
30 ~~823.11, F.S., as stated below. See also Section 670.101(a), Ordinance~~
31 ~~Code.~~

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

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

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

15 Boating accident means a collision, accident, or casualty
16 involving a vessel in or upon, or entering into or exiting from, the
17 water, including capsizing, collision with another vessel or object,
18 sinking, personal injury, death, disappearance of a person from on
19 board under circumstances that indicate the possibility of death or
20 injury, or property damage to any vessel or bulkhead, floating dock,
21 fixed dock, pier or piling.

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

23 Code enforcement officer means any designated or authorized
24 employee or agent of the City whose duty is to enforce or assure
25 compliance with ordinances enacted by the City.

26 Commercial fishing vessel means as defined in Florida Statute
27 Section 327.02, a vessel primarily engaged in the taking or landing
28 of saltwater fish or saltwater products or freshwater fish or
29 freshwater products, or a vessel licensed pursuant to Florida Statute
30 Section 379.361, from which commercial quantities of saltwater
31 products are harvested, from within and without the of the for sale

1 to the consumer or to a retail or wholesale dealer.

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

5 ~~County means Duval County, Florida.~~

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

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

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

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

15 ~~Dinghy means any vessel not exceeding 12 feet designed for and~~
16 ~~used primarily to serve a larger vessel by transporting persons and/or~~
17 ~~property to and from the larger vessel, from or to other vessels,~~
18 ~~piers, docks, or landing facilities.~~

19 ~~Effective means of propulsion for safe navigation means a~~
20 ~~vessel, other than a barge that meets the requirements of Rule 68D-~~
21 ~~15.002, F.A.C. (Effective Means of Propulsion for Save Navigation),~~
22 ~~that is equipped with one of the following:~~

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

25 (2) Rigging and sails that are present and in good working
26 order, and a functioning steering system. ~~See also, §~~
27 ~~327.02(13), F.S.~~

28 ~~Floating Structure means as defined in pursuant to Florida~~
29 ~~Statute Section 327.02(14), F.S., (1) a A floating entity, (2) with~~
30 ~~With or without accommodations built thereon, and (3) which Which is~~
31 ~~not primarily used as a means of transportation on water but which~~

1 serves purposes or provides services typically associated with a
2 structure or other improvement to real property. The term ~~"Floating~~
3 ~~structure"~~ includes, but is not limited to, each entity used as a
4 residence, place of business or office with public access, hotel or
5 motel, restaurant or lounge, clubhouse, meeting facility, storage or
6 parking facility, mining platform, dredge, dragline, or similar
7 facility or entity represented as such. Incidental movement upon
8 water or resting partially or entirely on the bottom does not, in and
9 of itself, preclude an entity from classification as a floating
10 structure. Pursuant to Florida Statute Section 327.02(14), floating
11 structures are expressly excluded from the definition of the term
12 "vessel". Pursuant to Florida Statute Section 192.001(17), a floating
13 structure is expressly included as a type of tangible personal
14 property.

15 Gross negligence means conduct so reckless or wanting in care
16 that it constitutes a conscious disregard or indifference to the
17 safety of the property exposed to such conduct. The use of this term
18 shall not be interpreted as a waiver of Florida Statute Section
19 768.28.

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

25 ~~In the same area means a vessel that is within a radius of eight~~
26 ~~miles of any location where the vessel was previously moored or~~
27 ~~anchored within the last six months.~~

28 Law enforcement officer means as defined in Florida Statute
29 Section 705.101, any person who is elected, appointed, or employed
30 full time by any sheriff, any municipality, or the State or any
31 political subdivision thereof; who is vested with the authority to

1 bear arms and make arrests; and whose primary responsibility is the
2 prevention and detection of crime or the enforcement of the penal,
3 criminal, traffic or highway laws of the State. ~~See also Section~~
4 ~~705.101(4), F.S.~~

5 ~~License agreement means any transient dockage agreement, mooring~~
6 ~~and dockage agreement, commercial dockage agreement, or mooring~~
7 ~~agreement entered into between the City or a commercial marina, and~~
8 ~~a vessel owner for dockage at a City dock or mooring facility.~~

9 ~~Licensee means the person or entity entering into or possessing~~
10 ~~a dockage or mooring license agreement with the City.~~

11 Live-aboard vessel means pursuant to as defined in Florida
12 Statute Section 327.02, as amended from time to time. A commercial
13 fishing vessel is expressly excluded from the term "live-aboard
14 vessel."

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

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

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

29 Mooring, or to moor, means to fasten, attach or secure a vessel
30 or floating structure to a fixed object such as a pier, quay, or to
31 an object fixed to the bottom of the waters of the county, such as a

1 ~~mooring buoy the act of securing a vessel in navigable Waters of the~~
2 ~~County by means of a permanent or semi permanent mooring system~~
3 ~~affixed to the bottom.~~

4 Mooring field means a designated water area managed by a
5 municipality or non-governmental entity where five (5) or more
6 recreational vessels are moored, established by local ordinance,
7 codifying a management plan that regulates activity within the mooring
8 field ~~City-designated areas in and adjacent to City-installed mooring~~
9 ~~systems, which may include City and state-owned harbor and bayou~~
10 ~~bottoms but which exclude privately owned harbor bottoms.~~

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

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

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

23 Owner means a person, other than a lienholder, having the
24 property in or title to a watercraft vessel. The term includes a
25 person entitled to the use or possession of a watercraft subject to
26 an interest in another person which is reserved or created by
27 agreement and securing payment of performance of an obligation. The
28 term does not include a lessee under a lease not intended as security.
29 ~~See also § 327.02(34), F.S.~~

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

1 ~~Portable toilet means a device consisting of a lid, seat,~~
2 ~~containment vessel, and support structure which is specifically~~
3 ~~designed to receive, retain, and discharge human waste and which is~~
4 ~~capable of being removed from a vessel by hand. See also § 327.02(37),~~
5 ~~F.S.~~

6 ~~Public property means lands and improvement owned by the Federal~~
7 ~~Government, the State, the County, or a municipality and includes~~
8 ~~sovereignty submerged lands located adjacent to the County or~~
9 ~~municipality, buildings, grounds, parks, playgrounds, streets,~~
10 ~~sidewalks, parkways, rights-of-way, and other similar property. See~~
11 ~~also § 705.101(5), F.S.~~

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

21 Registration means as defined in Florida Statute Section 327.02,
22 as amended from time to time, a State operating license on a vessel
23 which is issued with an identifying number, an annual certificate of
24 registration, and a decal designating the year for which a
25 registration fee is paid. See also Section 327.02(41), F.S.

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

1 ~~Vessel~~₇ is synonymous with "boat" as referenced in Section 1(b)
2 Art. VII of the State Constitution and includes every description of
3 watercraft, barge, and airboat, other than a seaplane on the water,
4 used or capable of being used as a means of transportation on water.
5 ~~See also Section 327.02(46), F.S.~~

6 *Waters of the county* ~~County~~ means all portions of those waters,
7 up to and including the mean high water mark, located within the
8 limits of Duval County, including, but not limited to, all navigable
9 and non-navigable waterways, canals, lagoons, bayous, bays, rivers,
10 lakes, streams, springs, impoundments, and all other bodies of water,
11 including fresh, brackish, saline, tidal surfaces or underground, and
12 including surface waters created by the removal of soil from uplands,
13 but excluding any area preempted by law.

14 Willful misconduct means conduct evidencing carelessness or
15 negligence of such a degree or recurrence as to manifest culpability,
16 wrongful intent, or evil design or to show an intentional and
17 substantial disregard of the interests of the vessel owner.

18 **Sec. 388.103. - Administration and enforcement.**

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

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

1 of this Chapter.

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

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

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

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

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

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

4 (i) A law enforcement agency, law enforcement officer, or code
5 enforcement officer, acting under this Chapter to relocate, remove,
6 impound, store, destroy or dispose of, or cause to be relocated,
7 removed, impounded, stored, destroy or dispose of, a vessel or
8 floating structure from Waters of the County shall be held harmless
9 for all damages to the vessel or floating structure resulting from
10 such relocation, removal, impoundment, storage, or disposal, unless
11 the damage results from gross negligence or willful misconduct.

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

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

23 (l) All costs incurred by the City to abate a violation of this
24 Chapter includes costs owed to a third party, and may include costs
25 to relocate, remove, store, destroy or dispose of a vessel or floating
26 structure pursuant to this Chapter; costs to remediate or mitigate
27 damage or threatened damage to the environment caused by the violation
28 which may include, but is not limited to, the release of a pollutant
29 or contaminant as described in Sections 360.408(4) and (5), Ordinance
30 Code; and may include costs to remediate or mitigate litter or debris
31 caused by the violation; and the costs of enforcement of this Chapter.

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

18 **Sec. 388.104. - Nonexclusivity of remedy ~~Floating Structures~~**
19 **~~prohibited.~~**

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

26 ~~All Floating Structures are prohibited from anchoring, docking, or~~
27 ~~mooring in any Waters of the County, unless specifically exempt~~
28 ~~pursuant to this Chapter, and are subject to the penalties and~~
29 ~~enforcement pursuant to this Chapter and other laws as may be~~
30 ~~referenced. Floating Structures, as determined by the agencies of the~~
31 ~~Environmental Quality Division, Municipal Code Compliance Division,~~

1 ~~or a law enforcement officer, are declared a public nuisance and in~~
2 ~~certain circumstances may be handled as abandoned property on public~~
3 ~~property.~~

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

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

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

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

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

1 (b) Notwithstanding Chapter 609, Ordinance Code, whoever
2 interferes with, prevents or hinders any code enforcement officer in
3 the performance of any duty required by this Chapter, upon conviction
4 is guilty of a is guilty of a class D offense, as defined in Section
5 632.101.

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

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

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

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

25 **CHAPTER 388 - BOATS AND WATERWAYS**

26 *** * ***

27 **PART 2. - FLOATING STRUCTURES**

28 **Sec. 388.201. - Prohibitions; Exceptions.**

29 (a) Except in case of emergency, a person may not anchor, moor,
30 or ground, or allow to be anchored, moored, or aground, a floating
31 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.

31 **Sec. 388.202. - Investigations; Inspections; Emergency Right of**

1 **Entry.**

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

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

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

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

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

29 (2) The appropriate warrant, as provided in Florida Statute
30 Chapter 933, is obtained.

31 (e) In the event of an emergency or extreme hazard which may

1 involve the loss of life or severe property damage, or to otherwise
2 assure the maintenance of public health and safety, including the
3 floating structure posing or reasonably likely to become a
4 navigational hazard, and under circumstances which preclude reference
5 to a court or magistrate for a warrant, a law enforcement officer may
6 enter upon a floating structure without warrant for the limited
7 purpose of such emergency action as the circumstances may require to
8 avert the emergency. This provision shall not authorize action which
9 could, consistent with the public interest, be deferred pending the
10 obtaining of a warrant.

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

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

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

23 (b) Notice of violation shall be in writing, shall specify the
24 violation alleged with reference to the relevant ordinance, and shall
25 direct that the floating structure be removed from the waters of the
26 county within a reasonable time, not less than 5 days otherwise a
27 citation may be issued to the owner, operator, or other person legally
28 responsible for the floating structure. Notice shall include that a
29 person who has been issued a citation may request a hearing in the
30 county court to challenge a citation issued. Notice shall include a
31 conspicuous statement in substantially the following form,

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

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

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

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

24 A. Certified mail, return receipt requested, to the
25 address listed in the tax collector's office for tax
26 notices or to the address listed in the county
27 property appraiser's database. If the floating
28 structure is owned by a corporation, notices may be
29 provided by certified mail to the registered agent of
30 the corporation. If notice sent by certified mail is
31 not signed as received within 14 days after the

1 postmarked date of mailing, notice may be provided by
2 posting as described in subparagraph (2);

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

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

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

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

18 A. conspicuously posted to the floating structure;
19 and

20 B. posted at the primary municipal government office.

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

26 (3) In addition to providing notice as set forth in
27 subsection (1) or (2), notice may be served by publication,
28 if published in print in a newspaper or on a publicly
29 accessible website, as provided in Florida Statute Section
30 50.0311, for 3 consecutive weeks. If published in print,
31 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 include a copy of the notice, posted or published, and the dates and locations of posting or publishing.

(i) Notice of violation posted to a floating structure 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:

1 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST
2 IN THE ATTACHED PROPERTY. There is reasonable cause to
3 believe that this floating structure, to wit: (describe
4 the floating structure) is in violation of Section
5 388.201, *Ordinance Code*, and is unlawfully on the waters
6 of the county, to wit: (setting forth brief description
7 of location). THIS FLOATING STRUCTURE MUST BE REMOVED
8 FROM THE WATERS OF THE COUNTY WITHIN 5 DAYS OF THE
9 POSTING OF THIS NOTICE OTHERWISE A CITATION MAY BE
10 ISSUED. A person to whom a citation is issued may request
11 a hearing in the county court to challenge the citation.
12 IF THE OWNER OR OPERATOR HAS NOT REMOVED THIS FLOATING
13 STRUCTURE FROM THE WATERS OF THE COUNTY OR SHOWN
14 REASONABLE CAUSE FOR FAILURE TO DO SO WITHIN 21 DAYS OF
15 THE DATE OF THIS NOTICE THIS FLOATING STRUCTURE WILL BE
16 REMOVED AND DISPOSED OF AS LOST OR ABANDONED PROPERTY,
17 PURSUANT TO CHAPTER 705, FLORIDA STATUTES OR SECTION
18 388.206, ORDINANCE CODE. The owner, operator or other
19 person legally responsible for the floating structure
20 being unlawfully on the waters of the county may be
21 liable for all costs incurred by the City to abate the
22 violation, as described in Section 388.103(1), *Ordinance*
23 *Code*, which may include costs to relocate, remove,
24 store, destroy or dispose of the floating structure;
25 costs to remediate or mitigate damage or threatened
26 damage to the environment caused by the violation; costs
27 to remediate or mitigate litter or debris caused by the
28 violation; and the costs of enforcement of Chapter 388,
29 Part 2, *Ordinance Code*.
30 Dated this: (setting forth the date of posting of notice)
31 Signed: (setting forth name, title, address, and

1 telephone number of officer).

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

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

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

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

23 (2) Hand delivery by the sheriff or other law enforcement
24 officer, or code enforcement officer;

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

31 (4) In the case of commercial premises, leaving the

1 citation with the manager or other person in charge.

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

3 (1) The date and time of issuance.

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

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

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

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

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

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

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

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

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

28 (11) A conspicuous statement that in addition to any
29 penalties under law, the City may recover from the owner,
30 operator or other responsible person for all costs incurred
31 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 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*.

(d) 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.

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

Sec. 388.205. - Penalties.

(a) Notwithstanding Chapter 609, *Ordinance Code*, any person causes or knowingly allows a floating structure to be anchored, moored, or grounded, on the waters of the county, in violation of Section 388.201(a), shall be guilty of a violation of this part as a Class C offense, as described in Section 609.109, *Ordinance Code*. 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.

(b) Notwithstanding Chapter 609, *Ordinance Code*, any person who causes or knowingly allows a floating structure to be anchored, moored, or grounded, on the waters of the county which results in damage to the property of another, or causes or knowingly allows a floating structure to be anchored, moored, or grounded, on the waters

1 of the county in violation of Section 388.201(b), or willfully
2 abandons a floating structure on the waters of the county, shall be
3 guilty of a violation of this part as a Class D offense, as described
4 in Section 609.109, *Ordinance Code*. The penalty for a subsequent
5 violation within 5 years shall be punishable as a misdemeanor by a
6 fine of up to \$500 per violation and a definite term of imprisonment
7 of not more than 60 days, as provided in Florida Statutes Section
8 125.69. The penalty shall be in addition to restitution for damage
9 to the property of another and all costs incurred by the City to
10 abate the violation.

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

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

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

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

24 (a) When a law enforcement officer determines that a floating
25 structure constitutes an immediate hazard to navigation, the
26 environment, or to public health, safety, and welfare, the officer
27 may immediately remove or relocate, but not destroy, the floating
28 structure. As soon as practicable thereafter, notice of violation
29 shall be provided as described in Section 388.203, and notice shall
30 include the location where the floating structure is being held and the
31 reason for removal or relocation, and how to reclaim the vessel,

1 including that the owner or other interested party with legal standing
2 on the disposition of the floating structure must make a claim to the
3 floating structure within 21 days of notice of removal or relocation and
4 must pay the costs for removal, relocation and storage, within 30 days
5 of the attempt to reclaim the floating structure. The owner, operator,
6 or other person legally responsible for the floating structure is
7 liable to the City for all costs incurred by the City to abate the
8 violation, as described in Section 388.103(1). Relocation or removal
9 under this subsection does not prevent the issuance of a citation
10 under this Part.

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

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

19 (2) After service of the notice of violation has been
20 attempted as provided in Section 388.203, and the term of
21 days to correct the violation has lapsed under Section
22 388.203, and the term of days to contest an issued citation
23 has lapsed, and no person has come forward in response to
24 the notice or citation;

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

27 (c) If the owner, operator, or other person legally responsible
28 for the floating structure is not known or cannot be ascertained upon
29 reasonable inquiry, and notice of violation has been attempted as
30 provided in Section 388.203, and the term of days to correct the
31 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 removed or relocated by a law enforcement officer, and,

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

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

A. If the City elects to retain the property for use by the unit of government, donate the property to a

1 charitable organization, surrender such property to the
2 finder, sell the property, or trade the property to
3 another unit of local government or state agency, notice
4 of such election shall be given by an advertisement
5 published once a week for 2 consecutive weeks in a
6 newspaper of general circulation in the county where
7 the property was found if the value of the property is
8 more than \$100. If the value of the property is \$100 or
9 less, notice shall be given by posting a description of
10 the property at the law enforcement agency where the
11 property was turned in. The notice must be posted for
12 not less than 2 consecutive weeks in a public place
13 designated by the law enforcement agency. The notice
14 must describe the property in a manner reasonably
15 adequate to permit the rightful owner of the property
16 to claim it.

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

1 of the property to identify it.

2 (f) If a Lost Floating Structure is sold at public sale pursuant
3 to subsection (e) (2)B, the City shall deduct from the proceeds the costs
4 of transportation, storage, and publication of notice, including all
5 costs incurred by the City to abate the violation, as described in
6 Section 388.103(1), and any balance of proceeds shall be deposited into
7 an interest-bearing account not later than 30 days after the date of the
8 sale and held there for 1 year. The City shall provide a bill of sale
9 clearly stating that the sale is subject to any and all liens. The
10 rightful owner of the property may claim the balance of the proceeds
11 within 1 year from the date of the above stated deposit by making
12 application to the agency. If no rightful owner comes forward with a
13 claim to the property within the designated year, the balance of the
14 proceeds shall be deposited into the *Derelict and Abandoned Vessel and*
15 *Floating Structure Enforcement and Removal Trust Fund*, Section
16 111.787.

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

30 (h) Employees of any state, county, or municipal agency shall be
31 deemed agents of such governmental entity, and lost or abandoned floating

1 structure found by them during the course of their official duties shall
2 be turned in to the proper person or department designated to receive
3 such property by the governmental entity. Such property shall be subject
4 to the provisions of this Part, or Florida Statute Chapter 705, after
5 which, if unclaimed by the rightful owner, the title to such property
6 shall be vested in the state, county, or municipality and not in the
7 employee.

8 **Section 4. Repealing Part 3 (Violations, Penalties and**
9 **Enforcement), Chapter 388 (Boats and Waterways), Ordinance Code.** Part
10 3 (Violations, Penalties and Enforcement), Chapter 388 (Boats and
11 Waterways), *Ordinance Code*, a copy of which is **On File** with the
12 Legislative Services Division, is hereby repealed in its entirety.

13 **Section 5. Creating a new Part 3 (Derelict Vessels; At-**
14 **Risk/Public Nuisance Vessels; Vessels interfering with navigation),**
15 **Chapter 388 (Boats and Waterways), Ordinance Code.** A new Part 3
16 (Floating Structures), Chapter 388 (Boats and Waterways), *Ordinance*
17 *Code*, is hereby created to read as follows:

18 **CHAPTER 388 - BOATS AND WATERWAYS**

19 *** * ***

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

22 **Sec. 388.301. - Definitions.**

23 As used in this Part,

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

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

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

1 B. A vessel is junked if it has been substantially
2 stripped of vessel components, if vessel components
3 have substantially degraded or been destroyed, or if
4 the vessel has been discarded by the owner, operator,
5 or other person legally responsible for the vessel.
6 Attaching an outboard motor to a vessel that is
7 otherwise junked will not cause the vessel to no
8 longer be junked if such motor is not an effective
9 means of propulsion for safe navigation, as the term
10 is defined in Section 388.102.

11 C. A vessel is substantially dismantled if at least
12 two of three following vessel systems or components
13 are missing; compromised, incomplete, inoperable, or
14 broken:

15 (I) The steering system;

16 (II) The propulsion system; or

17 (III) The exterior hull integrity.

18 D. Attaching an outboard motor to a vessel that is
19 otherwise substantially dismantled will not cause the
20 vessel to no longer be substantially dismantled if
21 such motor is not an effective means of propulsion
22 for safe navigation, as the term is defined in Section
23 388.102.

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

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

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

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

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

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

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

12 (5) The vessel does not have an effective means of
13 propulsion, and the vessel owner or operator is unable to
14 provide a receipt, proof of purchase, or other
15 documentation of having ordered necessary parts for repair.

16 If the owner or operator is present on the vessel, a law
17 enforcement officer may require a test of the vessel's
18 effective means of propulsion for safe navigation, to be
19 conducted immediately. If the owner or operator is not
20 present on the vessel, the owner or operator must, in the
21 presence of law enforcement, conduct the test for effective
22 means of propulsion for safe navigation within 48 hours
23 after the vessel owner, operator, or other person legally
24 responsible for the vessel receives notice from a law
25 enforcement officer. A law enforcement officer
26 investigating a vessel regarding the factor "effective
27 means of propulsion for safe navigation," is required to
28 follow the evaluation procedures promulgated as Rule 68D-
29 15.002, F.A.C. (Effective Means of Propulsion for Safe
30 Navigation) by the Florida Fish and Wildlife Conservation
31 Commission.

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

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

(c) *At-risk/Public Nuisance Vessel* means a vessel that is on the Waters of the County and has been the subject of three or more citations issued pursuant to the same paragraph of Florida Statutes Section 327.4107(2), within a 24-month period which result in dispositions other than acquittal or dismissal, as described in Florida Statutes Section 327.73(1)aa. For purposes of this paragraph, failure to appear at a hearing or failure to pay the civil penalty constitutes a disposition other than acquittal or dismissal unless such failure to appear or such nonpayment is excused or set aside by the court for good cause shown.

Sec. 388.302. - Findings.

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

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

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

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

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

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

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

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

10 (1) The person documents for law enforcement the specific
11 event that led to the vessel to become derelict or to
12 become at risk of becoming derelict on the waters of the
13 county; and

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

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

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

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

31 **Sec. 388.304 - Vessels Interfering with navigation.**

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

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

10 (b) Anchoring, mooring or grounding a vessel under bridges or
11 in or adjacent to heavily traveled channels constitutes a navigational
12 hazard or interference with another vessel if unreasonable under the
13 prevailing circumstances. The term *under bridges* includes bridge
14 approaches, bridge fenders or piles driven or placed for the
15 protection of bridges or their approaches or in the area between the
16 bank or shore owned by a public authority and the bridge fender
17 system.

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

20 (d) On the waters of the county, except in case of emergency,
21 a person may not anchor or moor, or allow to be anchored or moored,
22 a vessel to a floating structure. Vessels in use by a licensed marine
23 contractor, or agent thereof, for water-dependent construction or
24 shoreside vessel operation that are anchored or moored to a commercial
25 or governmental floating structure that is in use by the licensed
26 marine contractor, or agent thereof, for water-dependent construction
27 or shoreside vessel operation are exempt from this subsection.
28 Floating structures owned or operated by the City of Jacksonville to
29 which watercraft are permitted to be moored, such as within the
30 definition of dock, in Section 28.701, are exempt from the prohibition
31 on anchoring or mooring to floating structures under this Part.

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

1 the vessel is liable to the City for all costs of removal, relocation
2 and storage. Relocation or removal under this subsection does not
3 prevent the issuance of a citation under this Part.

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

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

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

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

24 (2) Notice shall advise that the owner, operator, or other
25 person legally responsible for the vessel may be subject
26 of a citation for violation of this Part and that a person
27 issued such citation may request a hearing in the county
28 court to challenge a citation. The notice shall inform the
29 owner, operator or other person legally responsible for
30 the vessel, that in addition to any penalties under law,
31 the City may recover from the owner, operator or other

1 person legally responsible for the vessel for all costs
2 incurred by the City to abate the violation, as described
3 in Section 388.103(1), which may include costs to relocate,
4 remove, store, destroy or dispose of a vessel; costs to
5 remediate or mitigate damage or threatened damage to the
6 environment caused by the violation; costs to remediate or
7 mitigate litter or debris caused by the violation; and the
8 costs of enforcement of this Part.

9 (3) As to a Derelict Vessel or At-risk/Public Nuisance
10 Vessel, in addition to subsections 1. and 2., the notice
11 shall also include that the owner or other interested party
12 with legal standing on the disposition of the vessel has
13 30 days to request an administrative hearing regarding the
14 determination that the vessel is a Derelict Vessel or an
15 At-risk/Public Nuisance Vessel in accordance with Section
16 388.310, and that failure to request such hearing shall be
17 deemed a waiver of the right to such administrative
18 hearing.

19 (4) As to a vessel that is at risk of becoming derelict,
20 as described in Section 388.303(b), in addition to
21 subsections 1. and 2., the notice shall also include a
22 description of the specific issue with the vessel that
23 denotes it is at risk of becoming derelict, as described
24 in Section 388.301, and that the condition must be
25 corrected or the vessel removed from the waters of the
26 county within 10 days or a citation may be issued and that
27 a person issued such citation may request a hearing in the
28 county court to challenge a citation. Subsection (b)
29 notwithstanding, if the at-risk condition is or includes
30 that the vessel does not have an effective means of
31 propulsion for safe navigation, prior to a citation being

1 issued a notice of the lack of effective means of
2 propulsion must be made from an officer to the owner or
3 operator of the vessel notifying the owner or operator that
4 the vessel owner or operator has 48 hours to provide a
5 receipt, proof of purchase, or other documentation of
6 having ordered necessary parts for vessel repair. The
7 notice of the effective means of propulsion shall inform
8 that the evaluation procedures promulgated as Rule 68D-
9 15.002, F.A.C. (Effective Means of Propulsion for Safe
10 Navigation) by the Florida Fish and Wildlife Conservation
11 Commission shall be the measure employed to verify if the
12 vessel has an effective means of propulsion.

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

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

18 A. For a vessel in violation of Section 388.304,
19 but not a Derelict Vessel or At-Risk/Public
20 Nuisance Vessel:

21 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
22 INTEREST IN THE ATTACHED PROPERTY.
23 This vessel, to wit: (make, model,
24 registration numbers, if available, HIN, if
25 available) is anchored, moored or grounded
26 [choose/ short description of nature of
27 violation: in a manner which unreasonably or
28 unnecessarily constitutes a navigational
29 hazard or interference with another vessel,
30 that hinders access to a public right-of-way
31 or to public utilities, or creates an imminent

1 danger to public safety or to the environment;
2 under a bridge, bridge approaches, bridge
3 fenders, or piles driven or placed for the
4 protection of bridges or their approaches or
5 in the area between the bank or shore owned
6 by a public authority and the bridge fender
7 system; to a marker or other aid to
8 navigation; to a floating structure] in
9 violation of Sec 388.304, *Ordinance Code*, and
10 is unlawfully on the Waters of the County
11 (setting forth brief description of
12 location). THIS VESSEL MUST BE REMOVED FROM
13 THE WATERS OF THE COUNTY WITHIN 5 DAYS OF THE
14 POSTING OF THIS NOTICE OTHERWISE A CITATION
15 MAY BE ISSUED. A person to whom a citation is
16 issued may request a hearing in the county
17 court to challenge the citation.

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

1 destroy or dispose of a vessel; costs to
2 remediate or mitigate damage or threatened
3 damage to the environment caused by the
4 violation; costs to remediate or mitigate
5 litter or debris caused by the violation; and
6 the costs of enforcement of Chapter 388, Part
7 3, *Ordinance Code*.

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

12 B. For a Derelict Vessel or At-Risk/Public
13 Nuisance Vessel,

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

1 administrative hearing to challenge the
2 determination that this vessel is [choose: a
3 Derelict Vessel or an At-risk/Public Nuisance
4 Vessel] or otherwise in violation of the law,
5 as described in Section 388.310, *Ordinance*
6 *Code*. Contact (contact information for person
7 who can arrange for a hearing in accordance
8 with this section). A person to whom a
9 citation is issued may request a hearing in
10 the county court to challenge the citation.
11 The City may recover from the owner or other
12 person legally responsible for the vessel for
13 all costs incurred by the City to abate the
14 violation, as described in Section
15 388.103(1), *Ordinance Code*, which may include
16 costs to relocate, remove, store, destroy or
17 dispose of a vessel; costs to remediate or
18 mitigate damage or threatened damage to the
19 environment caused by the violation; costs to
20 remediate or mitigate litter or debris caused
21 by the violation; and the costs of enforcement
22 of Chapter 388, Part 3, *Ordinance Code*.

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

27 C. For a vessel at risk of becoming derelict,
28 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
29 INTEREST IN THE ATTACHED PROPERTY.
30 This vessel, to wit: (make, model,
31 registration numbers, if available, HIN, if

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

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

31 Further, IF THE CONDITION IS NOT CORRECTED OR

1 IF THE VESSEL IS NOT REMOVED FROM THE WATERS
2 OF THE COUNTY WITHIN 30 DAYS THIS VESSEL WILL
3 BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER
4 705, FLORIDA STATUTES, OR PURSUANT TO SECTION
5 388.311, *ORDINANCE CODE*. The City may recover
6 from the owner or other person legally
7 responsible for the vessel for all costs
8 incurred by the City to abate the violation,
9 as described in Section 388.103(1), *Ordinance*
10 *Code*, which may include costs to relocate,
11 remove, store, destroy or dispose of a vessel;
12 costs to remediate or mitigate damage or
13 threatened damage to the environment caused
14 by the violation; costs to remediate or
15 mitigate litter or debris caused by the
16 violation; and the costs of enforcement of
17 Chapter 388, Part 3, *Ordinance Code*.

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

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

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

31 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,

31 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 Statute Chapter 50 for legal and official advertisements.

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 2, notice may be served by posting as described in this subsection.

(4) 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.

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

(d) Evidence of posting as provided in subsection 1, together with proof of posting and publishing as provided in subsection 3, and if the owner, operator, or other person legally responsible for the vessel is known or ascertained by reasonable effort, proof that an attempt has been made to hand deliver or mail notice as provided in subsection 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.

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

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

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

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

24 (2) Hand delivery by the sheriff or other law enforcement
25 officer;

26 (3) Certified mail, return receipt requested, to the
27 person's usual place of residence, if known; or leaving
28 the citation at the person's usual place of residence with
29 any person residing therein who is above 15 years of age
30 and informing such person of the contents of the citation;
31 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

1 vessel, for all costs incurred by the City to abate the
2 violation, as described in Section 388.103(1), *Ordinance*
3 *Code*, which may include costs to relocate, remove, store,
4 destroy or dispose of a vessel; costs to remediate or
5 mitigate damage or threatened damage to the environment
6 caused by the violation; costs to remediate or mitigate
7 litter or debris caused by the violation; and the costs of
8 enforcement of this Part.

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

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

16 **Sec. 388.308 - Penalties and Remedies.**

17 (a) Notwithstanding Chapter 609, any person owning, operating
18 or having control of a vessel, in violation of 388.304, other than a
19 Derelict Vessel or an At-Risk/Public Nuisance Vessel, in violation
20 of this Part shall be guilty of a violation of this part as a Class
21 C offense, as described in Section 609.109. The penalty for a second
22 violation within 3 years shall be twice the amount of the first
23 offender fine. The penalty for a third or subsequent violation within
24 5 years shall be three times the amount of the first offender fine.
25 The penalty shall be in addition to restitution for damage to the
26 property of another and all costs incurred by the City to abate the
27 violation, as described in Section 388.103(1).

28 (b) Notwithstanding Chapter 609, any person owning, operating
29 or having control of a Derelict Vessel in violation of this Part
30 shall be guilty of a violation of this part as a Class D offense, as
31 described in Section 609.109. The penalty for a subsequent violation

1 within 5 years shall be twice the amount of the first offender fine.
2 The penalty shall be in addition to restitution for damage to the
3 property of another and all costs incurred by the City to abate the
4 violation, as described in Section 388.103(1).

5 (c) Notwithstanding Chapter 609, any person owning, operating
6 or having control of an At-Risk/Public Nuisance Vessel in violation
7 of this Part shall be guilty of a violation of this part for which
8 the civil penalty is:

9 (1) For a first offense, \$100.

10 (2) For a second offense occurring 30 days or more after a
11 first offense but within 3 years, \$250.

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

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

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

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

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

28 (g) As used in this subsection, all costs incurred by the City
29 to abate the violation means as described in Section 388.103(1). The
30 City shall have the right to utilize any available method under the
31 law to recover such costs. Recovered costs for abatement of a

violation of this Part shall be deposited into the *Derelict and Abandoned Vessel and Floating Structure Enforcement and Removal Trust Fund*, Section 111.787.

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

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

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

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

1 accordance with the processes set forth in Florida Statutes Section
2 120.569, except that pursuant to Florida Statutes Section
3 705.103(2)(a)2, the Manager of the Office of Administrative Services
4 with due regard to the expertise required for the particular matter
5 shall name a Code Enforcement Officer to serve as the presiding
6 officer to hear and make findings of fact and law, and to produce a
7 recommended order to the Board. The Board shall promulgate rules of
8 procedure, including but not limited to rules on the review of
9 requests for hearing, notice of hearing, procedure of hearing,
10 application of rules of evidence, proposed findings of facts and
11 orders, procedure to file exceptions to a presiding officer's
12 recommended order, procedure for requesting Board review, content of
13 the record, and procedure for request for judicial review.

14 (c) At every hearing under this section, the case for the City
15 shall be presented by one or more assistant(s) general counsel. A
16 presenting assistant general counsel shall not concurrently serve as
17 Counsel to the Board. If a presenting assistant general counsel
18 prevails in a case before the Board, the City shall be entitled to
19 recover all costs incurred in prosecuting the case and such costs may
20 be included in a lien authorized under Florida Statutes Section
21 162.09(3).

22 (d) Upon service of Notice of Intent, a vessel owner or other
23 interested party with legal standing on the disposition of the vessel
24 who wishes to be heard on a Notice of Intent shall file a Notice of
25 Request for Hearing with the Manager of the Office
26 of Administrative Services and the Office of General Counsel within
27 30 days of service of the notice of intent. Each request for hearing
28 shall be in writing and shall be filed by electronic mail to the
29 Manager of the Office of Administrative Services and to the General
30 Counsel. A request for hearing must include a clear articulation of
31 legal standing as to the disposition of the vessel. A person making

1 the request is the "Respondent."

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

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

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

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

12 (1) If, after the term of days required for posting,
13 publishing, or mailing notice, as required by Section
14 388.306, the owner, operator, or other person legally
15 responsible for the vessel has not caused the vessel to be
16 removed within the term of days specified in the notice or
17 shown reasonable cause for failure to do so, or if a vessel
18 has been removed by law enforcement pursuant to Section
19 388.305(a) and no person makes a claim to the vessel within
20 21 days of notice of removal or relocation, or if a rightful
21 owner makes a claim to the vessel within 21 days but fails
22 to pay costs of removal, relocation and storage within 30
23 days of the attempt to reclaim, and if a citation has been
24 issued the term of days to contest a citation has lapsed,
25 or,

26 (2) If the owner, operator, or other person legally
27 responsible for the vessel has disavowed responsibility
28 for the vessel and no other owner, operator, or other
29 person legally responsible for the vessel, or lien holder,
30 can be ascertained by reasonable effort,
31

1 the vessel may be designated as a Lost or Abandoned Vessel, subject
2 to Section 388.506, of this Chapter. The term of days specified in
3 the notice posted, mailed or published, as required under Section
4 388.306(b) of this Part may run concurrently to the required term of
5 days for notice required under Part 5 of this Chapter.

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

8 (1) If, after the term of days required for posting,
9 publishing, or mailing notice, if required, the owner,
10 operator, or other person legally responsible for the
11 vessel has not caused the vessel to be removed within the
12 term of days specified in the notice or shown reasonable
13 cause for failure to do so, or if a vessel has been removed
14 by law enforcement pursuant to Section 388.305(a) and no
15 person makes a claim to the vessel within 21 days of notice
16 of removal or relocation, or if a rightful owner makes a
17 claim to the vessel within 21 days but fails to pay costs
18 of removal, relocation and storage within 30 days of the
19 attempt to reclaim, and the rightful owner has not timely
20 requested an administrative hearing on the determination
21 of the vessel as either a Derelict Vessel or an At-risk/
22 Public Nuisance Vessel, and if a citation has been issued
23 the term of days to contest a citation has lapsed; or

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

29 (3) If, following a hearing pursuant to Florida Statutes
30 Section 705.103(2)(a)2., a judge, magistrate,
31 administrative law judge, or hearing officer, or in the

1 instance of an administrative proceeding described in
2 Section 388.310, *Ordinance Code*, a code enforcement officer
3 named as the presiding officer or the Environmental
4 Protection Board, has determined the vessel to be a
5 Derelict Vessel or an At-risk/Public Nuisance Vessel, and
6 a final order has been entered;

7 the law enforcement agency, or its designee, may:

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

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

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

18 **CHAPTER 388 - BOATS AND WATERWAYS**

19 * * *

20 **PART 4. - ANCHORING LIMITATION AREAS**

21 **Sec. 388.401. - Findings and legislative intent.**

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

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

1 create anchoring limitation areas within its jurisdiction.

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

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

12 **Sec. 388.402. Definitions.**

13 As used in this Part,

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

18 Navigable-in-fact waterways means, as defined in Florida
19 Statutes Section 327.4108, waterways that are navigable in their
20 natural or unimproved condition over which useful commerce or public
21 recreation of a substantial and permanent character is or may be
22 conducted in the customary mode of trade and travel on water. The
23 term does not include lakes or streams that are theoretically
24 navigable; have a potential for navigability; or are temporary,
25 precarious, and unprofitable, but the term does include lakes or
26 streams that have practical usefulness to the public as highways for
27 transportation.

28 ~~Storage of vessel means the period of time after impoundment~~
29 ~~that a vessel occupies space in the water or on land for the purpose~~
30 ~~of vessel storage.~~

31 Unattended vessel, for the purpose of this Part, means a vessel

1 that is not under the supervision and control of a person capable of
2 operating, maintaining, or moving the vessel from one location to
3 another. A vessel is attended for a day if a person is on board the
4 vessel for 4 continuous hours in a 24-hour period. Any vessel left
5 unattended for more than 10 days out of a 30-day period in an Anchoring
6 Limitation Area demonstrates that the vessel is no longer engaged in
7 navigation and may be deemed an unauthorized stored vessel.

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

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

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

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

16 (1) Be less than 100 acres in size. For purposes of this
17 subsection, the calculated size of the anchoring limitation
18 area does not include any portion of the marked channel of
19 the Florida Intracoastal Waterway contiguous to the
20 anchoring limitation area;

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

22 (3) Be clearly marked with the following:

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

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

31 (c) The design and the proposed location of the signs, as

1 either posts or buoys, shall be managed by the Parks, Recreation &
2 Community Services Department. The Parks Department shall coordinate
3 the permitting of the signs and buoys with Florida Fish and Wildlife
4 Conservation Commission ("FWC"), pursuant to F.S. §§ 327.4108,
5 327.40, and FWC Rules.

6 * * *

7 **Sec. 388.405. Anchoring Restricted in Anchoring Limitation Areas.**

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

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

19 (b) A vessel anchored for one or more nights within an
20 Anchoring Limitation Area, as described in this Part, shall display
21 a current vessel registration decal on the port side of the vessel
22 and shall exhibit an all-around white light where it can best be
23 seen, pursuant to USCG Navigation Rules (2023), as amended from time
24 to time. A vessel anchored for more than one night within an Anchoring
25 Limitation Area without a functional, visible all-around white light
26 as described in the USCG Navigation Rules creates an imminent danger
27 to public safety and may constitute a navigational hazard if
28 unreasonable under the prevailing circumstances and may be subject
29 to relocation or removal as a violation of Section 388.304(a).

30 ~~In order to not be in violation of this Part, if a person moves a~~
31 ~~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 miles.~~

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

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

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

(2) If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors. The vessel may anchor until weather conditions no 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

1 the owner of the vessel, and only at a maximum distance from the
2 shore of the riparian owner that provides the depth required for the
3 safe anchoring/mooring of such vessel, considering the swing of the
4 vessel at mean low tide. Riparian rights means those rights incident
5 to the lands bordering upon navigable waters, as recognized by the
6 courts of Florida and in common law.

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

9 **Sec. 388.407. Enforcement Procedures.**

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

14 (b) A law enforcement officer investigating a violation of this
15 Part shall make a reasonable effort to ascertain the name and address
16 of the owner and any lien holder. ~~If based upon an investigation by~~
17 ~~the officer or evidence provided by others, the officer has reasonable~~
18 ~~cause to believe that a vessel has been in an Anchoring Limitation~~
19 ~~Area in violation of this Part, the officer shall inquire regarding~~
20 ~~same of the vessel owner, operator or responsible party. Personal~~
21 ~~investigation may include receipt of at least one sworn affidavit~~
22 ~~from each of at least two unrelated adult witnesses setting forth~~
23 ~~facts establishing, either separately or together with other~~
24 ~~information known to the officer, the reasonable cause referenced~~
25 ~~above.~~

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

1 of the following:

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

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

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

16 (d) After the period for notice of violation as described in
17 Section 388.408(a), if the owner, operator, or other person legally
18 responsible for the vessel fails or refuses to correct the violation
19 or timely provide proof that the vessel has not exceeded the
20 limitations on anchoring, the law enforcement officer who has
21 reasonable cause to believe that the vessel is in violation of this
22 Part may issue a citation as described in Section 388.409.

23 ~~Upon inquiry by a law enforcement officer, a vessel owner,~~
24 ~~operator, or responsible party must be given an opportunity to provide~~
25 ~~such proof. Such proof may include any of the~~
26 ~~following: (1) Documentation showing that the vessel was in another~~
27 ~~location at least eight miles away, and for at least 24 hours, within~~
28 ~~a period of less than 45 days before the inquiry; or (2) Electronic~~
29 ~~evidence, including, but not limited to, navigational devices or~~
30 ~~tracking devices that show the vessel was in another location at~~
31 ~~least eight miles away, for at least 24 hours, within a period of~~

1 ~~less than 45 days before the inquiry.~~

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

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

10 ~~(g) If the vessel owner or responsible party is not present,~~
11 ~~the law enforcement officer shall follow the standard operating~~
12 ~~procedures of the Jacksonville Sheriff's Office to locate and notify~~
13 ~~the owner or responsible party of the violation. The law enforcement~~
14 ~~officer may issue the citation through the U.S. mail if the owner or~~
15 ~~responsible party is not present. A law enforcement officer may also~~
16 ~~provide hand delivery of the citation.~~

17 ~~(h) The civil citation shall contain: (1) The date and time of~~
18 ~~issuance. (2) The name and address of the person to whom the citation~~
19 ~~is issued if the person is known or is present to accept the citation~~
20 ~~and provide his or her name and address. (3) The date and time the~~
21 ~~civil infraction was committed. (4) The facts constituting reasonable~~
22 ~~cause. (5) The number or Section of the Ordinance Code which has been~~
23 ~~violated. (6) The name and authority of the Officer. (7) The procedure~~
24 ~~for the person to follow in order to pay the civil penalty or to~~
25 ~~contest the citation. (8) A conspicuous statement that if the person~~
26 ~~fails to pay the civil penalty within the time allowed, or fails to~~
27 ~~appear in court to contest the citation, he shall be deemed to have~~
28 ~~waived his right to contest the citation and that, in such case,~~
29 ~~judgment may be entered against the person for an amount up to the~~
30 ~~maximum civil penalty.~~

31 ~~(i) After issuance of a citation in person, the law enforcement~~

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

~~(j) If the vessel is impounded, after 48 hours have elapsed since impoundment, if the vessel owner, operator, or responsible party has not appeared to claim the vessel at the designated impoundment location, then the law enforcement officer acting under this Part is authorized to place, or have placed, the vessel into a designated storage location, at the vessel operator's expense, until the vessel owner, operator, or responsible party has claimed the vessel and paid all removal, impoundment, penalty and storage fees 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~~

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

13 ~~(e) A vessel that is the subject of four or more violations~~
14 ~~within 12 months which result in dispositions other than acquittal~~
15 ~~or dismissal shall, by operation of law be declared to be a public~~
16 ~~nuisance and subject to F.S. § 705.103, which provides that the vessel~~
17 ~~may be removed, after a 21-day notice period, and destroyed or used~~
18 ~~for an artificial reef; or by operation of law declared to be a~~
19 ~~derelict vessel, subject to F.S. § 823.11, which provides that the~~
20 ~~vessel may be relocated, removed, stored, destroyed or disposed~~
21 ~~of. (p) The costs of such removal and destruction are recoverable~~
22 ~~against the vessel owner or the party determined to be legally~~
23 ~~responsible for the vessel being upon the waters of the State in a~~
24 ~~derelict condition.~~

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

30 ~~(r) A contractor performing removal, impoundment and/or~~
31 ~~storage services or other such activities at the direction of a law~~

~~enforcement officer or the Neighborhoods Department pursuant to this Part must: (1) Be licensed in accordance with United States Coast Guard regulations, as applicable. (2) Obtain and carry a current policy issued by a licensed insurance carrier in this State to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions. (3) Be properly equipped to perform such services.~~

Sec. 388.408. - Notice of violation, form, method of service County Court jurisdiction.

(a) A notice of violation shall be in writing and shall identify the vessel in violation [to include: the registration number of the vessel (if known); Hull identification number; the general description of the vessel including, make, model, color and length; and the name of the vessel (if known)]; the section of the code violated; the date(s) of the violation; and the location of the violation (to include: a general physical description and the identity of the Anchoring Limitation Area). The notice shall include a conspicuous statement that if the vessel is not removed within 10 days, a citation may be issued. The notice shall provide the name and contact information of an officer to whom proof of non-violation of violation of anchoring limitation term limits may be presented and a statement informing that the owner, operator, or other person legally responsible for the vessel have 10 days to provide proof that the vessel has not exceeded the limitations on anchoring, as described in Section 388.407(c), otherwise a citation may be issued. The notice shall inform that a person to whom a citation is issued may request a hearing in the county court to challenge an issued citation. The notice shall inform that the owner or the party legally responsible for the vessel being unlawfully anchored in an anchoring limitation area may be liable for and all costs incurred by the City to abate the violation, as described in Section 388.103(1), if the vessel is

1 not removed by the owner, operator, or other interested party.

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

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

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 notice 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 notice;
24 or

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

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

31 (1) conspicuously posted to the vessel in substantially

1 the form described in Section 388.409; and

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

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

7 (d) In addition to providing notice as set forth in subsection
8 (b) or (c), notice may be served by publication, if published in
9 print in a newspaper or on a publicly accessible website, as provided
10 in Florida Statutes Section 50.0311, for 4 consecutive weeks. If
11 published in print, the notice shall be published once during each
12 week for 4 consecutive weeks (four publications being sufficient) in
13 a newspaper in the county, such newspaper shall meet such requirements
14 as are prescribed under Florida Statutes Chapter 50 for legal and
15 official advertisements.

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

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

24 (g) Proof of posting or publishing shall be by affidavit of the
25 person posting or publishing the notice, which affidavit shall include
26 a copy of the notice, posted or published, and the dates and locations
27 of posting or publishing.

28 (h) Evidence that an attempt has been made to hand deliver or
29 mail notice as provided in subsection (b), together with proof of
30 posting as provided in subsection (c), shall be sufficient to show
31 that the notice requirements of this part have been met, without

1 regard to whether or not the alleged violator actually received such
2 notice.

3 (i) Notice of violation posted to a vessel shall be not less
4 than 8 inches by 10 inches and shall be sufficiently weatherproof to
5 withstand normal exposure to the elements, and shall be in
6 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 vessel, to wit: (describe the vessel)
10 is in violation of Section 388.405, Ordinance Code, and
11 is unlawfully anchored for more than 45 consecutive days
12 in any 6-month period in an anchoring limitation area
13 established pursuant to Chapter 388, Part 4, Ordinance
14 Code, to wit: (setting forth brief description of
15 location and dates of known anchoring). The owner,
16 operator, or other person legally responsible for the
17 vessel may within 10 days of the posting of this Notice
18 present evidence of non-violation of the anchoring
19 limitation area restrictions by contacting the officer
20 listed below to provide information described in Section
21 388.407, Ordinance Code, otherwise a citation may be
22 issued. A person to whom a citation is issued may request
23 a hearing in the county court to challenge the citation.
24 The owner or the other party legally responsible for the
25 vessel being unlawfully anchored in an anchoring
26 limitation area may be liable for all costs incurred by
27 the City to abate the violation, as described in Section
28 388.103(1), Ordinance Code, which may include costs to
29 abate the violation, costs to remediate or mitigate
30 damage or threatened damage to the environment caused
31 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).

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

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

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

Whenever a law enforcement officer with reasonable cause to believe that a vessel on the waters of the county is 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, and has lapsed, and after an opportunity to demonstrate proof that the vessel has not exceeded the limitations on anchoring has expired (as described in Section 388.407), such officer has the authority to issue a citation consistent with this Part, as follows:

(a) A citation issued pursuant to 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 of the violation;

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

(5) A description of the vessel, to include: the registration number of the vessel; the name of the title owner of the vessel (if known); Hull identification number; the general description of the vessel including, make, model, color 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 the identity of the Anchoring
3 Limitation Area;

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

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

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

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

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

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

citation.

(13) 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 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 this Part.

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

(1) 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, citations may be provided by certified mail to the registered agent of the corporation. If a 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 vessel;

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

(d) Upon the issuance of a citation, or as soon as practicable,
law enforcement may post to the vessel a directive to remove the
vessel. Such notice 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 INTEREST
IN THE ATTACHED PROPERTY. There is reasonable cause to
believe that this vessel, to wit: (describe the vessel)
is in violation of Section 388.405, Ordinance Code, and
is unlawfully anchored for more than 45 consecutive days
in any 6-month period in an anchoring limitation area
established pursuant to Chapter 388, Part 4, Ordinance
Code, to wit: (setting forth brief description of
location and dates of known anchoring). A citation has
been issued. THE OWNER, OPERATOR, OR OTHER PERSON
LEGALLY RESPONSIBLE FOR THE VESSEL ARE DIRECTED TO
REMOVE THE VESSEL FROM THE ANCHORING LIMITATION AREA
WITHIN 12 HOURS OF THE POSTING OF THIS NOTICE. If the
vessel is not removed from the anchoring limitation area
in 12 hours, or if the vessel is otherwise anchored in
violation of Chapter 388, Section 4, Ordinance Code,
within 24 hours, THE VESSEL MAY BE REMOVED AND IMPOUNDED,

1 pursuant to Section 399.411, Ordinance Code, or Florida
2 Statutes Section 327.4108(6)(c). The owner, operator,
3 or other person legally responsible for the vessel may
4 be liable for all costs incurred by the City to abate
5 the violation, as described in Section 388.103(1),
6 Ordinance Code, which may include costs to abate the
7 violation, costs to remediate or mitigate damage or
8 threatened damage to the environment caused by the
9 violation, and the costs of enforcement of Chapter 388,
10 Part 4, Ordinance Code, if the vessel is not removed by
11 the owner, operator, or other person legally responsible
12 for the vessel.

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

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

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

19 **Sec. 388.410 409. - Penalties and Remedies Violations.**

20 (a) Notwithstanding Chapter 609, Pursuant to F.S. §
21 327.73(1)(z), (2022), a violation of Anchoring Limitation Areas is
22 punishable as a noncriminal infraction for which the penalty is:

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

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

25 (3) For a third or subsequent offense, up to a maximum of
26 \$250 500.

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

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

1 ~~in F.S. § 775.082 or § 775.083.~~

2 (c) In addition to the civil penalty imposed above, the owner
3 or other person legally responsible for a vessel that is removed and
4 impounded pursuant to Section 388.411, must pay all removal and
5 storage fees before the vessel is released. A vessel removed pursuant
6 to Section 388.411 may not be impounded for longer than 48 hours.
7 Following impoundment, the vessel may be stored as described in
8 Section 388.411 ~~388.407(j)~~.

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

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

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

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

21 (a) After posting the removal directive to the vessel, as
22 described in Section 388.409(d), a law enforcement officer may
23 authorize the removal of a vessel from an Anchoring Limitation Area
24 and impound the vessel for up to 48 hours, or may cause such removal
25 and impoundment, if the vessel owner, operator or other legally
26 responsible party fails to remove the vessel from the anchoring
27 limitation area or shown reasonable cause for failure to do so, or
28 anchors the vessel in violation of this Part within 12 hours after
29 being issued a citation for violation of this Part. If the vessel is
30 impounded pursuant to this subsection, after 48 hours have elapsed
31 since impoundment, if the vessel owner or other interested party with

1 legal standing on the disposition of the vessel has not claimed the
2 vessel at the designated impoundment location, then the law
3 enforcement officer acting under this Part is authorized to place,
4 or have placed, the vessel into a designated storage location, at the
5 expense of the vessel owner, operator, or other responsible party,
6 until the vessel owner, operator, or responsible party has paid all
7 removal, impoundment, penalty and storage fees which have accrued
8 since impoundment and as a result of any penalties. Notice of removal
9 and storage shall be served in the same manner as provided for notice
10 of violation in Section 388.408. The vessel owner or other interested
11 party with legal standing on the disposition of the vessel may reclaim
12 a stored vessel after payment of towing, impoundment and storage
13 fees. If, within 30 days of service of notice of removal and storage
14 pursuant to this subsection, no attempt has been made to claim the
15 vessel, the vessel may be designated as a Lost or Abandoned Vessel,
16 subject to Section 388.506, of this Chapter.

17 (b) If the owner, operator, or other person legally responsible
18 for the vessel is known or ascertained by reasonable effort, and
19 either,

20 (1) The owner, operator, or other person legally
21 responsible for the vessel has disavowed responsibility
22 for the vessel and no other owner, operator, or other
23 person legally responsible for the vessel is known; or

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

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

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

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

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

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

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

31 (b) A law enforcement officer with reasonable cause to believe

1 a vessel anchored or moored on the waters of the county is an Anchoring
2 Limitation/Public Nuisance Vessel, the officer shall serve upon the
3 owner, operator, or other person legally responsible for the vessel
4 a notice of intent to remove and dispose a vessel declared to be an
5 Anchoring Limitation/Public Nuisance Vessel ("notice of intent").
6 Notice of intent shall be in writing and shall identify the vessel
7 in violation [to include: the registration number of the vessel (if
8 known); Hull identification number (if known); the general
9 description of the vessel including, make, model, color and length;
10 and the name of the vessel (if known)]; shall refer to Section
11 388.412, Ordinance Code, and Florida Statutes Section 327.4108; shall
12 include the court case number or citation number of four or more
13 previous violations within 12 months, with the dispositions and dates
14 of disposition for each; and the notice shall include that the owner
15 or other interested party with legal standing on the disposition of
16 the vessel has 30 days from service of the notice of intent to request
17 an administrative hearing regarding on the determination that the
18 vessel is an Anchoring Limitation/Public Nuisance Vessel and that
19 failure to request such hearing shall be deemed a waiver of the right
20 to such administrative hearing.

21 (c) Notice of intent to remove and dispose a vessel declared
22 to be an Anchoring Limitation/Public Nuisance Vessel shall be served
23 by the methods described for a notice of violation pursuant to Section
24 388.408, except that the content of the notice shall be as described
25 in subsection (b) of this section, and notice posted to the vessel
26 shall be as described in subsection (d) of this section.

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

1 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
2 INTEREST IN THE ATTACHED PROPERTY. This vessel, to
3 wit: (make, model, registration numbers, if
4 available, HIN, if available) has been declared to be
5 an Anchoring Limitation/Public Nuisance Vessel, as
6 described in Section 388.412, Ordinance Code, and
7 Florida Statutes Section 327.4108, and is unlawfully
8 on the waters of this county in violation of Section
9 388.405, Ordinance Code, to wit: (brief description
10 of location). The vessel having been the subject of
11 four or more violations of anchoring limitations
12 within 12 months, to wit: [court case number or
13 citation number of four or more previous violations
14 within 12 months, the dispositions and dates of
15 disposition], the vessel is declared to be a public
16 nuisance. The vessel owner or other interested party
17 with legal standing on the disposition of the vessel
18 has 30 days from the date of this notice to request
19 an administrative hearing regarding the determination
20 that the vessel is an Anchoring Limitation/Public
21 Nuisance Vessel, under Section 388.412, Ordinance
22 Code. Failure to request such hearing shall be deemed
23 a waiver of the right to such administrative hearing.
24 THIS VESSEL MUST BE REMOVED WITHIN 21 DAYS OTHERWISE
25 IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER
26 705, FLORIDA STATUTES, OR PURSUANT TO SECTION
27 388.412, ORDINANCE CODE, AND A CITATION MAY BE ISSUED.
28 The City may recover from the owner or other person
29 legally responsible for the vessel for all costs
30 incurred by the City to abate the violation, as
31 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
31 for the vessel and no other owner, operator, or other

1 person legally responsible for the vessel, or lien holder,
2 can be ascertained by reasonable effort; or,
3 (3) If, following a hearing pursuant to Florida Statutes
4 Section 705.103(2)(a)2., a judge, magistrate,
5 administrative law judge, or hearing officer, or in the
6 instance of an administrative proceeding described in
7 Section 388.310, Ordinance Code, a Code Enforcement Officer
8 named as a presiding officer or the Environmental
9 Protection Board, has determined the vessel to be an
10 Anchoring Limitation/Public Nuisance Vessel and a final
11 order has been entered;

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

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

18 **CHAPTER 388 - BOATS AND WATERWAYS**

19 * * *

20 **PART 5. - ABANDONED VESSELS; LOST VESSELS**

21 **Sec. 388.501. - Findings and legislative intent.**

22 (a) Pursuant to Florida Statutes Section 327.60 (2023), as
23 amended from time to time, the Florida Legislature has expressly
24 authorized local governments to enact and enforce regulations to
25 implement the procedures for abandoned or lost property that allow
26 the local law enforcement agency to remove a vessel affixed to a
27 public dock or mooring within its jurisdiction that is abandoned or
28 lost property pursuant to Florida Statutes Section 705.103(1). Such
29 regulation must require the local law enforcement agency to post a
30 written notice at least 24 hours before removing the vessel.

31 (b) Abandoned vessels pose a significant threat to the

1 environment, human health, and navigational safety as an obstruction
2 to navigation through deterioration, physical damage to the
3 surrounding ecosystems, through the proliferation of marine debris,
4 or the threat of discharge of sewage, oil and/or hazardous substances
5 into the marine environment.

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

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

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

20 **Sec. 388.502. - Definitions.**

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

24 (a) *Abandoned Vessel* means any vessel that has an identified
25 owner who is unwilling to take control of the vessel, or an vessel
26 that does not have an identifiable owner upon reasonable effort (to
27 ascertain the name and address of the owner and any lien holder, as
28 described in Section 388.102) and which is anchored or moored on the
29 waters of the county under the following criterion, but no single
30 criterion shall be conclusive:

31 (1) The vessel identification numbers and other means of

1 identification have been removed so as to hinder or nullify
2 efforts to locate or identify the owner.

3 (2) Absence of a current license decal, registration or
4 inspection.

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

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

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

17 (6) Whether the vessel has value other than nominal
18 salvage value.

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

21 A. Evidence of disrepair shall include missing,
22 removed, or partially or completely dismantled
23 parts; broken glass; or other signs of substantial
24 deterioration.

25 B. In making evaluations under this subsection, the
26 compliance officer may require the owner to
27 demonstrate the operability of the article.

28 (8) Evidence that the vessel has been left unprotected
29 from the elements, including without limitation: growth of
30 vegetation or standing pools subject to insect infestation;
31 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), or Section 388.411, may be designated as a Lost Vessel or Abandoned Vessel, subject to Section 388.506.

(b) *Attended vessel* means that a person capable of operating, maintaining, or moving the vessel from one location to another is on board the subject vessel for 4 continuous hours in a 24-hour period.

1 Any vessel left unattended for more than 10 days out of a 30-day
2 period demonstrates that the vessel is no longer engaged in navigation
3 and may be deemed unattended.

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

11 **Sec. 388.503. - Prohibitions.**

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

24 (b) It is unlawful for any person who finds any lost or
25 abandoned vessel on the waters of the county to appropriate the same
26 to his or her own use or to refuse to deliver the same when required
27 by law. Any person who unlawfully appropriates such lost or abandoned
28 vessel to his or her own use or refuses to deliver such property when
29 required commits theft, as defined in Florida Statutes Section
30 812.014, punishable as provided by law.

31 (c) As used in this subsection, all costs incurred by the City

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

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

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

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

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

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

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

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

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

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

15 (c) Required Notice.

16 (1) Whenever a law enforcement officer has reasonable cause
17 to believe that a vessel anchored, moored, or grounded, on
18 the waters of the county, reported as lost or abandoned,
19 is a Derelict Vessel, as described in Section 388.301, or an
20 At-Risk/Public Nuisance Vessel, as described in Section
21 388.301, the officer shall proceed under Part 3 of this
22 Chapter. If there is reasonable cause to believe that a
23 vessel reported as lost or abandoned qualifies as an
24 Anchoring Limitation/Public Nuisance Vessel, as described
25 in Section 388.412, the officer shall proceed under Part 4
26 of this Chapter. However, any vessel described in Section
27 388.311, (a), (b) or (c); Section 388.411, (a) or (c); or
28 Section 388.411, may be designated as a Lost or Abandoned
29 Vessel and the subject to Section 388.506, regardless of
30 the vessel also qualifying as a Derelict Vessel, an At-
31 Risk/Public Nuisance Vessel, or an Anchoring

1 Limitation/Public Nuisance Vessel.

2 (2) Whenever a law enforcement officer has reasonable cause
3 to believe that a vessel anchored, moored, or grounded, on
4 the waters of the county, reported as lost or abandoned,
5 is a lost or abandoned vessel, the officer shall cause
6 notice of violation to be served as described in this
7 section. Notice of violation shall be in writing, shall
8 specify the violation alleged with reference to the
9 relevant ordinance, and shall direct that the vessel be
10 removed from the waters of the county within a reasonable
11 time, not less than 5 days otherwise a citation may be
12 issued to the owner, operator, or other person legally
13 responsible for the vessel. Notice shall include that a
14 person who has been issued a citation may request a hearing
15 in the county court to challenge a citation issued. Notice
16 shall include a conspicuous statement that if the owner or
17 other person legally responsible for the vessel has not
18 removed this vessel from the waters of the county within
19 the 5 days, it will be removed and disposed of pursuant to
20 Chapter 705, Florida Statutes or Chapter 388, Part 5,
21 *Ordinance Code*. The notice shall also inform that in
22 addition to fines and penalties, the owner, operator, or
23 other person legally responsible for the floating structure
24 may be liable for all costs incurred by the City to abate
25 the violation, as described in Section 388.103(1),
26 *Ordinance Code*, 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
31 costs of enforcement of Chapter 388, Part 5, *Ordinance*

Code. Notice of violation posted upon such vessel, shall be in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description of vessel) is unlawfully upon public property known as (setting forth brief description of location) in violation of Section 388.503, *Ordinance Code*. THIS VESSEL MUST BE REMOVED WITHIN 5 DAYS; OTHERWISE, IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER 705, FLORIDA STATUTES OR CHAPTER 388, PART 5, *ORDINANCE CODE*, AND A CITATION MAYBE ISSUED. A person to whom a citation is issued may request a hearing in the county court to challenge the citation. The owner or other person legally responsible for the vessel will 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 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 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

1 in this section. Notice of violation shall be in writing,
2 shall specify the violation alleged with reference to the
3 relevant ordinance, and shall direct that the vessel be
4 removed from the waters of the county within a reasonable
5 time, not less than 48 hours otherwise a citation may be
6 issued to the owner, operator, or other person legally
7 responsible for the vessel. Notice shall include that a
8 person who has been issued a citation may request a hearing
9 in the county court to challenge a citation issued. Notice
10 shall include a conspicuous statement that if the owner or
11 other person legally responsible for the vessel has not
12 removed this vessel from the waters of the county within
13 48 hours, it will be removed and disposed of pursuant to
14 Chapter 705, Florida Statutes or Chapter 388, Part 5,
15 *Ordinance Code*. The notice shall also inform that in
16 addition to fines and penalties, the owner, operator, or
17 other person legally responsible for the floating structure
18 may be liable for all costs incurred by the City to abate
19 the violation, as described in Section 388.103(1),
20 *Ordinance Code*, which may include costs to relocate,
21 remove, store, destroy or dispose of a vessel; costs to
22 remediate or mitigate damage or threatened damage to the
23 environment caused by the violation; costs to remediate or
24 mitigate litter or debris caused by the violation; and the
25 costs of enforcement of Chapter 388, Part 5, *Ordinance*
26 *Code*. Notice of violation posted upon such vessel, shall
27 be in substantially the following form:

28 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
29 INTEREST IN THE ATTACHED PROPERTY. This property, to
30 wit: (setting forth brief description of vessel) is
31 unlawfully upon public property known as (brief

description of location) in violation of Section 388.503, *Ordinance Code*. THIS VESSEL MUST BE REMOVED WITHIN 48 HOURS OTHERWISE, IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER 705, FLORIDA STATUTES, OR CHAPTER 388, PART 5, *ORDINANCE CODE*, AND A CITATION MAYBE ISSUED. A person to whom a citation is issued may request a hearing in the county court to challenge the citation. The owner or other person legally responsible for the vessel will 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 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 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) .

(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

1 registered, by certified mail, return receipt
2 requested, to the address listed in the tax
3 collector's office for tax notices or to the address
4 listed in the county property appraiser's database.
5 If the vessel is owned by a corporation, notices may
6 be provided by certified mail to the registered agent
7 of the corporation. If notice sent by certified mail
8 is not signed as received within 14 days after the
9 postmarked date of mailing, notice may be provided by
10 posting as described in subparagraph 3;

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

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

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

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

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

29 B. by publication in print in a newspaper or on a
30 publicly accessible website, as provided in Florida
31 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 the person posting or publishing the notice, which affidavit shall include a copy of the notice, posted or published, and the dates and locations of posting or publishing.

(h) Evidence of posting as provided in subsection (c), together with proof of posting and publishing as provided in subsection (e)2, and if the owner, operator, or other person legally responsible for the vessel is known or ascertained by reasonable effort, proof that an attempt has been made to hand deliver or mail notice as provided in subsection (e)1, 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.

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

(a) Whenever a law enforcement officer with reasonable cause to believe that a vessel on the waters of the county is in violation of

1 this Part, after notification of violation and after the time period for
2 the opportunity for the violator to correct the violation, if required,
3 has lapsed, such officer has the authority to issue a citation consistent
4 with this Part.

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

6 (1) The date and time of issuance.

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

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

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

12 (5) A description of the vessel: the registration number
13 of the vessel; the name of the title owner of the vessel
14 (if known); Hull identification number; the general
15 description of the vessel including, make, model, color
16 and length; and the name of the vessel (if known);

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

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

21 (8) The name and agency authority of the Officer issuing
22 the citation;

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

27 (10) The applicable civil penalty if the person elects to
28 contest the citation, and the applicable civil penalty if the
29 person elects not to contest the citation.

30 (11) A conspicuous statement that if the person fails to
31 pay the civil penalty within the time allowed, or fails to

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

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

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

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

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

(d) 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.

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

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

(a) If, at the end of 5 days after posting the notice under Section 388.504(c)2, or at the end of 48 hours after posting the notice under Section 388.504(c)3, no party legally responsible for the vessel has removed the vessel from the waters of the county or shown reasonable cause for failure to do so, the vessel may be removed or relocated by law enforcement. Relocation or removal under this subsection does not prevent the issuance of a citation under this Part. As soon as practicable after the vessel has been removed or relocated pursuant to this subsection, notice shall be effectuated by the methods described for notice of violation in this Part. The notice shall include the location where the vessel is being held and how to reclaim the vessel, including that the owner or other interested party with legal standing on the disposition of the vessel must make a claim to the vessel within

1 21 days of notice of removal or relocation and must pay the costs for
2 removal, relocation and storage, within 30 days of the attempt to reclaim
3 the vessel. If no person makes a claim to the vessel within 21 days of
4 notice of removal or relocation, or if a rightful attempts to reclaim
5 the vessel within 21 days but fails to pay costs of removal, relocation
6 and storage within 30 days of the attempt to reclaim, the vessel may be
7 designated as a Lost or Abandoned Vessel, subject to subsection (f),
8 below.

9 (b) As to a vessel described in Section 388.411(c), or a vessel
10 described in Section 388.503, if the owner, operator, or other person
11 legally responsible for the vessel is not known or cannot be
12 ascertained upon reasonable effort, after notice of violation as
13 provided in Section 388.408 as to a Section 388.411(c) vessel, and
14 Section 388.504 as to a Section 388.503 vessel, and no person legally
15 responsible for the vessel has caused the vessel to be removed within
16 the term of days specified in the notice or shown reasonable cause
17 for failure to do so, and no person has come forward to take
18 responsibility for the vessel, the vessel may be designated as a Lost
19 or Abandoned Vessel, subject to subsection (f), below.

20 (c) As to a vessel described in Section 388.311(a) or Section
21 388.411(b), if the owner, operator, or other person legally
22 responsible for the vessel is known or ascertained by reasonable
23 effort, and the owner, operator, or other person legally responsible
24 for the vessel has disavowed responsibility for the vessel and no
25 other owner, operator, or other person legally responsible for the
26 vessel is known, the vessel may be designated as a Lost or Abandoned
27 Vessel, subject to subsection (f), below.

28 (d) As to a vessel described in Section 388.311(a), if, at the
29 end of 21 days after service of the notice of violation as provided
30 in Section 388.306, the owner, operator, or other person legally
31 responsible for the vessel has not caused the vessel to be removed

1 within the term of days specified in the notice or shown reasonable
2 cause for failure to do so, or if a vessel has been removed by law
3 enforcement pursuant to Section 388.305(a), but the owner or other
4 interested party with legal standing on the disposition of the vessel
5 has not attempted to reclaim the vessel within the term of days
6 specified in the notice, and if a citation has been issued the term
7 of days to contest a citation has lapsed, the vessel may be designated
8 as a Lost or Abandoned Vessel, subject to subsection (f), below.

9 (e) As to a vessel described in Section 388.411(a), if a vessel
10 has been impounded and stored pursuant to Section 388.411(a) for over
11 30 days and either, no owner or other interested party with legal
12 standing on the disposition of the vessel has attempted to reclaim
13 the vessel within the term of days specified in the notice or the
14 owner or other interested party with legal standing on the disposition
15 of the vessel made claim to the vessel but failed to timely pay the
16 cost of towing, cost of impoundment and storage fees, the vessel may
17 be designated as a Lost or Abandoned Vessel, subject to subsection
18 (f), below.

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

21 (1) As to an abandoned vessel, the City may retain the
22 property for its own use or for use, trade the property to
23 another unit of local government or state agency, donate the
24 property to a charitable organization, sell the property, or
25 dispose of the property.

26 (2) As to a lost vessel, the City shall take custody and the
27 agency shall retain custody of the property for 90 days, and
28 shall publish notice of the intended disposition of the
29 property during the first 45 days of this time period, as
30 provided,

31 A. If the City elects to retain the property for use by

1 the unit of government, donate the property to a
2 charitable organization, surrender such property to the
3 finder, sell the property, or trade the property to
4 another unit of local government or state agency, notice
5 of such election shall be given by an advertisement
6 published once a week for 2 consecutive weeks in a
7 newspaper of general circulation in the county where
8 the property was found if the value of the property is
9 more than \$100. If the value of the property is \$100 or
10 less, notice shall be given by posting a description of
11 the property at the law enforcement agency where the
12 property was turned in. The notice must be posted for
13 not less than 2 consecutive weeks in a public place
14 designated by the law enforcement agency. The notice
15 must describe the property in a manner reasonably
16 adequate to permit the rightful owner of the property
17 to claim it.

18 B. If the City elects to sell the property, it must do
19 so at public sale by competitive bidding. Notice of the
20 time and place of the sale shall be given by an
21 advertisement of the sale published once a week for 2
22 consecutive weeks in a newspaper of general circulation
23 in the county where the sale is to be held. The notice
24 shall include a statement that the sale shall be subject
25 to any and all liens. The sale must be held at the
26 nearest suitable place to where the lost or abandoned
27 property is held or stored. The advertisement must
28 include a description of the goods and the time and
29 place of the sale. The sale may take place no earlier
30 than 10 days after the final publication. Notice of the
31 intended disposition shall describe the property in a

manner reasonably adequate to permit the rightful owner of the property to identify it.

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

(h) If a lost vessel is sold at public sale pursuant to subsection (f)(2)B, the City shall deduct from the proceeds the costs of 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(1), 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(1).

(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*, is hereby repealed and reserved in its entirety.

Section 9. Amending Section 360.107 (Administration), Part 1 (Public Policy; General Provisions), Chapter 360 (Environmental

1 **Regulation), Ordinance Code.** Section 360.107 (Administration), Part
2 1 (Public Policy; General Provisions), Chapter 360 (Environmental
3 Regulation), *Ordinance Code*, is hereby amended to read as follows:

4 **CHAPTER 360 - ENVIRONMENTAL REGULATION**

5 * * *

6 **PART 1. - PUBLIC POLICY; GENERAL PROVISIONS**

7 * * *

8 **Sec. 360.107. - Administration.**

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

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

30 **CHAPTER 360 - ENVIRONMENTAL REGULATION**

31 * * *

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

1 to water quality, public health and the environment,~~and other hazards~~
2 ~~to the public health~~ within the waters ~~Waters~~ of the county ~~County~~,
3 as defined in Chapter 388, *Ordinance Code*. The ~~administration and~~
4 enforcement of floating structures, derelict vessels, and vessels at
5 risk of becoming derelict may be shared with the Municipal Code
6 Compliance Division, and shall utilize a law enforcement officer as
7 defined in § 705.101(4), F.S. when boarding a vessel or occupied
8 floating structure.

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

15 **CHAPTER 34 - NEIGHBORHOODS DEPARTMENT**

16 * * *

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

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

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

1 **Section 13. Creating Section 670.111 (Abandoned Vessels),**
2 **Chapter 670 (Abandoned Property), Ordinance Code.** Section 670.111
3 (Abandoned Vessels), Chapter 670 (Abandoned Property), Ordinance
4 Code, is hereby created to read as follows:

5 **CHAPTER 670 - ABANDONED PROPERTY**

6 * * *

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

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

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

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

17 **Section 14. Amending Section 28.802 (Trespass Procedures),**
18 **Part 8 (Trespass in Public Parks; Violation and Appeal), Chapter 28**
19 **(Parks, Recreation and Community Services), Ordinance Code.** Section
20 28.802 (Trespass Procedures), Part 8 (Trespass in Public Parks;
21 Violation and Appeal), Chapter 28 (Parks, Recreation and Community
22 Services), Ordinance Code, is hereby amended to read as follows:

23 **CHAPTER 28 - PARKS, RECREATION AND COMMUNITY SERVICES**

24 * * *

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

26 * * *

27 **Sec. 28.802. - Trespass Procedures.**

28 (a) *Trespass for violation of Certain State Statutes.* If a
29 person is arrested based upon probable cause to believe that the
30 person has committed any of the offenses enumerated in F.S. Chs. 790
31 (Weapons and Firearms), 749 (Sexual Battery), 796 (Prostitution), and

1 800 (Lewdness; Indecent Exposure) or any felony involving violence
2 within a City park, beach, dock, marina or other recreational area
3 or facility, the Jacksonville Sheriff's Office shall exclude that
4 person from all City parks, beaches, docks, marinas or other
5 recreational areas or facilities for a period of one year. If a person
6 is arrested based upon probable cause to believe that the person has
7 committed any of the offenses enumerated in F.S. Ch. 806 (Arson and
8 Criminal Mischief) within a City park, beach, dock, marina or other
9 recreational area or facility, the Jacksonville Sheriff's Office
10 shall exclude for a period of one year that person from the particular
11 City park, beach, dock, marina or other recreational area or facility
12 where the offense occurred. Upon arrest, every person excluded shall
13 be provided a notice of trespass after warning, in accordance with
14 this Part.

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

31 (c) The notice of trespass after warning shall be in writing

1 with a case number and a copy delivered to the excluded person. The
2 notice of trespass after warning shall specify the following:

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

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

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

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

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

21
22 Form Approved:

23 /s/ Shannon MacGillis

24 Office of General Counsel

25 Legislation Prepared By: Shannon MacGillis

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