


**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT
GENERAL ORDERS**

COLONEL JULIE JONES



TITLE	DERELICT VESSELS	EFFECTIVE DATE	July 21, 2008
CHAPTER	GENERAL ORDER 21	PAGES	4
APPROVED		RESCINDS/AMENDS	May 1, 2001

**1
POLICY**

- A** The Division of Law Enforcement and all law enforcement officers have been authorized and empowered to remove any derelict vessel, as defined in Section 823.11, Florida Statutes, from public waters when that vessel is a hazard to navigation or a threat to the environment.
- (1) Where a vessel is deemed to be a hazard or to interfere with navigation to the extent that public safety is jeopardized, the Division may order its immediate removal pursuant to Chapter 327.70, Florida Statutes.
 - (2) The Division shall provide direction to sworn members regarding the reporting, identifying, and marking, of derelict vessels to facilitate their removal from state waters.
- B** The Commission shall provide assistance when requested by local governments and other agencies by providing investigative resources for the removal of a derelict vessel, as described in Section 823.11, Florida Statutes, from public waters of the state when that vessel is a hazard to navigation or a threat to the environment.

**2
RESPONSIBILITIES**

A Area Captain will

- (1) Direct derelict vessel investigations within his/her area.
- (2) Issue notice to owner for removal of any vessel established as derelict.
- (3) Make final determination of a vessel's status.

B Investigating member will

- (1) Respond to and investigate reports of derelict vessels.
- (2) Generate an Incident Summary Number for identified derelict vessels.
- (3) Properly document and mark confirmed derelict vessels.
- (4) Complete the Derelict or Abandoned Vessel Report and, after supervisory review, forward a copy to the Boating and Waterways Section.
- (5) Complete the Pollutant Discharge Report and, after supervisory review, forward a copy to the Department of Environmental Protection.
- (6) Verify the removal of derelict vessels.

C The Boating and Waterways Section will

- (1) Maintain the master derelict vessel database.
- (2) Provide funding, as appropriated by the legislature, for derelict vessel removal.
- (3) Procure federal disaster funds for the removal of derelict vessels.
- (4) Notify Department of Highway Safety and Motor Vehicles to cancel title after vessel is removed and destroyed.
- (5) Notify legal staff when state funds have been expended to remove derelict vessels and the owner(s) has not reimbursed the state.
- (6) Notify Department of Highway Safety and Motor Vehicles when state funds have been expended to remove a derelict vessel and the owner has not reimbursed the state.

D Regional Support Staff will

- (1) Notify by certified letter with return receipt requested the owner and any lien holder(s) of record and the last known owner if different from the owner of record of lost, abandoned or derelict vessels.
- (2) Forward copies of Derelict or Abandoned Vessel Report (FWC/DLE-048) and photographs to the Boating and Waterways Section immediately after Area Captain has determined the vessel to be derelict.
- (3) Notify the Boating and Waterways Section when state funds have been expended to remove derelict vessels and the amount of funding expended.

3 PROCEDURES

A Documenting Derelict Vessels

- (1) An incident summary number shall be assigned to each report of a potential derelict vessel reported to the Division. Once the vessel has been located, the sworn member responding to the scene must determine if the vessel is a recovered stolen boat; lost or abandoned property as defined in Chapter 705, Florida Statutes; or a derelict vessel pursuant to Section 823.11, Florida Statutes. The Regional Commander or designee will make the final determination of the vessel's status.
- (2) If the vessel meets the definition of lost or abandoned property or the definition of a derelict vessel, the sworn member shall affix a Notice Sticker (FWC/DLE-073) pursuant to section 705.103(2), Florida Statutes, unless the condition of the vessel makes it impossible to affix the sticker. Photographs of the vessel displaying the completed sticker shall be taken.
- (3) The sworn member shall run registration, hull identification, and engine serial numbers in an attempt to find a last known registered owner, as well as a title history to determine any lien holders.

- (4) A notice letter via certified mail to the last known registered owner/lien holder shall be mailed the same day as posting the vessel.
- (5) If a vessel is deemed to be a hazard to navigation or threatens to be an environmental hazard, the appropriate agencies shall be notified (U.S. Coast Guard, Department of Environmental Protection and local government). If the vessel poses an environmental threat, the sworn member should complete the Pollutant Discharge Report (FWC/DLE-083) and forward a copy to the Department of Environmental Protection for review and assess the appropriate civil penalties pursuant to Section 376.16, Florida Statutes.
- (6) The sworn member responding to the scene will make a comprehensive and thorough effort to determine ownership of the reported derelict vessel. All efforts should be made to have the owner remove the vessel. The facts should be reviewed and, if warranted under the circumstances, criminal charges shall be filed.
- (7) If the vessel clearly meets the definition of derelict vessel in Section 823.11, Florida Statutes, a Division of Law Enforcement Derelict or Abandoned Vessel Report (FWC/DLE-048) will be completed by the responding sworn member. All of the efforts to determine and locate the last known owner will be included in the report.
- (8) If the vessel clearly meets the definition of a derelict vessel in Section 823.11, Florida Statutes, and all efforts have been expended to have the vessel removed from public waters by its owner, the vessel shall be marked as derelict with the letters "DV," the two-digit year, and the incident summary number, example:(DV-06-SW-53-0001). The marking of the vessel will be done in such a way that it can be easily identified by other boaters or a removal contractor. Photographs shall be taken of the vessel displaying the DV number.
- (9) After review by a supervisor, a copy of the Derelict or Abandoned Vessel Report (FWC/DLE-048) and photographs shall be forwarded to the Boating and Waterways Section to record the derelict vessel in the master database for derelict vessels.
- (10) The sworn member shall thoroughly document all actions taken during the investigation of a derelict vessel. See example of investigation checklist (on back of FWC/DLE-048).

B Removing Derelict Vessels

- (1) Regional support staff will mail a certified letter with return receipt requested to the owner of record and to the last known owner if different from the owner of record of a lost, abandoned, or derelict vessel. If applicable, the letter shall provide notice to the owner that the vessel has been deemed derelict and that the owner is in violation of Sections 376.15 and 823.11, Florida Statutes. The letter will direct the owner to remove the vessel from public waters of the state within 5 days of receipt of the letter or show reasonable cause for the failure to do so, or provide proof of the legal transfer of the vessel's ownership. If the owner removes the vessel, the matter shall be closed and an Incident Summary Report Narrative (FWC/DLE-045A) shall be completed. A copy of this report shall be forwarded to the Boating and Waterways Section.
- (2) All efforts should be made to have the owner remove the vessel. After conclusion of any criminal proceedings, if the owner still does not comply, the vessel may be removed by the state at the owner's expense.
- (3) If funding has been appropriated, the Boating and Waterways Section will notify county governments of the derelict vessels within their jurisdiction along with the instructions for applying for a grant to remove derelict vessels.
- (4) When grants have been awarded for the removal of derelict vessels, the Boating and Waterways Section will provide the applicable regional field office with notification of the contract and the derelict vessels specified for removal. The area supervisor will have a sworn member visually verify that the listed derelict vessel(s) still needs to be removed and will document this information on an Incident Summary Report Narrative (FWC/DLE-045A). This visual check should be performed no more than 30 days prior to the start of the removal process and a copy of this report shall be forwarded to the Boating and Waterways Section.
- (5) A sworn member shall survey the location of designated derelict vessels on a quarterly basis.

A copy of a completed Incident Summary Report Narrative (FWC/DLE-045A) documenting the removal or the new location of the derelict vessel will be submitted to the Boating and Waterways Section any time a derelict vessel is removed, is repaired so as to no longer meet the statutory definition of derelict vessel, or changes location by more than 100 yards.

C After Removing Derelict Vessels

- (1)** Once the derelict vessel is removed, the appropriate area supervisor will have a sworn member visually verify that the listed derelict vessel has been removed. If the sworn member can reasonably determine that a portion of the vessel is still in place below the surface, this information should be indicated on the Incident Summary Report Narrative (FWC/DLE-045A). A copy of this report shall be forwarded to the Boating and Waterways Section. Extraordinary measures, such as entering the water, are not required in verifying the removal of vessels below the water's surface.
- (2)** If the vessel is removed by the state, the matter will be referred to the Department of Legal Affairs pursuant to Section 376.15(2)(a), Florida Statutes and 823.11(3)(a), Florida Statutes for reimbursement of costs incurred by the state.
- (3)** If the vessel is removed by the state, and the vessel owner does not reimburse the state for costs incurred during the removal, the Department of Highway Safety and Motor Vehicles will be notified pursuant to section 705.103(4), Florida Statutes.

4 FORMS

FWC/DLE-045A	Incident Summary Report Narrative
FWC/DLE-048	Derelict and Abandoned Vessel Report
FWC/DLE-073	Notice Sticker
FWC/DLE-083	Pollutant Discharge Report