

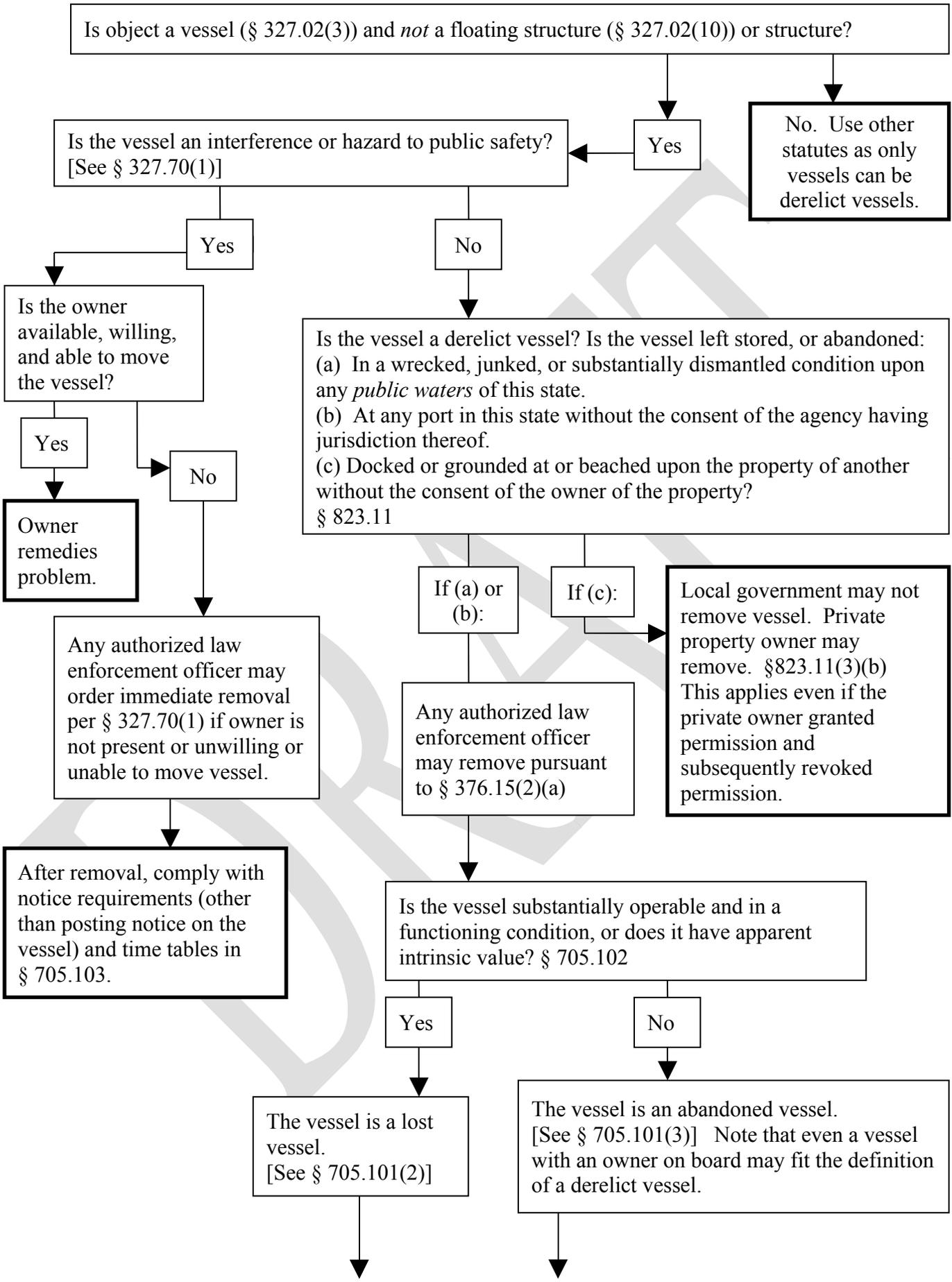
# **Local Government Approaches to Derelict Vessel Removal**



January  
29, 2007

Prepared by  
Conservation Clinic  
Center for Governmental Responsibility  
University of Florida College of Law  
Andrew Hand, J.D. Candidate

Thomas T. Ankersen, Director  
Thomas Ruppert, CGR Conservation Law Fellow



Is object a vessel (§ 327.02(3)) and *not* a floating structure (§ 327.02(10)) or structure?

Yes

No. Use other statutes as only vessels can be derelict vessels.

Is the vessel an interference or hazard to public safety?  
[See § 327.70(1)]

Yes

No

Is the owner available, willing, and able to move the vessel?

Yes

No

Owner remedies problem.

Is the vessel a derelict vessel? Is the vessel left stored, or abandoned:  
(a) In a wrecked, junked, or substantially dismantled condition upon any *public waters* of this state.  
(b) At any port in this state without the consent of the agency having jurisdiction thereof.  
(c) Docked or grounded at or beached upon the property of another without the consent of the owner of the property?  
§ 823.11

If (a) or (b):

If (c):

Local government may not remove vessel. Private property owner may remove. §823.11(3)(b) This applies even if the private owner granted permission and subsequently revoked permission.

Any authorized law enforcement officer may order immediate removal per § 327.70(1) if owner is not present or unwilling or unable to move vessel.

Any authorized law enforcement officer may remove pursuant to § 376.15(2)(a)

After removal, comply with notice requirements (other than posting notice on the vessel) and time tables in § 705.103.

Is the vessel substantially operable and in a functioning condition, or does it have apparent intrinsic value? § 705.102

Yes

No

The vessel is a lost vessel.  
[See § 705.101(2)]

The vessel is an abandoned vessel.  
[See § 705.101(3)] Note that even a vessel with an owner on board may fit the definition of a derelict vessel.

