



ENVIRONMENTAL RESOURCE PERMITTING

Kathryn Craver
External Affairs Director
Outreach / Northeast District
Florida Department of Environmental Protection

Jacksonville | Oct. 10, 2024



REGULATORY DISTRICTS

DISTRICT OFFICES

Central District - Orlando.

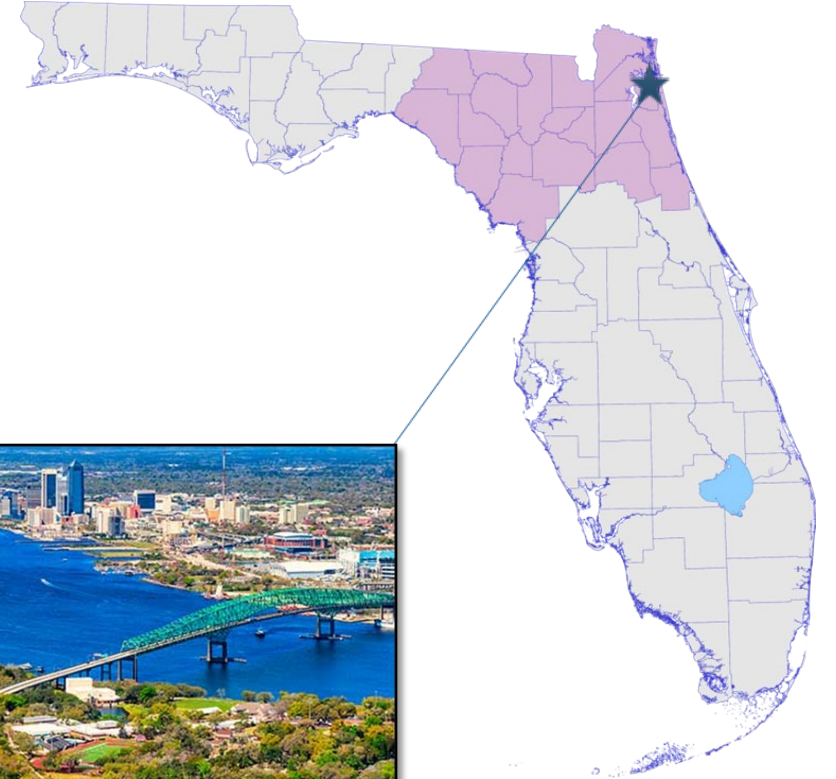
Southeast District – West Palm Beach.

South District – Fort Myers.

Southwest District – Temple Terrace (Tampa).

Northeast District – Jacksonville.

Northwest District – Pensacola.



[FloridaDEP.gov/northeast](https://www.floridaDEP.gov/northeast)



NORTHEAST DISTRICT PERMITTING

Northeast District Permitting Program:

Environmental permits help minimize potential environmental disruption as the result of common human activities.

DEP's Northeast District works proactively with stakeholders to consistently draft high quality permits in the shortest time possible.

In an average year, the Northeast District will handle over 2,000 permits, clearances and other authorizations.

Permitting Contacts for Northeast District:	Title:	Phone:	Email:
Katie Miller	Program Administrator	904-256-1509	Katie.Miller@FloridaDEP.gov
Khristian Mangahas	Environmental Manager/CWE	904-256-1625	Khristian.Mangahas@FloridaDEP.gov
Anthron Brocks	Environmental Manager	904-256-1640	Anthron.Brocks@FloridaDEP.gov
Shannon Taylor	Environmental Manager	904-256-1617	Shannon.N.Taylor@FloridaDEP.gov
Brian Durden	Environmental Manager	904-256-1575	Brian.Durden@FloridaDEP.gov



NORTHEAST DISTRICT COMPLIANCE

Northeast District Compliance Assurance Program:

Environmental compliance is a priority for DEP because it is key to protecting Florida's environment and public health.

DEP's Northeast District is one of six regulatory districts responsible for ensuring compliance with state and federal rules and regulations.

Staff are divided into teams of field inspectors and subject matter experts.

Compliance Contacts for Northeast District:	Title:	Phone:	Email:
Tom Kallemeyn	Assistant Director	904-256-1616	Thomas.Kallemeyn@FloridaDEP.gov
Joni Petry	Environmental Administrator	904-256-1606	Joni.Petry@FloridaDEP.gov
Keri Armstrong	Environmental Manager	904-256-1647	Keri.Armstrong@FloridaDEP.gov
Shane Tierney	Environmental Manager	904-256-1642	Shane.Tierney@FloridaDEP.gov
Matthew Kershner	Environmental Manager	904-256-1649	Matthew.Kershner@FloridaDEP.gov
Chris Azcuy	Environmental Manager	904-256-1559	Chris.Azcuy@FloridaDEP.gov



DISTRICT PERMITTING AND COMPLIANCE PROGRAMS:



Solid/Hazardous Waste



Air Resources



Environmental Resource Permitting (ERP)



Wastewater



Tanks

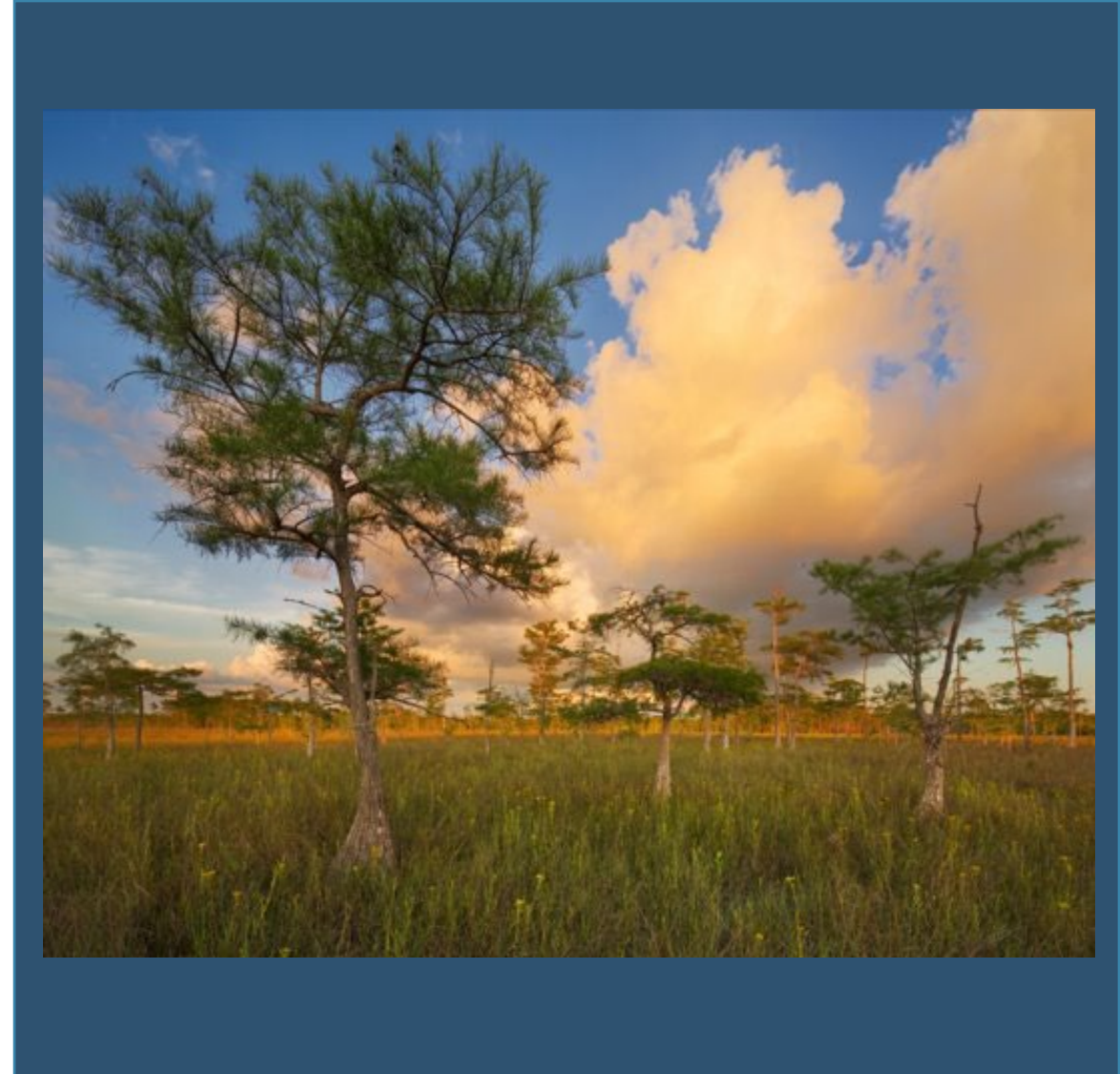


Potable Water



SLERC PROGRAM

- The Submerged Lands and Environmental Resources Coordination Program (SLERC) is responsible for the implementation of the state's Environmental Resource Permitting (ERP).
- SLERC regulates activities in, on or over surface waters or wetlands, as well as any activity involving the alteration of surface water flows.
- SLERC implements the environmental permitting criteria to ensure there is no net loss in wetland and other surface water functions.





REGULATORY AUTHORITY OPERATING AGREEMENT

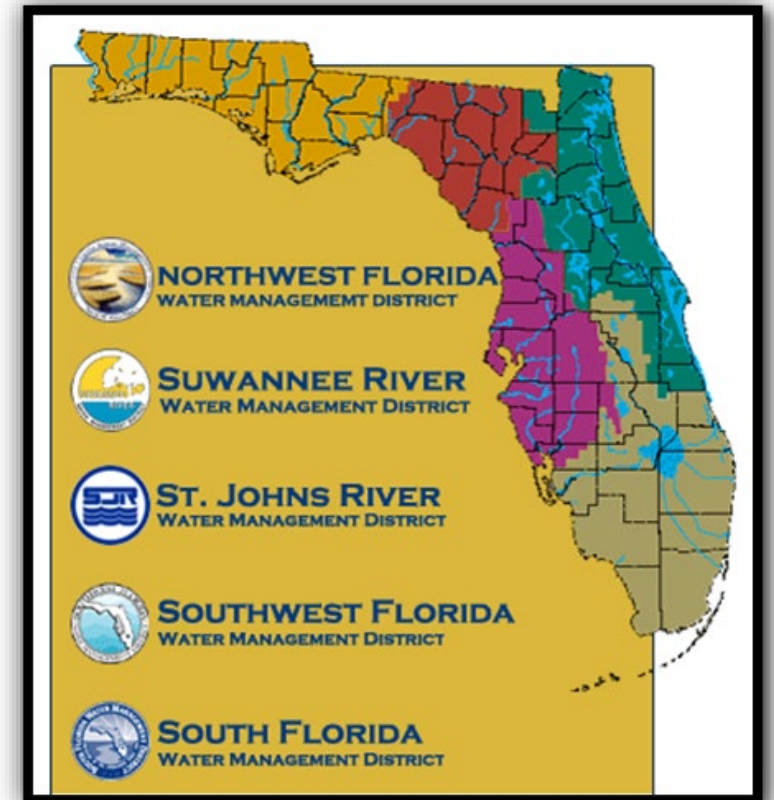
The ERP program is implemented by DEP and the state's five water management districts (WMDs).

- **DEP:**

- Individual single-family residence (SFR).
- Marinas not associated with other upland development.
- Utilities.
- Governmental dredging and other "in water" activities.
- Associated sovereign submerged lands (SSL) authorization with the above.

- **WMDs:**

- Residential and commercial development.
- Roads.
- Agriculture.
- Associated SSL authorization with the above.



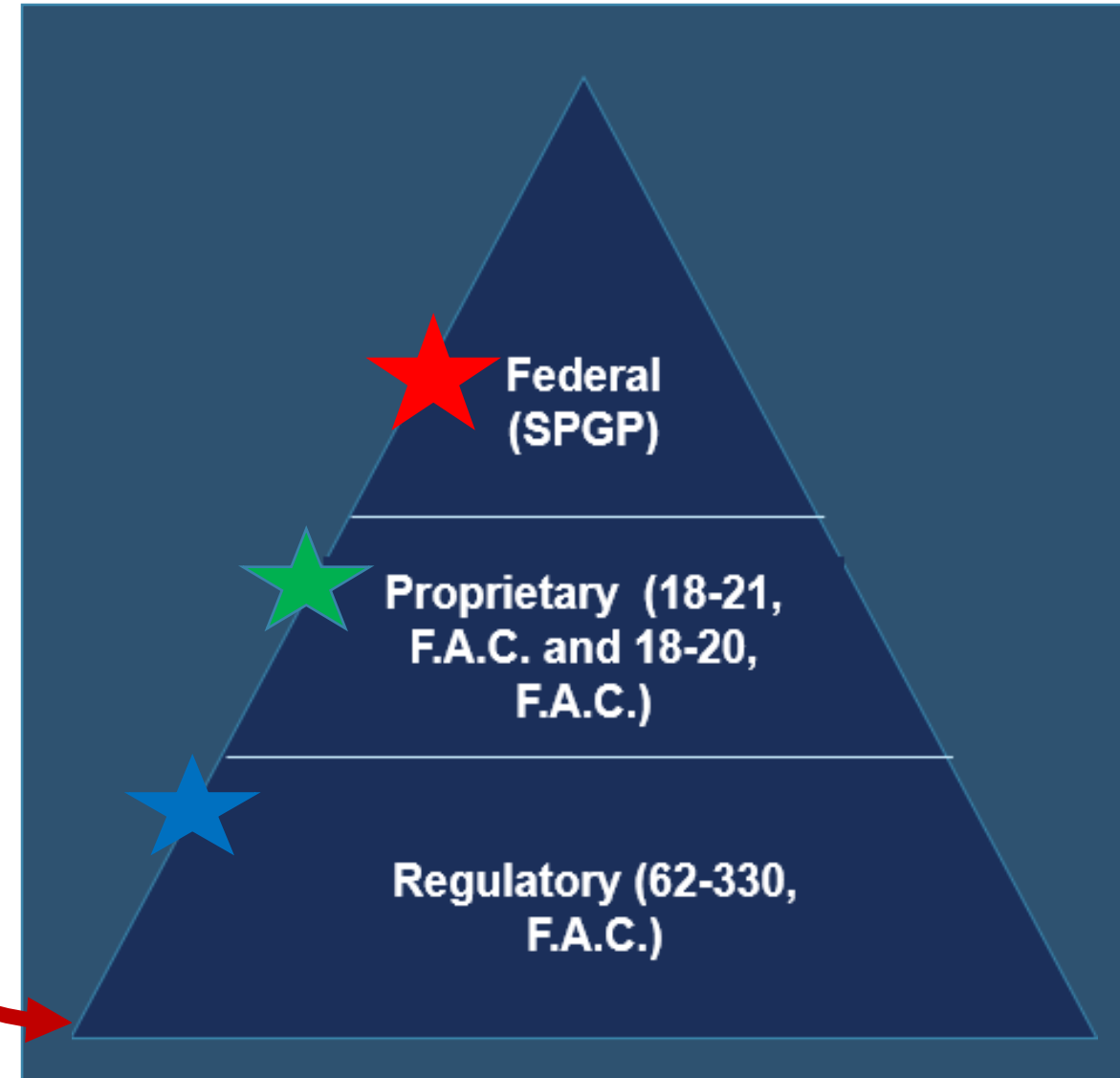


RULE REVIEW

When an ERP application comes into the department, there are up to three authorizations that can be included in one permit, ***potentially*** making DEP a “one-stop shop”. ERP reviews can be broken down into:

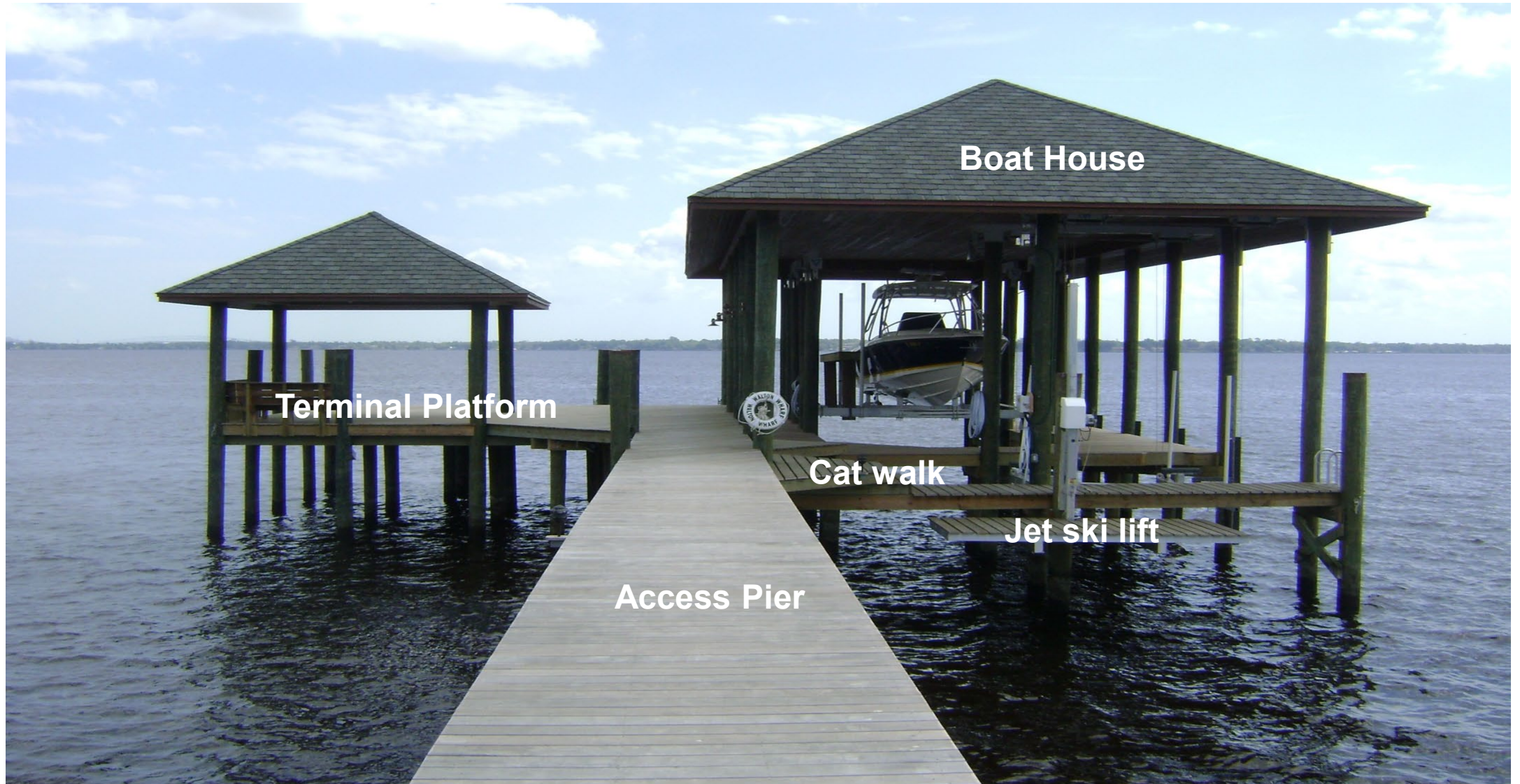
- **Regulatory:**
 - 62-330 F.A.C. - all types of ERP permitting in, on or over wetlands or other surface waters.
- **Proprietary:**
 - Rule 18-21 F.A.C. - construction over sovereign submerged state lands (SSL).
 - Rule 18-20 F.A.C. - construction in Aquatic Preserves.
- **State Programmatic General Permit (SPGP)**

Permitting Application
Entry Point





DOCK TERMINOLOGY

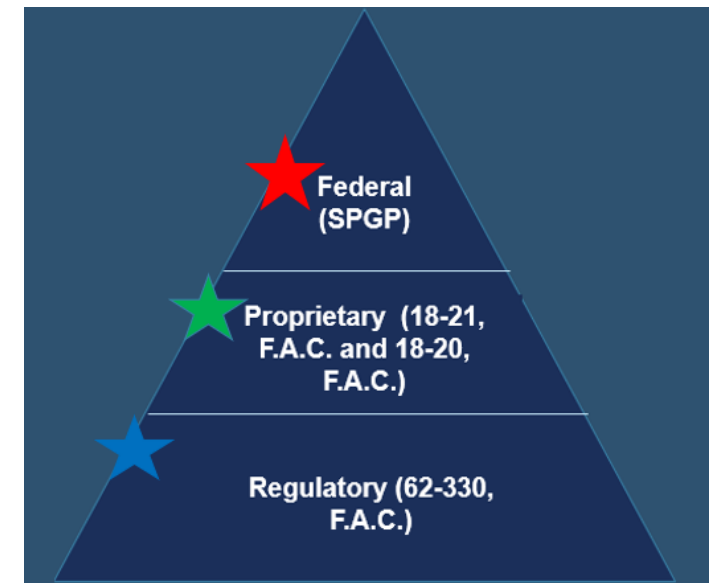




TYPES OF REGULATORY AUTHORIZATIONS

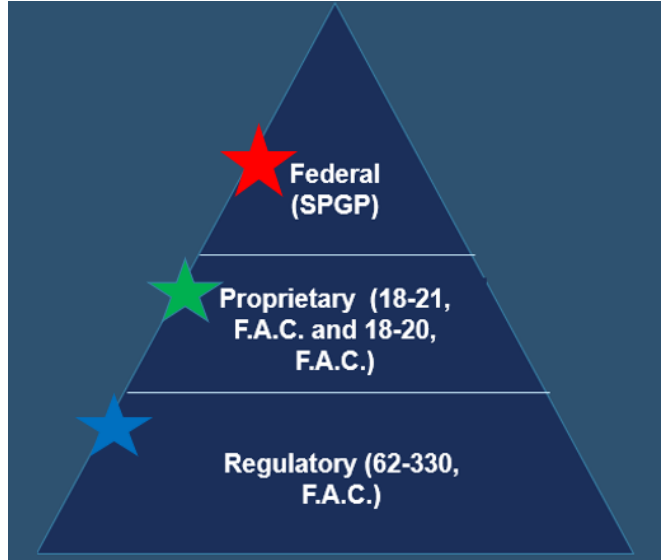
★ **Regulatory program:** Depending on the total area of the dock, applicants could qualify for one of three regulatory authorizations:

- Exemptions:
 - Docks less than 1,000 sq ft (and less than 500 sq ft in an Outstanding Florida Waterbody).
- General Permits:
 - Docks between 1,000 and 2,000 sq ft.
- Individual Permits:
 - Docks over 2,000 sq ft; may require a proprietary lease or easement, based on size.





SOVERIEGN SUBMERGED LANDS (STATE LANDS)



SSL:

- Including but not limited to, tidal lands, islands, sand bars, shallow banks, and lands **waterward of the ordinary or mean high water line**, beneath navigable fresh water or beneath tidally-influenced waters, **which the state of Florida acquired title to** on March 3, 1845, **by virtue of statehood**.



Proprietary authorizations for use consider:

- Water dependency.
- Riparian rights.
- Impacts to submerged resources.
- Preemption from other uses of the water by the public.

Forms of authorization:

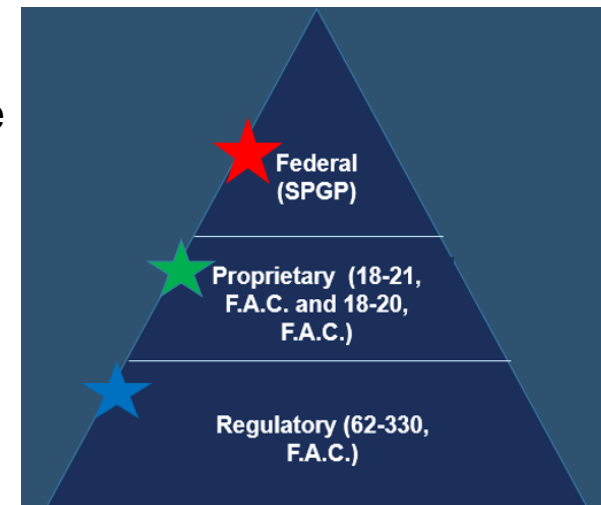
- Exceptions – No authorization required.
- Consent by rule – Authorization automatic if meet certain criteria.
- Letter of consent – Written authorization is required.
- Leases – Written agreement with annual fees for all commercial facilities and those facilities that do not qualify for a lesser authorization.
- Easements – Written agreement with fees (not necessarily annual), generally for linear activities.



TYPES OF PROPRIETARY AUTHORIZATIONS

★ Proprietary authorizations for use to consider:

- Letter of Consent:
 - One **minimum-size** private residential single-family dock per parcel.
 - Private residential single-family or multi-family docks that cumulatively preempt no more than **10 square feet of sovereignty submerged land for each linear foot** of the applicant's riparian shoreline.
- Lease
 - Private residential single-family or multi-family docks or piers, boat ramps, or other similar activities that do not qualify for consent by rule or letter of consent.
 - Private residential multi-family docks designed or used to moor three or more vessels within aquatic preserves.
 - Commercial/industrial docks, as defined in Rule 18-18.004, F.A.C., in Biscayne Bay Aquatic Preserve, as required by paragraph 18-18.006(3)(c), F.A.C.
 - All revenue-generating activities, except as provided for in this chapter.





AQUATIC PRESERVES



Rule 18-20 F.A.C.:

- Provides for more restrictive design criteria for docks and shoreline stabilization.

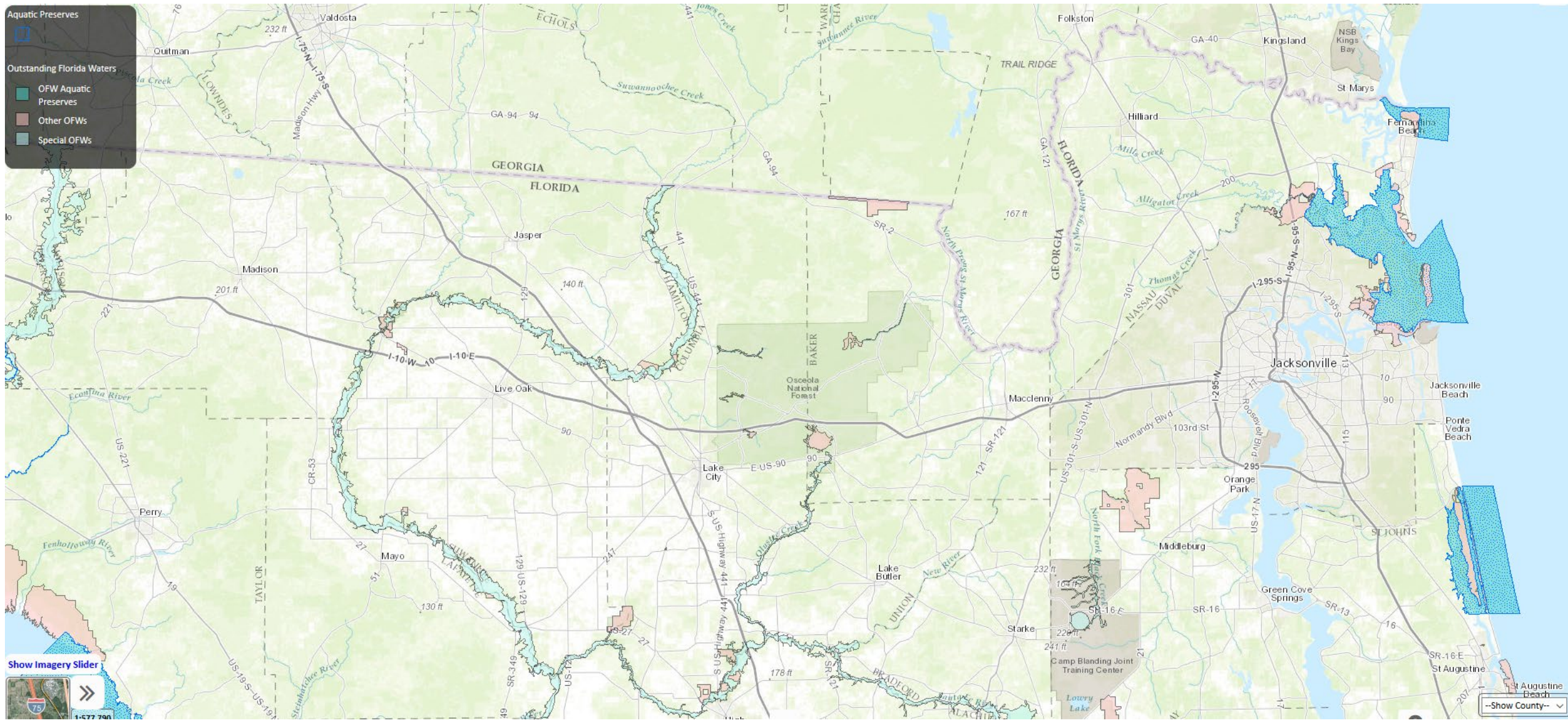
1975 with Aquatic Preserve Act:

- Bird rookeries.
- Fish hatcheries.
- Public recreation.

Intent: To be preserved in an essentially natural or existing condition so that their aesthetic, biological and scientific values may endure for the enjoyment of future generations.



NORTHEAST DISTRICT AQUATIC PRESERVES





DESIGN STANDARDS IN AN AQUATIC PRESERVE

According to 18-20 F.A.C., docks in an aquatic preserve must meet the following criteria:

- Deck planks spaced for sufficient light penetration.
- 4-ft wide access pier.
- 160 sq ft terminal platform (maximum).
- Boat slip may be covered; up to 1 ft of roof overhang.
- Elevated 5 ft above mean high or ordinary high water.



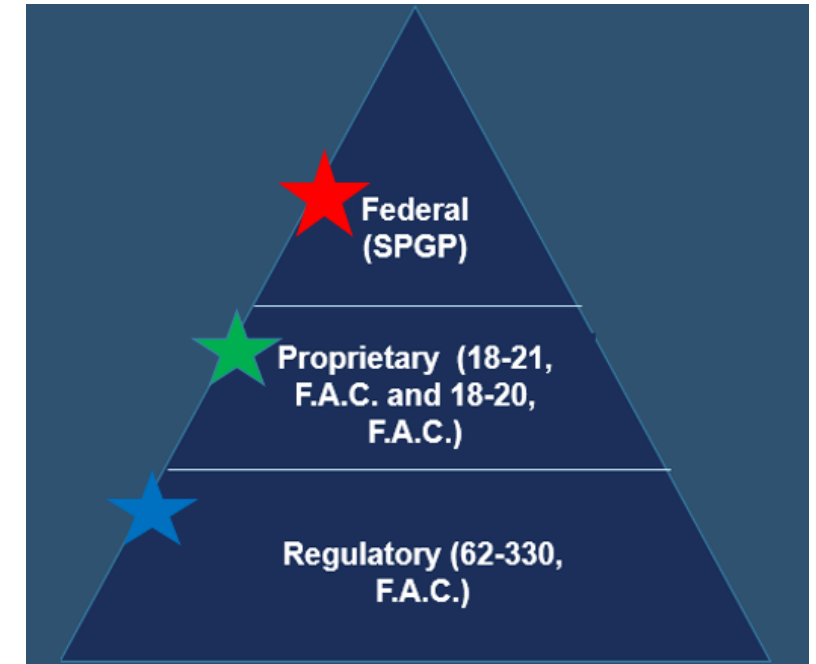
<https://floridadep.gov/rcp/aquatic-preserve>



FEDERAL AUTHORIZATION: SPGP

★ State Programmatic General Permit (SPGP):

- Current: [SPGP VI-R1](#), valid Aug. 16, 2021.
- Includes **only** the following categories of work:
 - Shoreline stabilization.
 - Boat ramps and boat launch areas and structures associated with such ramps or launch areas.
 - Docks, piers, associated facilities and other minor piling-supported structures.
 - Removal of derelict vessels.
 - Scientific sampling, measurement and monitoring devices.





ERP AUTHORIZATION CONDITIONS SIGNAGE

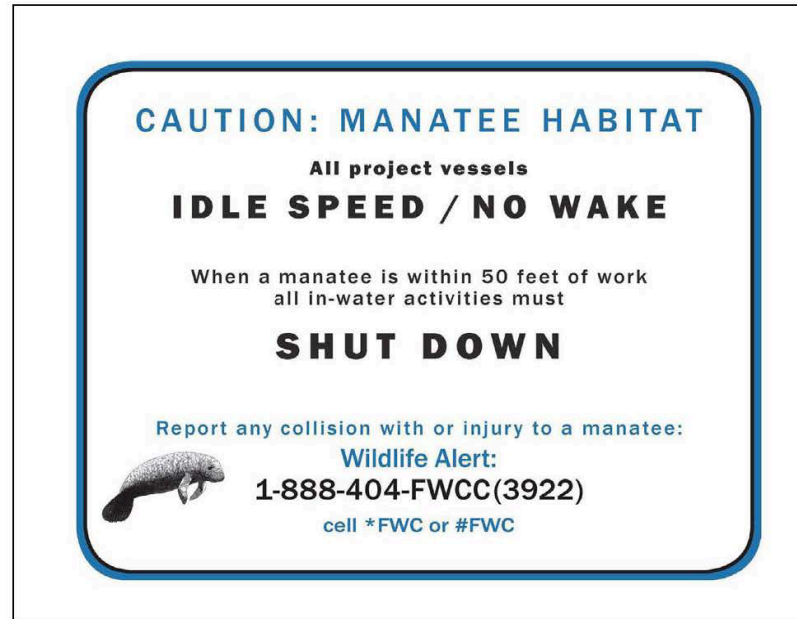
Environmental Resource Permit

State-owned Submerged Lands Authorization – Granted

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization May Be Required

SPECIFIC CONDITIONS - MANATEE

12. The [Standard Manatee Construction Conditions for In-water Work](#) (2011) must be followed for all in-water activity.





THANK YOU

Kathryn Craver

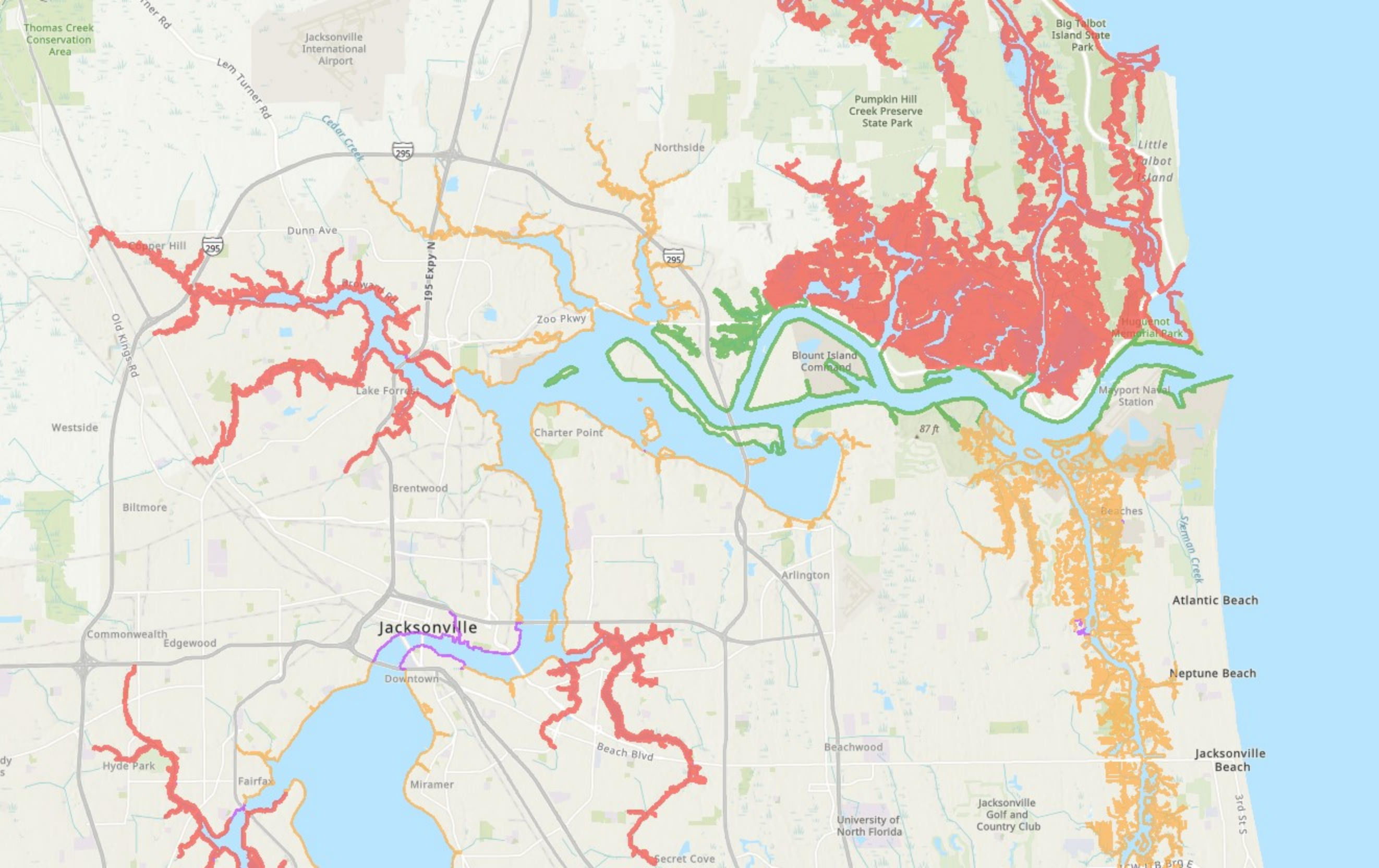
Northeast District

Florida Department of Environmental Protection

Contact Information:

904-256-1549

Kathryn.Craver@FloridaDEP.gov



Thomas Creek
Conservation
Area

Lem Turner Rd

Jacksonville
International
Airport

295

Dunn Ave

295

Old Kings Rd

195 Expy N

Northside

Pumpkin Hill
Creek Preserve
State Park

Big Talbot
Island State
Park

Little
Talbot
Island

Zoo Pkwy

295

Blount Island
Command

Huguenot
Memorial Park

Mayport Naval
Station

Westside

Lake Forrest

Charter Point

87 ft

Biltmore

Brentwood

Arlington

Atlantic Beach

Neptune Beach

Jacksonville
Beach

Jacksonville

Commonwealth
Edgewood

Downtown

Beach Blvd

Beachwood

Jacksonville
Golf and
Country Club

University of
North Florida

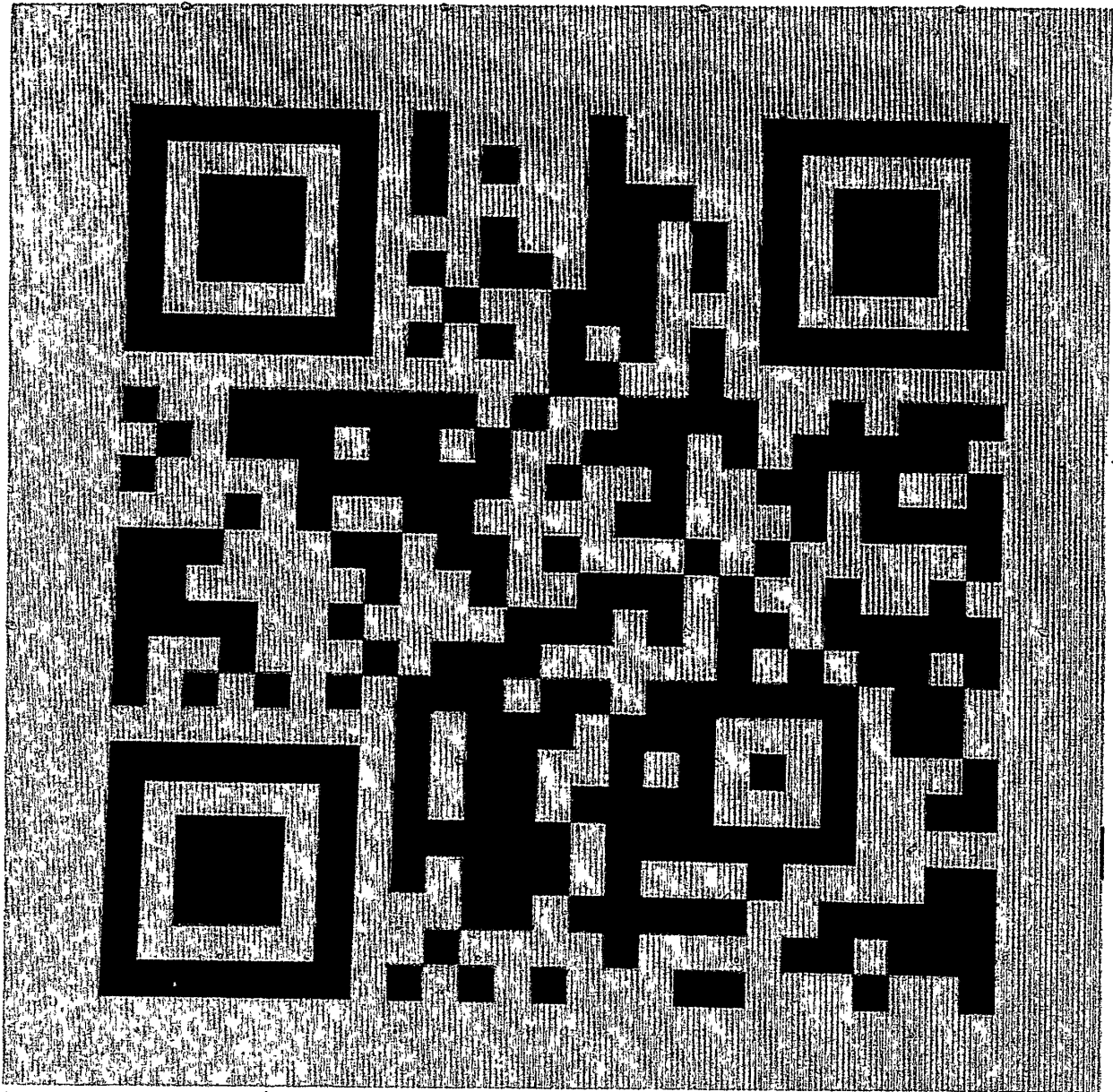
Miramar

Hyde Park

Fairfax

Secret Cove

3rd St S

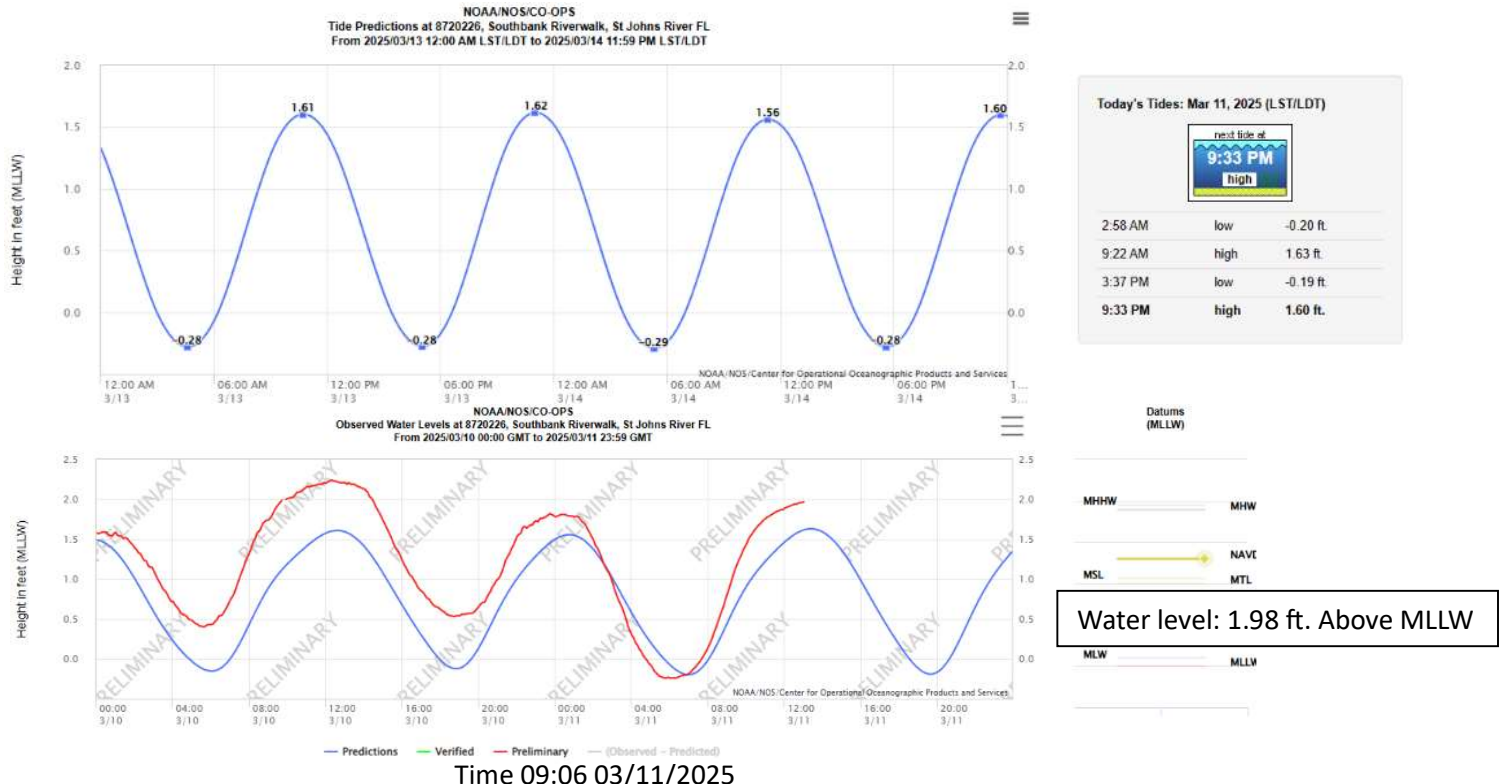


JU MARCO

Pinto WWM 03/13/2025

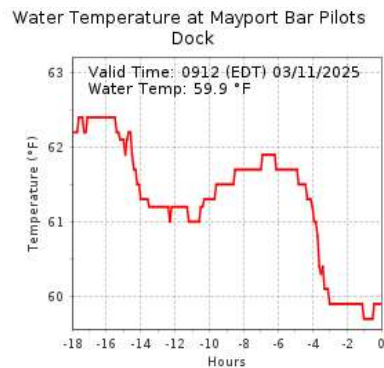
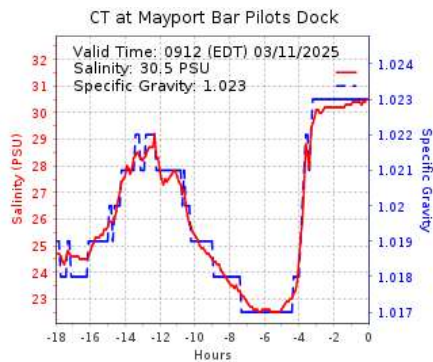
SJR Water Quality Tide Southbank Riverwalk, SJR.

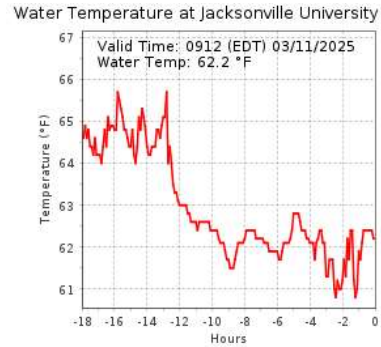
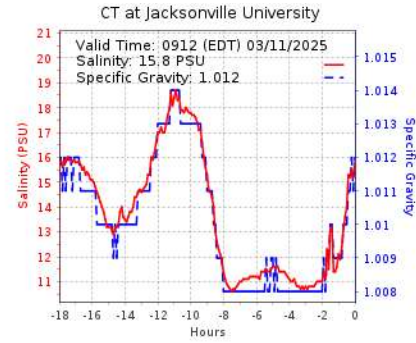
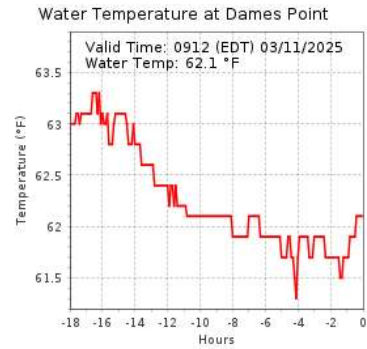
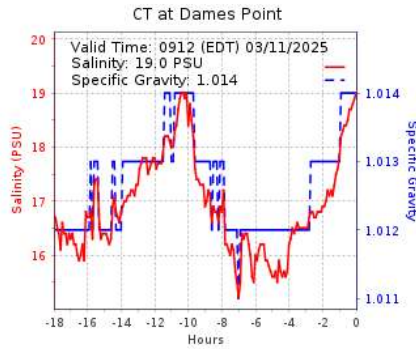
Full moon Mar. 14th New moon Mar. 29th



Salinity	Station	Temp °F
23 - 30	Mayport	60
16 - 19	Dames	62
11 - 16	JU	62
7 - 10	Downtown	63
1 - 2	Buckman	63

Salinity increasing – recent rain ~4” may cause that to decrease slightly.





WATER LEVELS – +0.43 ' at Buckman.

RAINFALL – Normal dry season lower rainfall. Recently 4" at JIA

Rainfall Inches 2025			Rainfall Inches 2025		Rainfall Inches 2025		Rainfall Inches 2024	
NOAA Online weather data			JAX INT		SJRWMD 2025		SJRWMD 2024	
Month	NOW data mean	Obs Value	Obs Jax INT	Departure	SJRWMD Obs	Departure	SJRWMD Obs	Departure
Jan	2.84	6.6	6.6	3.32	4.105	1.415	3.24	0.55
Feb	2.89	2.15	2.15	-0.71	1.457	-1.533	2.66	-0.332
Mar*	3.43		4.43	3.17	1.834		3.21	-0.2
Apr							2.61	-0.005
May							2.44	-0.819
Jun							3.81	-2.462
Jul							8.53	1.864
Aug							8.16	1.17
Sep							9.59	6.93
Oct							7.41	3.28
Nov							0.65	-1.33
Dec							1.52	
		8.75	13.18	5.78	7.40	-0.12	53.83	10.06

Partial month Mar.

HABs –Shands/SJR, Mandarin Pt., and Drs. Lake ____ latest round of sampling on 2/10-13/2025.

Shands Bridge: 2/13/25 mixed algae.

Mandarin Point SJR (MP72): 2/10/25 mixed algae.

Drs. Lake: 2/10/25 mixed algae.

MANATEE MORTALITY – No more deaths since last month's report.

1 Total cold stress mortality on 2/10/2025 SJR

In FLORIDA 14 WC and 181 Total year to Feb. 21st, 2025; 2024 year's end numbers 96 WC/565 TOTAL

RESCUES, RELEASES and ASSISTS – 2 on January 16th (Natural) Mother 295cm 606Kg, male calf 170 cm 105 Kg fr. Ortega to SW

JU Manatee Hotline 904 256 7575

FWC Dispatch 1-888-3922 Dead, injured or abandoned calf, etc.

MPP Stakeholder Meetings proceeding looking at minor updates to terminology and clarifications. Two working groups, one on vessel operations around the Port Dec 6th, and the second on research activities Dec 11th aimed at enhancing protection to manatees and habitat in the future.

Next Meetings: Next meeting will be in April.

Aerial surveys - TBD

Manatee Sightings Form:

<https://survey123.arcgis.com/share/582b19fa397641bcb48cf382e2bdf3cb>

Manatee Research Center Online:

<https://www.ju.edu/marco/>

An aerial photograph of a suburban neighborhood, showing a mix of residential houses, green lawns, and mature trees. A multi-lane road, Arlington Expy, runs horizontally across the upper half of the image. Several smaller streets are visible, including Alderman Ap, Oaks Plantation Dr, Oaks View Trl, and Oaks Field Rd. The text 'Land Use Amendments L-580 I-23C Ordinance 2025-087' is overlaid in large white font, with a thin orange horizontal line positioned just below it.

Land Use Amendments L-580 I-23C Ordinance 2025-087

*Waterways Commission
March 13, 2025*

L-580 I-23C Land Use Amendment

Adoption Ordinance
Ordinance Number 2025-087

Public Hearing Dates

Planning Commission – Thursday, March 6, 2025

City Council First Hearing – Tuesday, March 11, 2025

City Council LUZ Committee – Tuesday, March 18, 2025

Final City Council Hearing – Tuesday, March 25, 2025

L-580 I-23C (2025-087)



Location

7960 Arlington Expressway



Size

Subject Site:

9.56 Acres

Wetlands: (GIS)

0.20 of an Acre



Sub-Drainage Basin

Strawberry Creek



Drainage Basin

Arlington River



Current Land Use

*Community/General
Commercial (CGC) and
Residential-
Professional-Institutional
(RPI)*



Proposed Land Use

*High Density Residential
(HDR) under the 2045
Comprehensive Plan*

L-5801-23C Currant and Proposed Development Standards (2025-087)

Current Development Standard: CGC and RPI

- *Scenario 1: 170,842 sq. ft. commercial space (CGC – 0.35 FAR and RPI – 0.50 FAR)*
- *Scenario 2: Total -372 DUs (CGC – 45 DUs/Acre and RPI - 30 DUs/Acre)*

Proposed Development Standard: HDR under the 2045 Comprehensive Plan

- *773 DUs (HDR – 60 DUs/Acre with possibility of commercial space)*

Land Use Amendment L-5801-23C

Ordinance 2025-087

Current Land Use Map

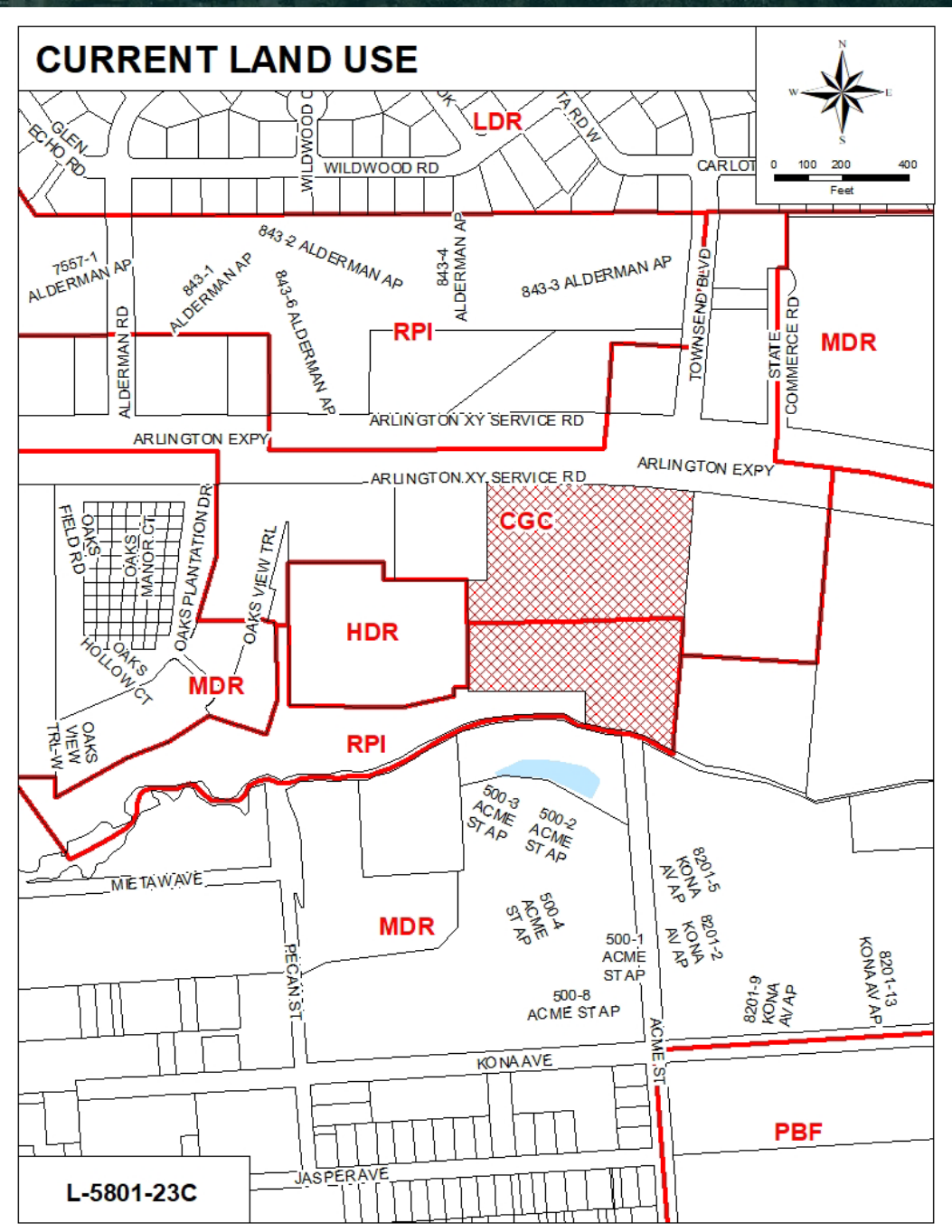
Site Land Use

Community/General Commercial (CGC) and Residential-Professional-Institutional (RPI)

Surrounding Land Uses

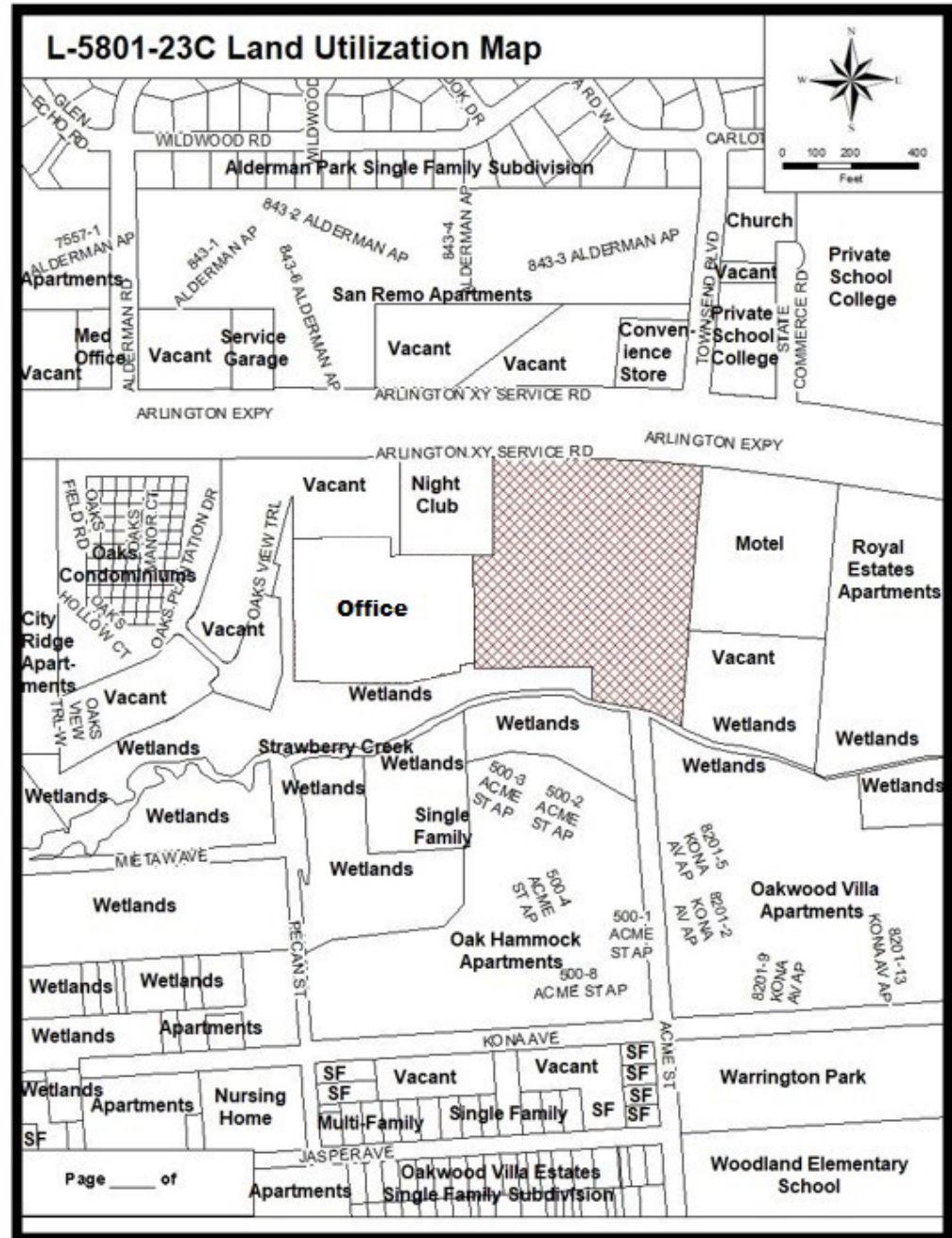
Community/General Commercial (CGC), Residential-Professional-Institutional (RPI) and Medium Density Residential (MDR)

Land Use Amendment L-5801-23C is proposing a Land Use Change from **CGC** and **RPI** to **HDR** under the 2045 Comp Plan



Land Use Amendment L-5801-23C
Ordinance 2025-087

Land Utilization Map



Aerial Map





Land Use Amendment L-580I-23C Ordinance 2025-087
Photo Locations Map

Land Use
Amendment
L-5801-23C
Ordinance 2025-087
Northern aerial
view
of Application Site





Land Use Amendment L-580I-23C Ordinance 2025-087
Southerly view of 7960 Arlington Expressway



Land Use Amendment L-580I-23C Ordinance 2025-087
Southerly view of 7960 Arlington Expressway



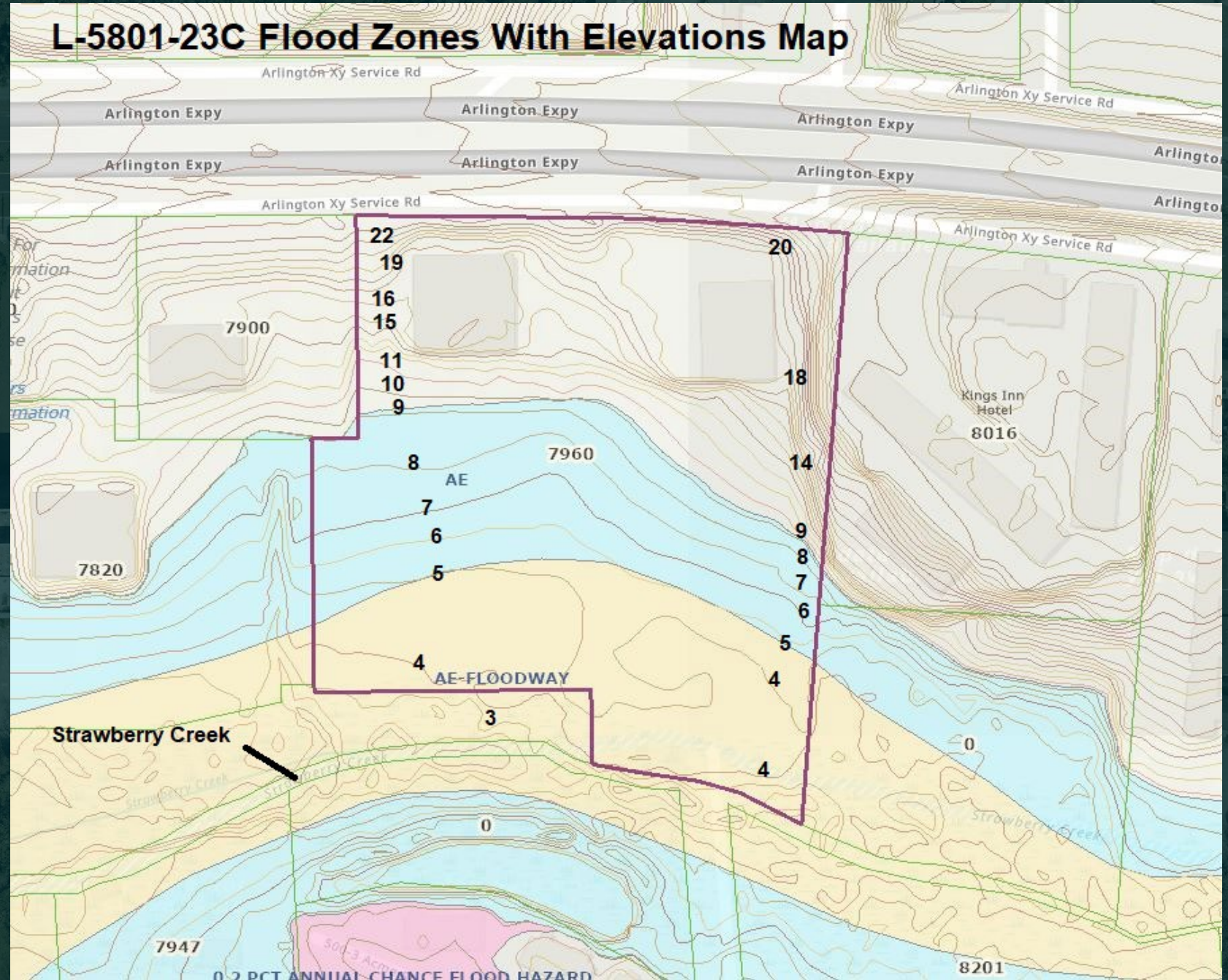
Land Use Amendment L-5801-23C Ordinance 2025-087
Strawberry Creek at the end of Bowlan Street 1,000 feet east of site



Land Use Amendment L-5801-23C Ordinance 2025-087
Strawberry Creek from Arlington Road 2,000 feet west from site

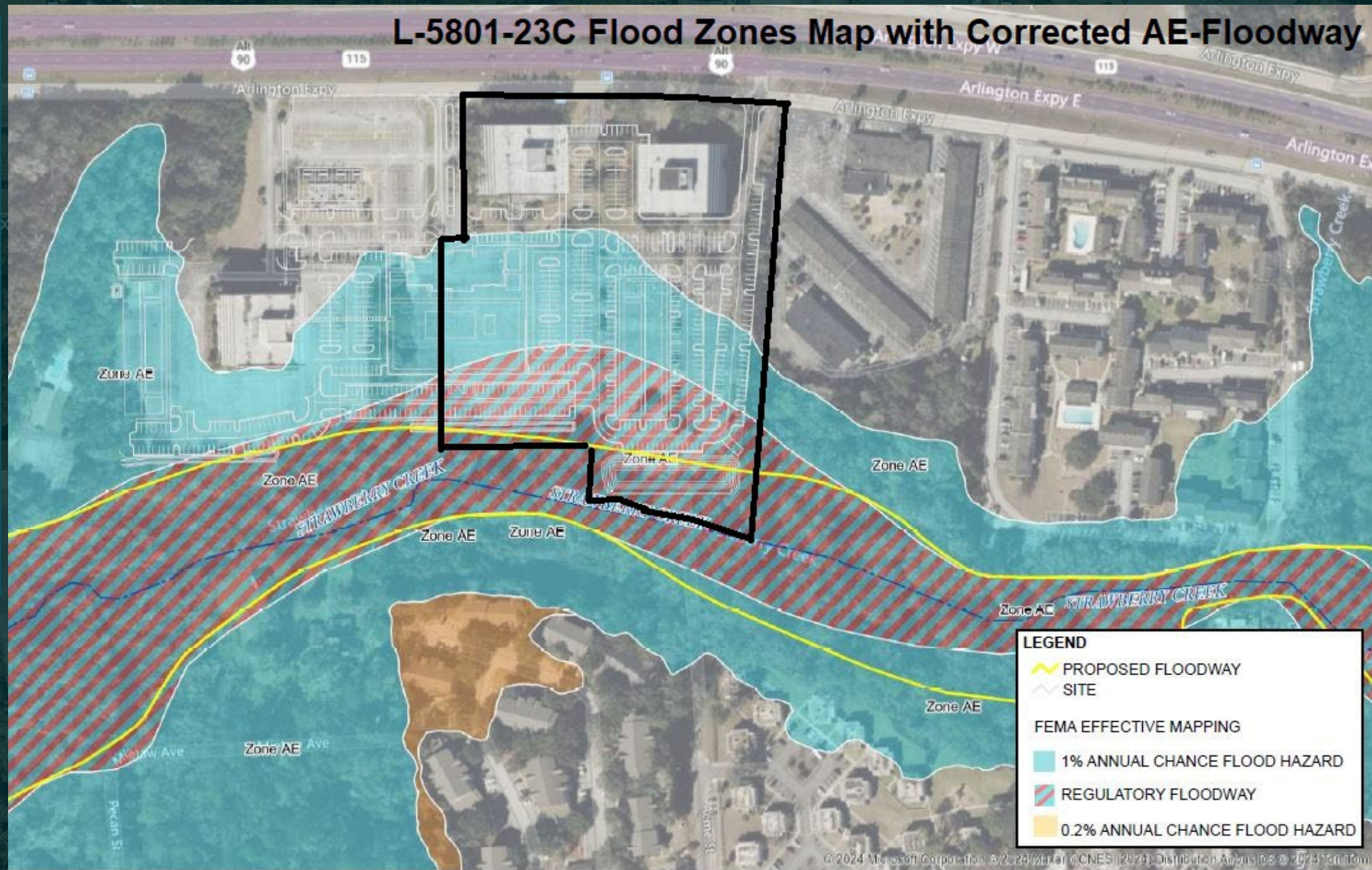
Land Use
Amendment
L-5801-23C
Ordinance 2025-
087

Flood
Zones with
Elevations
Map



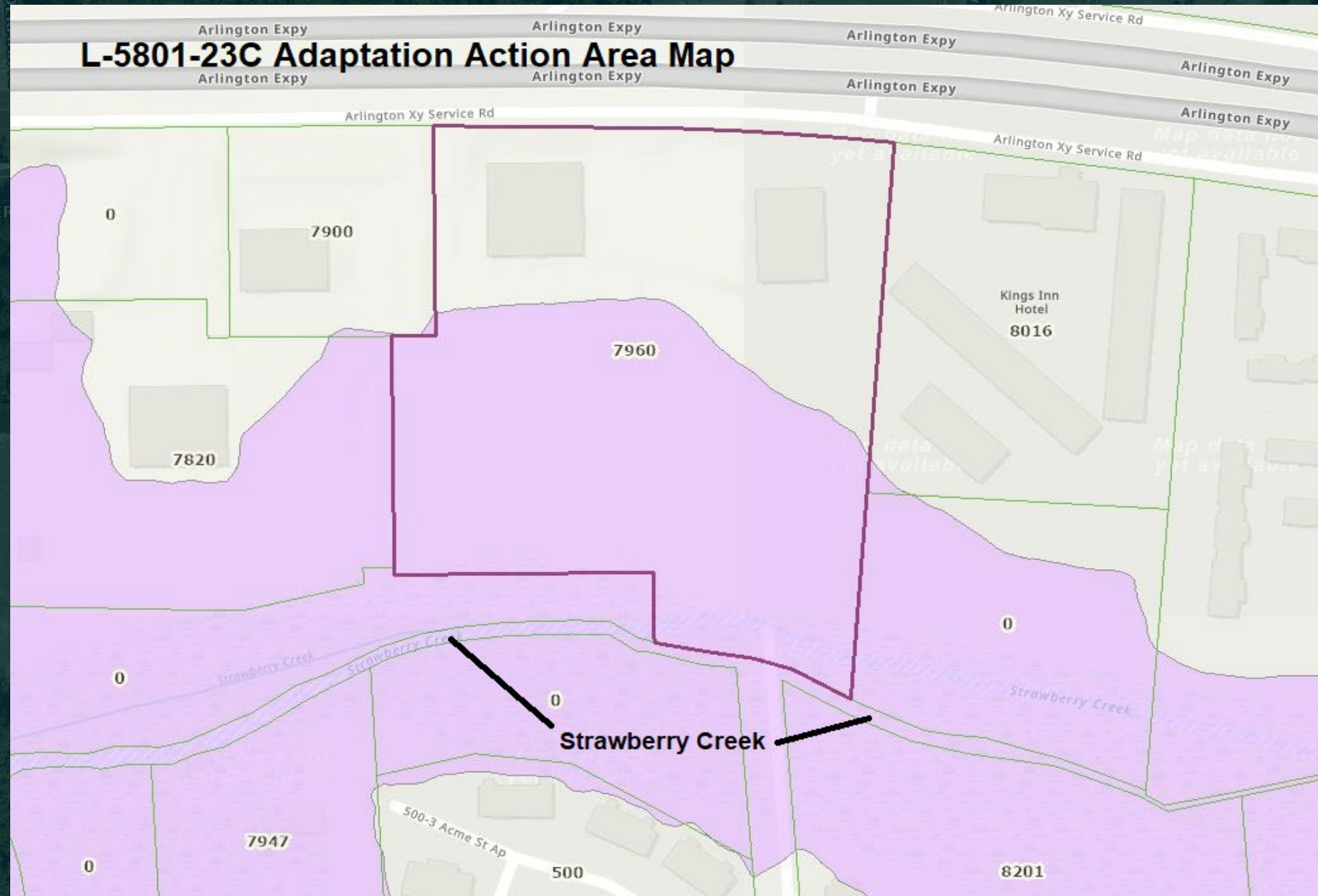
Land Use
Amendment
L-5801-23C
Ordinance 2025-
087

Flood
Zones Map
with
Corrected
Floodway



Land Use
Amendment
L-5801-23C
Ordinance
2025-087

**Adaptation
Action
Area Map**



Land Use
Amendment
L-5801-23C
Ordinance 2025-087
Coastal High
Hazard Area
(CHHA) Map



Land Use
Amendment
L-5801-23C
Ordinance 2025-
087

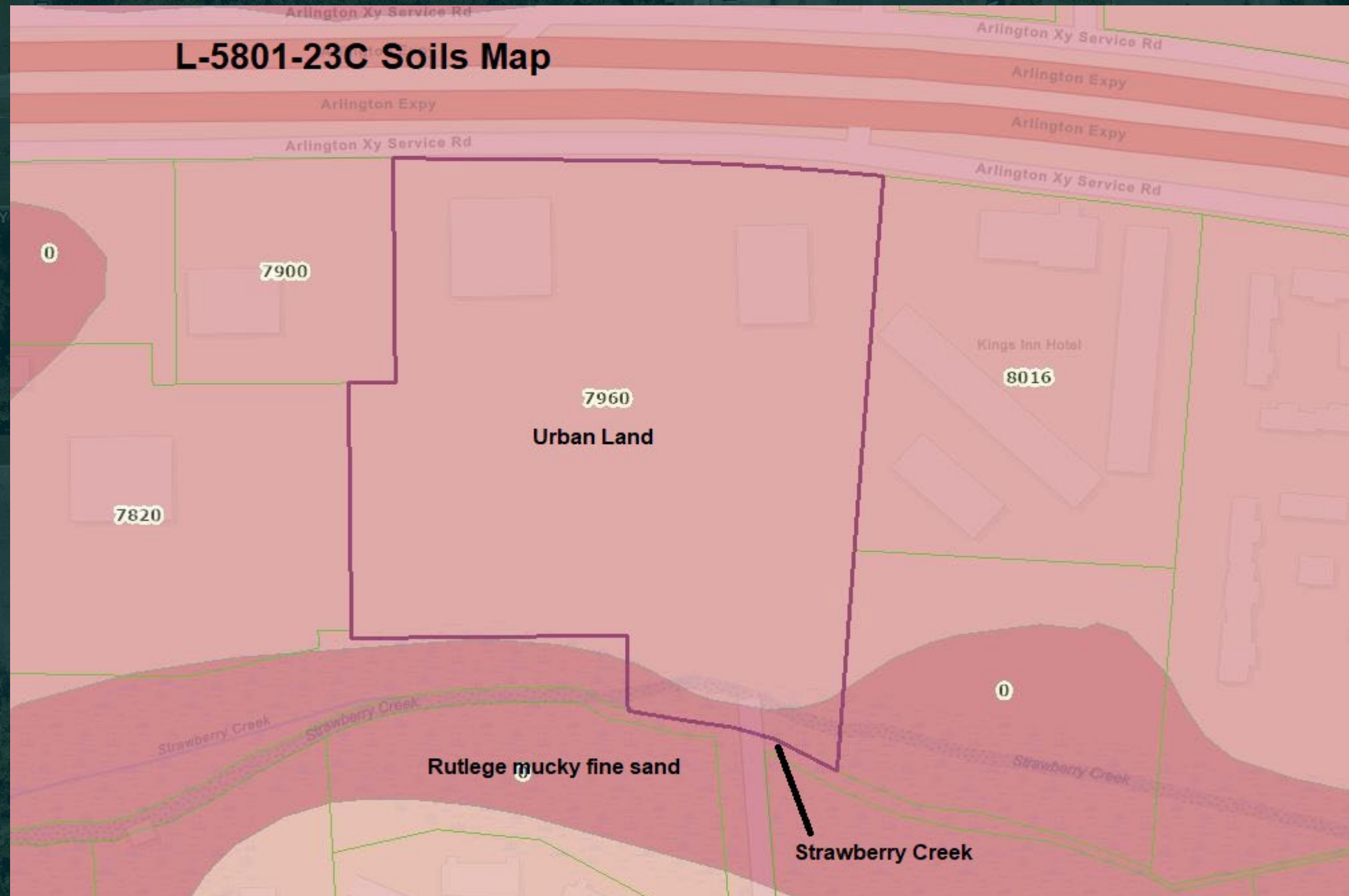
GIS Wetlands
Map

Total Wetland
Acreage
Category II
0.20 of an acre



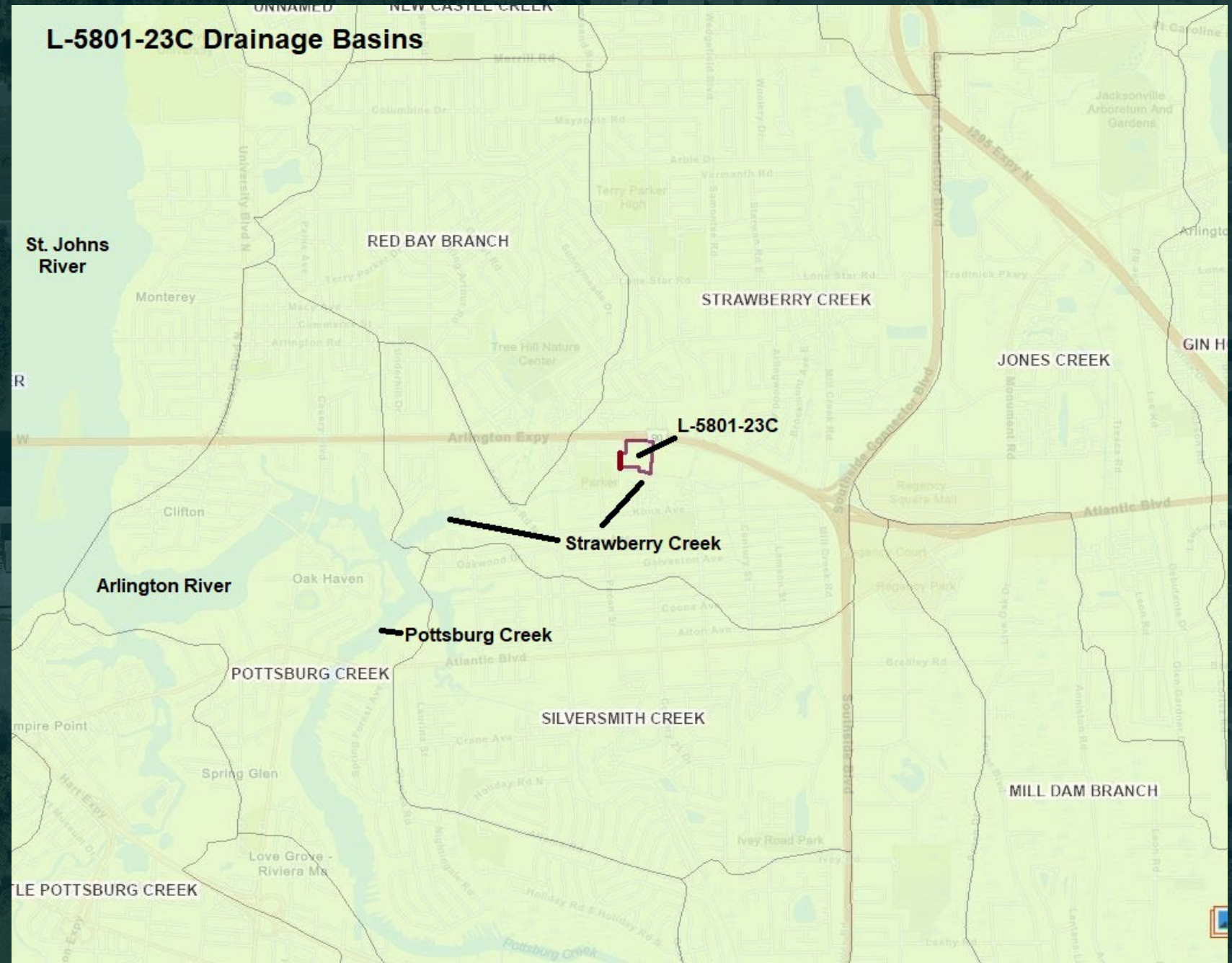
Land Use
Amendment
L-5801-23C
Ordinance 2025-
087

Soils Map



Land Use
Amendment
L-5801-23C
Ordinance 2025-
087

Drainage
Basins Map



Land Use
Amendment
L-5801-23C
Ordinance 2025-087

Drainage Path
Map



Application Site



Strawberry Creek



Pottsburg Creek



Arlington River



St. Johns River



Introduced by: Council Members Gay, Peluso, and Amaro *DRAFT*

ORDINANCE 2024-

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

1 NAVIGATION, TO PROVIDE PROCESS FOR REMOVAL OF
2 VESSELS, TO PROVIDE PROCESS FOR NOTIFICATION AND
3 CITATIONS, TO PROVIDE PENALTIES FOR VIOLATIONS,
4 TO ESTABLISH LOCAL ADMINISTRATIVE HEARING
5 PROCEDURE FOR CHALLENGES TO INTENT TO REMOVE
6 DERELICT VESSELS, AT-RISK PUBLIC NUISANCE
7 VESSELS, AND ANCHORING LIMITATION/PUBLIC
8 NUISANCE VESSELS; AMENDING PART 4 (ANCHORING
9 LIMITATION AREAS), CHAPTER 388 (BOATS AND
10 WATERWAYS), *ORDINANCE CODE*, TO SPECIFY
11 NOTIFICATION AND CITATION PROCEDURES, TO UPDATE
12 PENALTIES, TO CLARIFY REMOVAL PROCEDURES, TO
13 ESTABLISH ANCHORING LIMITATION/PUBLIC NUISANCE
14 VESSEL LOCAL PROCESS AND CRITERIA, TO PROVIDE
15 LOCAL ADMINISTRATIVE PROCEDURE FOR CHALLENGES TO
16 INTENT TO REMOVE ANCHORING LIMITATION/PUBLIC
17 NUISANCE VESSELS, AND TO PROVIDE LOCAL PROCESS
18 FOR DISPOSAL OF VESSELS; CREATING A NEW PART 5
19 (ABANDONED VESSELS; LOST VESSELS), CHAPTER 388
20 (BOATS AND WATERWAYS), *ORDINANCE CODE*, TO
21 PROVIDE DEFINITIONS, TO PROVIDE LOCAL PROCESS
22 FOR REMOVAL OF VESSELS, TO PROVIDE PROCESS FOR
23 NOTIFICATION AND CITATIONS, TO PROVIDE PENALTIES
24 FOR VIOLATIONS, AND TO PROVIDE FOR DISPOSAL OF
25 VESSELS; AMENDING SECTION 360.104 (INDIVIDUAL
26 ENJOYMENT AND RESPONSIBILITY), PART 1 (PUBLIC
27 POLICY; GENERAL PROVISIONS), CHAPTER 360
28 (ENVIRONMENTAL REGULATION), *ORDINANCE CODE*, TO
29 REMOVE PROVISION INCONSISTENT WITH SECTION
30 360.107, *ORDINANCE CODE*; CREATING A NEW SECTION
31 360.404.2 (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; 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

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

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

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

16 **WHEREAS**, by Section 327.4108, Florida Statutes, the Florida
17 Legislature expressly authorized counties meeting certain criteria
18 to enact regulations that establish anchoring limitation areas
19 adjacent to urban areas that have residential docking facilities and
20 significant recreational boating traffic; and

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

27 **WHEREAS**, the Florida Legislature, by Chapter 24-174, Laws of
28 Florida, amended Section 327.4108, Florida Statutes, and for the
29 purpose of alignment with the Florida Statutes, Part 4 of Chapter 388
30 is due to be revised; and

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

7 **WHEREAS**, on November 14, 2024, the Waterways Commission voted
8 to request the Office of General Counsel draft legislation to
9 strengthen and clarify enforcement concerning floating structures,
10 derelict vessels, vessels as navigational hazards, and abandoned or
11 lost vessels, for consideration by the City Council, to promote public
12 health, safety and welfare on the waterways of the county, to reduce
13 potential hazards to safe navigation and commercial or recreational
14 use of county waters, to reduce sources of pollution of county waters,
15 sources of degradation of the aesthetic value of county waters and
16 shoreline, and hazards to waterfront property and public safety during
17 severe weather, to protect county infrastructure, and to promote the
18 safe beneficial public use and enjoyment of the waters of the county;

19 **WHEREAS**, on March 13, 2025, the Waterways Commission voted
20 approval of the draft of the legislation in substantial form; now
21 therefore

22 **BE IT ORDAINED** by the Council of the City of Jacksonville:
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1 **Section 1. Amending Part 1 (Watercraft Regulations),**
2 **Chapter 388 (Boats and Waterways), Ordinance Code.** Part 1 (Watercraft
3 Regulations), Chapter 388 (Boats and Waterways), *Ordinance Code*, is
4 hereby amended to read as follows:

5 **Chapter 388 - BOATS AND WATERWAYS**

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

7 **ADMINISTRATION AND ENFORCEMENT WATERCRAFT REGULATIONS**

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

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

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

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

24 (c) Vessels on the waters of the county that remain anchored
25 or moored in the same location for over 10 days out of a 30-day period
26 not under the supervision and control of a person capable of
27 operating, maintaining, or moving it from one location to another,
28 demonstrates that the vessel is no longer engaged in the exercise of
29 navigation, and such vessels are known to be contributors to abandoned
30 and derelict vessels. This unauthorized storing of vessels on the
31 waters of the county conflicts with the Public Trust Doctrine, which

1 holds and protects sovereign submerged lands and the water column
2 above it for the benefit and use of the public.

3 ~~(c) A "Floating Structure" is defined in Section 388.102, below.~~

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

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

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

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

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

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

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

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

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

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

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

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

29 ~~(o)~~~~(t)~~ The Council in enacting this Chapter is acting as the governing body of Duval County, Florida. The area
30 of enforcement of the provisions of this Chapter shall be on the waters of the county, as defined in this Part,
31 throughout and within the boundaries of Duval County, Florida. The municipalities of Atlantic Beach, Neptune Beach,

1 and Jacksonville Beach within Duval County are also authorized to administer and enforce the provisions of this
2 Chapter either individually, or in partnership with the City or each other, or both.

3
4 **Sec. 388.102. - Definitions.**

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

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

25 ~~Abandoned vessel means abandoned property pursuant to §~~
26 ~~705.101(3), F.S., which includes "derelict vessels" as defined in §~~
27 ~~823.11, F.S., as stated below. See also Section 670.101(a), Ordinance~~
28 ~~Code.~~

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

1 aground includes sunk.

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

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

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

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

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

23 Commercial fishing vessel means as defined in F.S. § 327.02, a
24 vessel primarily engaged in the taking or landing of saltwater fish
25 or saltwater products or freshwater fish or freshwater products, or
26 a vessel licensed pursuant to F.S. § 379.361, from which commercial
27 quantities of saltwater products are harvested, from within and
28 without the of the for sale to the consumer or to a retail or wholesale
29 dealer.

30 ~~Commercial Marina means a licensed and permitted commercial~~
31 ~~facility that provides secured public moorings or dry storage for~~

~~vessels on a leased basis.~~

~~County means Duval County, Florida.~~

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

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

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

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

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

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

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

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

~~Floating Structure means as defined in pursuant to F.S. § 327.02(14), F.S., (1) a A floating entity, (2) wWith or without accommodations built thereon, and (3) wWhich is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term "Floating structure" includes, but is not limited to, each entity used as a residence, place of~~

1 business or office with public access, hotel or motel, restaurant or
2 lounge, clubhouse, meeting facility, storage or parking facility,
3 mining platform, dredge, dragline, or similar facility or entity
4 represented as such. Incidental movement upon water or resting
5 partially or entirely on the bottom does not, in and of itself,
6 preclude an entity from classification as a Floating Structure.
7 Pursuant to F.S. § 327.02(14), Floating Structures are expressly
8 excluded from the definition of the term "vessel". Pursuant to F.S.
9 § 192.001(17), a floating structure is expressly included as a type
10 of tangible personal property.

11 Gross negligence means conduct so reckless or wanting in care
12 that it constitutes a conscious disregard or indifference to the
13 safety of the property exposed to such conduct.

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

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

22 Law enforcement officer means as defined in F.S. § 705.101, any
23 person who is elected, appointed, or employed full time by any
24 sheriff, any municipality, or the State or any political subdivision
25 thereof; who is vested with the authority to bear arms and make
26 arrests; and whose primary responsibility is the prevention and
27 detection of crime or the enforcement of the penal, criminal, traffic
28 or highway laws of the State. See also Section 705.101(4), F.S.

29 ~~License agreement means any transient dockage agreement, mooring~~
30 ~~and dockage agreement, commercial dockage agreement, or mooring~~
31 ~~agreement entered into between the City or a commercial marina, and~~

1 ~~a vessel owner for dockage at a City dock or mooring facility.~~

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

4 ~~Live-aboard vessel means pursuant to as defined in F.S. § 327.02,~~
5 ~~means:~~

6 (1) A vessel used solely as a residence and not for
7 navigation;

8 (2) A vessel for which a declaration of domicile has been
9 filed pursuant to F.S. § 222.17, ~~F.S. (Homestead and~~
10 ~~Exemptions; Manifesting and evidencing domicile in~~
11 ~~Florida); or~~

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

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

16 Manager means the Manager of the Office
17 of Administrative Services.

18 Marina means a licensed commercial facility that provides
19 secured public moorings or dry storage for vessels on a leased basis.
20 A commercial establishment authorized by a licensed vessel
21 manufacturer as a dealership is considered a marina for nonjudicial
22 sale purposes.

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

29 Marker means a channel mark or other aid to navigation, an
30 information or regulatory mark, an isolated danger mark, a safe water
31 mark, a special mark, an inland waters obstruction mark, or mooring

1 buoy in, on, or over the Waters of the county or the shores thereof,
2 and includes, but is not limited to, a sign, beacon, buoy, or light.

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

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

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

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

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

28
29 Owner means a person, other than a lienholder, having the
30 property in or title to a vessel. The term includes a person entitled
31 to the use or possession of a vessel subject to an interest in another

1 person which is reserved or created by agreement and securing payment
2 of performance of an obligation. The term does not include a lessee
3 under a lease not intended as security. See also § 327.02(34), F.S.

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

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

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

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

26 Registration means as defined in F.S. § 327.02, , a State
27 operating license on a vessel which is issued with an identifying
28 number, an annual certificate of registration, and a decal designating
29 the year for which a registration fee is paid. See also Section
30 327.02(41), F.S.

31 Safe navigation means as defined in Rule 68D-15.002, F.A.C.

1 (Effective Means of Propulsion for Safe Navigation), the ability of
2 a vessel operator to make headway, properly steering the vessel on a
3 predetermined course without substantial risk of injury or damage to
4 other persons, vessels, or property solely from the vessel's
5 operation.

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

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

19 *Willful misconduct* means conduct evidencing carelessness or
20 negligence of such a degree or recurrence as to manifest culpability,
21 wrongful intent, or evil design or to show an intentional and
22 substantial disregard of the interests of the vessel owner.

23
24 **Sec. 388.103. - Administration and enforcement.**

25 (a) Any violation of any provision of this Part may be
26 prosecuted as provided in F.S. § 125.69, and may be punishable upon
27 conviction by a fine not to exceed \$500 or by imprisonment not to
28 exceed 60 days or by both such fine and imprisonment. Each violation
29 of this Part shall constitute a separate offense. Nothing contained
30 in this Chapter shall be deemed to prohibit the City of Jacksonville
31 from seeking enforcement by any other means provided by law.

1 (b) Except as otherwise stated within this Chapter, tThe
2 Director of the Neighborhoods Department Manager of the Office of
3 Administrative Services shall be responsible for the administration
4 of this Chapter for the City of Jacksonville and will cooperate with
5 the second, third, and fourth urban services districts (the Beaches
6 communities) in the enforcement of this Chapter.

7 (c) The Manager shall be responsible for the development of a
8 tracking system to record complaints, inspections, notifications,
9 removals, and a general record of the enforcement with regard to this
10 Chapter.

11 (d) The Manager shall make annual reports to the Waterways
12 Commission, in the month of June, beginning with the Waterways
13 Commission meeting held in June 2025, regarding the enforcement of
14 floating structures, derelict vessels, vessels at risk of
15 becoming derelict, lost vessels, abandoned vessels, and At-
16 risk/Public Nuisance Vessels, as defined in this Chapter.

17 (e) Except as otherwise stated within this Chapter, members of
18 all duly authorized law enforcement agencies within Duval County and
19 its municipalities, as well as the Jacksonville Environmental Quality
20 Division, pursuant to Section 23.803, Ordinance Code, and the
21 Jacksonville Municipal Code Compliance Division, pursuant to Section
22 23.801, Ordinance Code, authorized as Code Enforcement Officers, as
23 defined in Chapter 609, Ordinance Code, share enforcement duties as
24 provided in this chapter.

25 (f) Except as otherwise stated within this Chapter, the
26 Municipal Code Compliance Division shall be responsible for
27 administration and enforcement of the City's laws concerning nuisance
28 abatement, floating structures, derelict vessels, vessels at risk of
29 becoming derelict, and similar subject matters subject of this
30 Chapter.

31 (g) Except as otherwise stated within this Chapter, the

1 Environmental Quality Division within the Office of Administrative
2 Services shall be responsible for the administration, operation and
3 enforcement of the air and water resources management activities of
4 the City, including the City's laws concerning floating structures,
5 derelict vessels, vessels at risk of becoming derelict, and other
6 hazards to the public health within the waters of the county, as
7 defined in this Chapter.

8 (h) The **Manager** or the Sheriff may request legal representation
9 from the Office of General Counsel, to commence and maintain the
10 necessary action in the appropriate court to assist the **Manager** or
11 the Sheriff in the enforcement of this Chapter.

12 (i) A law enforcement agency, law enforcement officer, or code
13 enforcement officer, acting under this Chapter to relocate, remove,
14 impound, store, destroy or dispose of, or cause to be relocated,
15 removed, impounded, stored, destroy or dispose of, a vessel or
16 floating structure from Waters of the County shall be held harmless
17 for all damages to the vessel or floating structure resulting from
18 such relocation, removal, impoundment, storage, or disposal, unless
19 the damage results from gross negligence or willful misconduct.
20 Nothing in this Chapter shall be interpreted as a waiver of F.S. §
21 768.28.

22 (j) Any law enforcement officer, code enforcement officer, or
23 any person authorized by the law enforcement officer is immune from
24 prosecution, civil or criminal, for reasonable, good faith trespass
25 upon a vessel, floating structure or real property while in the
26 discharge of duties imposed by this Chapter.

27 (k) A contractor performing activities at the direction of a
28 law enforcement agency, law enforcement officer, or code enforcement
29 officer, acting under this chapter, must be licensed in accordance
30 with applicable United States Coast Guard regulations where required;
31 obtain and carry in full force and effect a policy from a licensed

1 insurance carrier in this state to insure against any accident, loss,
2 injury, property damage, or other casualty caused by or resulting
3 from the contractor's actions; and be properly equipped to perform
4 the services to be provided.

5 (1) All costs incurred by the City to abate a violation of this
6 Chapter, includes costs owed to a third party, and may include costs
7 to relocate, remove, store, destroy or dispose of a vessel or floating
8 structure pursuant to this Chapter; costs to remediate or mitigate
9 damage or threatened damage to the environment caused by the violation
10 which may include, but is not limited to, the release of a pollutant
11 or contaminant as described in Sections 360.408(4) and (5), Ordinance
12 Code, and may include costs to remediate or mitigate litter or debris
13 caused by the violation; and the costs of enforcement of this Chapter.
14 Costs are recoverable against the owner, operator, or other person
15 legally responsible for the vessel or floating structure.
16 Reimbursement for the removal, storage, destruction or disposal of
17 vessels or floating structures resulting from the enforcement of this
18 Chapter shall be provided to the entity that initially paid for those
19 services. The Office of General Counsel shall represent the City in
20 actions to recover such costs. The recovery of costs may include, but
21 is not limited to, a special assessment lien against the subject
22 vessel or floating structure. Such lien may be recorded in the public
23 records of Duval County. Such lien shall accrue interest at the
24 maximum legal rate allowed by law from the date of the City's invoice
25 until the costs and administrative fee are paid. The Office of General
26 Counsel is hereby authorized to file such instruments as are necessary
27 to establish and enforce any lien for such costs. The City may
28 foreclose on such lien pursuant to Section 91.112, Ordinance Code.
29 Such lien shall have equal dignity with a tax lien.

30 **Sec. 388.104. - Nonexclusivity of remedy** ~~Floating Structures~~
31 ~~prohibited.~~

1 (a) The remedies referenced in this Chapter are cumulative with
2 other available remedies pursuant to state law or municipal law,
3 including, but not limited to, arrest and prosecution pursuant to
4 criminal statutes, civil remedies, and fines, and are not exclusive.
5 The City's access to the courts of the state is neither precluded nor
6 prohibited by the enactment of this Chapter.

7 (b) The City may request the services of the Office of General
8 Counsel to commence and maintain the necessary action in the
9 appropriate court to assist the Manager or Sheriff in the enforcement
10 of this Chapter.

11 ~~All Floating Structures are prohibited from anchoring, docking, or~~
12 ~~mooring in any Waters of the County, unless specifically exempt~~
13 ~~pursuant to this Chapter, and are subject to the penalties and~~
14 ~~enforcement pursuant to this Chapter and other laws as may be~~
15 ~~referenced. Floating Structures, as determined by the agencies of the~~
16 ~~Environmental Quality Division, Municipal Code Compliance Division,~~
17 ~~or a law enforcement officer, are declared a public nuisance and in~~
18 ~~certain circumstances may be handled as abandoned property on public~~
19 ~~property.~~

20
21 **Sec. 388.105. - Anonymous complaints. Exemption from enforcement of**
22 **Floating Structures.**

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

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

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

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

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

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

~~It shall be unlawful: (1) for any vessel or Floating Structure within the County to tie up to any navigational aid within the County; except~~

~~in an emergency; or (2) to anchor or moor any Floating Structure
within Waters of the County.~~

**Section 2. Repealing Part 2 (Enforcement Authority),
Chapter 388 (Boats and Waterways), Ordinance Code.** Part 2 (Enforcement
Authority), Chapter 388 (Boats and Waterways), *Ordinance Code*, a copy

of which is **On File** with the Legislative Services Division, is hereby repealed in its entirety.

(INFORMATIONAL) To be On File:

Sec. 388.201. - Enforcement Officers.

(a) The provisions of this Chapter shall be enforced by members of all duly authorized law enforcement agencies within the County and its municipalities, as well as the Jacksonville Environmental Quality Division and the Jacksonville Municipal Code Compliance Division.

(b) The Director shall be responsible for the development of a tracking system to record complaints, inspections, notifications, removals, and a general record of the business done with regard to this Chapter.

(Ord. 2020-589-E, § 5)

Sec. 388.202. - Inspections.

Enforcement Officers, upon belief that a violation of this Chapter exists, may make an inspection to determine if the possible Floating Structure is a Floating Structure, and not some other form of object, in the interest of safeguarding the health, safety and general welfare of the public.

(Ord. 2020-589-E, § 5)

Sec. 388.203. - Right of entry.

(a) Enforcement Officers are authorized to board a possible Floating Structure at any reasonable time for the purpose of performing their duties under this Chapter, so long as a law enforcement officer is utilized for boarding the possible Floating Structure if it is occupied. If any owner, occupant or other person in charge of the possible Floating Structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, or obstructs lawful entry or access to any part of the Floating Structure where an inspection authorized by this Chapter is sought, the Enforcement Officer may seek an inspection warrant pursuant to Florida law.

1 (b) At the time of inspection, the Enforcement Officer shall
2 properly identify himself/herself.

3 (c) In cases of emergency where extreme hazards are known to
4 exist which may involve the loss of life or severe property damage,
5 the limitations of this Section shall not apply.

6 (d) The Director, or other Enforcement Officer, shall have the
7 right of entry upon Floating Structures while in the discharge of his
8 duties in removing, terminating or abating a public nuisance under
9 this Chapter.

10 (Ord. 2020-589-E, § 5)

11 **Sec. 388.204. - Liability.**

12 An officer or employee of the City, Enforcement Officer, or a
13 member of the City's Special Magistrate, any of whom is charged with
14 the enforcement of this Chapter in the discharge of his/her duties,
15 shall not thereby render themselves personally liable and he/she is
16 hereby relieved from all personal liability for damage that may accrue
17 to persons or property as a result of an act required or in the
18 discharge of his/her duties. A suit brought against an officer,
19 employee or member permitted because of this Chapter shall be defended
20 by the Office of the General Counsel until the final termination of
21 the proceedings.

22 (Ord. 2020-589-E, § 5)

23
24
25
26
27
28
29 **Section 3. Creating a new Part 2 (Floating Structures),**
30 **Chapter 388 (Boats and Waterways), Ordinance Code.** A new Part 2
31 (Floating Structures), Chapter 388 (Boats and Waterways), Ordinance

Code, is hereby created to read as follows:

CHAPTER 388 - BOATS AND WATERWAYS

* * *

PART 2. - FLOATING STRUCTURES

Sec. 388.201. - Prohibitions; Exceptions.

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

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

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

(d) Commercial or governmental floating structures that are designed for, and in use by, a licensed marine contractor for water-dependent construction or shoreside vessel operation are exempt from the prohibition on Floating Structures under subsection (a). However, inactivity of such a floating structure anchored or moored on the waters of the county outside of a commercial marina or a sovereign submerged land lease for a period greater than ten days within a 30-

1 day period, within an eight nautical mile radius, will be considered
2 to be not in use by a licensed marine contractor.

3 (e) Floating structures on the waters of the county owned or
4 operated by the City of Jacksonville to which watercraft may be
5 moored, such as within the definition of *dock*, in Section 28.701,
6 *Ordinance Code*, are exempt from the prohibition on Floating Structures
7 under this Part.

8
9 **Sec. 388.202. - Investigations; Inspections; Emergency Right of**
10 **Entry.**

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

16 (b) Reporting lost or abandoned floating structures. Whenever
17 any person finds any lost or abandoned floating structure, such person
18 may report the description and location of the floating structure to
19 the **Manager** or to a law enforcement officer who shall deliver a copy
20 of the report to the **Manager**. The person taking the report shall
21 ascertain whether the person reporting the floating structure wishes
22 to make a claim to it if the rightful owner cannot be identified or
23 located. If the person does wish to make such claim, he or she shall
24 deposit with the City law enforcement agency a reasonable sum
25 sufficient to cover the cost for transportation, storage, and
26 publication of notice. This sum shall be reimbursed to the finder by
27 the rightful owner should he or she identify and reclaim the lost
28 floating structure.

29 (c) An officer investigating a Floating Structure pursuant to
30 this Part shall make a reasonable inquiry to ascertain the name and
31 address of the owner and any lien holder.

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

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

6 (2) The appropriate inspection warrant or search warrant,
7 as provided in F.S. Chapter 933, is obtained.

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

19 (f) This section does not prohibit the lawful right of entry
20 or inspection of a floating structure pursuant to any other provision
21 of law or Rule.
22

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

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

1 (b) Notice of violation shall be in writing, shall specify the
2 violation alleged with reference to the relevant ordinance, and shall
3 direct that the floating structure be removed from the waters of the
4 county within a reasonable time, not less than 5 days otherwise a
5 citation may be issued to the owner, operator, or other person legally
6 responsible for the floating structure. Notice shall include that a
7 person who has been issued a citation may request a hearing in the
8 county court to challenge a citation issued. Notice shall include a
9 conspicuous statement in substantially the following form,

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

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

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

28 (1) If the owner, operator, or other person legally
29 responsible for the floating structure is known or
30 ascertained by reasonable inquiry, notice shall be provided
31 by:

1 A. Certified mail, return receipt requested, to the
2 address listed in the tax collector's office for tax
3 notices or to the address listed in the county
4 property appraiser's database. If the floating
5 structure is owned by a corporation, notices may be
6 provided by certified mail to the registered agent of
7 the corporation. If notice sent by certified mail is
8 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 (2);

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 floating structure is not known or
23 cannot be ascertained upon reasonable inquiry such notice
24 shall be posted in the following two locations for a period
25 of 21 days:

26 A. conspicuously posted to the floating structure;
27 and

28 B. posted at the primary municipal government office.
29

30 If the owner, operator, or other person legally responsible
31 for the floating structure is known or ascertained by

1 reasonable inquiry, in addition to providing notice or
2 attempting notice as set forth in subsection (1), notice
3 may be served by posting as described in this subsection.

4 (3) In addition to providing notice as set forth in
5 subsection (1) or (2), notice may be served by publication,
6 if published in print in a newspaper or on a publicly
7 accessible website, as provided in F.S. § 50.0311, for 3
8 consecutive weeks. If published in print, the notice shall
9 be published once during each week for 3 consecutive weeks
10 (three publications being sufficient) in a newspaper in
11 the county, such newspaper shall meet such requirements as
12 are prescribed under F.S. Chapter 50 for legal and official
13 advertisements.

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

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

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

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

1 notice.

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

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

10 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST
11 IN THE ATTACHED PROPERTY. There is reasonable cause to
12 believe that this floating structure, to wit: (describe
13 the floating structure) is in violation of Section
14 388.201, *Ordinance Code*, and is unlawfully on the waters
15 of the County, to wit: (setting forth brief description
16 of location). THIS FLOATING STRUCTURE MUST BE REMOVED
17 FROM THE WATERS OF THE COUNTY WITHIN 5 DAYS OF THE
18 POSTING OF THIS NOTICE OTHERWISE A CITATION MAY BE
19 ISSUED. A person to whom a citation is issued may request
20 a hearing in the county court to challenge the citation.
21 IF THE OWNER OR OPERATOR HAS NOT REMOVED THIS FLOATING
22 STRUCTURE FROM THE WATERS OF THE COUNTY OR SHOWN
23 REASONABLE CAUSE FOR FAILURE TO DO SO WITHIN 21 DAYS OF
24 THE DATE OF THIS NOTICE THIS FLOATING STRUCTURE WILL BE
25 REMOVED AND DISPOSED OF AS LOST OR ABANDONED PROPERTY,
26 PURSUANT TO CHAPTER 705, FLORIDA STATUTES OR SECTION
27 388.206, *ORDINANCE CODE*. The owner, operator or other
28 person legally responsible for the floating structure
29 being unlawfully on the waters of the county may be
30 liable for all costs incurred by the City to abate the
31 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*.

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

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

Sec. 388.204. - Citations; Content and Service of Citation.

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

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

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

conspicuous location upon the floating structure;

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

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

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

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

(1) The date and time of issuance.

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

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

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

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

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

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

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

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

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

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

18 (d) Within 5 days after issuing a citation, the issuing officer
19 shall deposit the original and one copy of the citation with the
20 County Court and shall transmit a copy of the citation to the **Manager**
21 **of the Office of Administrative Services**.

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

25
26 **Sec. 388.205. - Penalties.**

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

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

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

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

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

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

1
2 **Sec. 388.206. - Relocation, removal, and other disposition of floating**
3 **structures.**

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

22 (b) If the owner, operator, or other person legally responsible
23 for the Floating Structure is known or ascertained by reasonable
24 inquiry, and either,

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

30 (2) After service of the notice of violation has been
31 attempted as provided in Section 388.203, and the term of

1 days to correct the violation has lapsed under Section
2 388.203, and the term of days to contest an issued citation
3 has lapsed, and no person has come forward in response to
4 the notice or citation;

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

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

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

24 (e) An abandoned or lost floating structure is tangible personal
25 property, pursuant to F.S. § 192.001(17). As the used in this Part, an
26 abandoned floating structure or a lost floating structure, is "abandoned
27 property" and "lost property", respectively, as defined in F.S. §
28 705.101. An abandoned floating structure or lost floating structure may
29 be removed or relocated by a law enforcement officer, and,

30 (1) As to an abandoned floating structure, the City may retain
31 the property for its own use or for use, trade the property

1 to another unit of local government or state agency, donate
2 the property to a charitable organization, sell the property,
3 or dispose of the property.

4 (2) As to a lost floating structure, the City shall take
5 custody and the agency shall retain custody of the property
6 for 90 days, and shall publish notice of the intended
7 disposition of the property during the first 45 days of this
8 time period, as provided,

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

27 B. If the City elects to sell the property, it must do
28 so at public sale by competitive bidding. Notice of the
29 time and place of the sale shall be given by an
30 advertisement of the sale published once a week for 2
31 consecutive weeks in a newspaper of general circulation

1 in the county where the sale is to be held. The notice
2 shall include a statement that the sale shall be subject
3 to any and all liens. The sale must be held at the
4 nearest suitable place to that where the lost or
5 abandoned property is held or stored. The advertisement
6 must include a description of the goods and the time
7 and place of the sale. The sale may take place no earlier
8 than 10 days after the final publication. Notice of the
9 intended disposition shall describe the property in a
10 manner reasonably adequate to permit the rightful owner
11 of the property to identify it.

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

27 (g) The owner, operator, or other person legally responsible for
28 the Floating Structure, who, after notice of violation as provided in
29 Section 388.203, does not remove such vessel within the specified period
30 is liable to the City for all costs incurred by the City to abate the
31 violation, as described in Section 388.103(1), less any salvage value

1 obtained by disposal of the floating structure. Upon final disposition
2 of the floating structure, the City shall notify the owner or other
3 interested party with legal standing on the disposition of the
4 floating structure, if known, of the amount owed. Notice shall be
5 effectuated by the methods described for notice of violation in this
6 Part. If the rightful owner does not pay such costs within 30 days of
7 making claim to the property, the property shall vest with the City and
8 the City may recover the costs as provided in Section 388.103(1).

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

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29 **Section 4. Repealing Part 3 (Violations, Penalties and**
30 **Enforcement), Chapter 388 (Boats and Waterways), Ordinance Code.** Part
31 3 (Violations, Penalties and Enforcement), Chapter 388 (Boats and

Waterways), *Ordinance Code*, a copy of which is **On File** with the Legislative Services Division, is hereby repealed in its entirety.

(INFORMATIONAL) To be On File:

Sec. 388.301. - Violation notices and service.

Whenever an Enforcement Officer determines that a Floating Structure exists in the Waters of the County, he/she shall direct the owner or occupant, if any, to remove the Floating Structure within a specified reasonable time. Such notice shall be considered effective upon hand delivery of the notice to the owner or occupant by an Enforcement Officer or by leaving the notice on the property determined to be a Floating Structure and by posting the notice at City Hall of the agency providing the enforcement.

(Ord. 2020-589-E, § 5)

Sec. 388.302. - Form of notice.

The notice shall be in writing, set forth the alleged violation, provide a reasonable time, not less than 21 days for the removal of the Floating Structure from the Waters of the County, and include a statement that the owner or occupant shall be subject to the penalties provided in this Chapter in the event that the Floating Structure is not removed within the time specified. If practical, the form of notice may be in substantially the same form as the notice provided by the Florida Fish and Wildlife Conservation Commission ("FWC") in the enforcement of derelict vessels.

(Ord. 2020-589-E, § 5)

Sec. 388.303. - Enforcement; civil remedies.

(a) The provisions of this Chapter shall be enforced by members of all duly authorized law enforcement agencies within the County and its municipalities, as well as the Jacksonville Environmental Quality Division and the Jacksonville Municipal Code Compliance Division.

(b) The provisions of this Chapter shall be enforced by any available method under law or equity, and as provided in Chapter 609

1 (Code Enforcement Citations) Ordinance Code; Ch. 162, Pt. II, F.S.
2 (Supplemental County or Municipal Code or Ordinance Enforcement
3 Procedures), and by such other means as are specified herein below.

4 (c) Violations of the provisions of this Chapter can be
5 prosecuted through any administrative board with authority to impose
6 administrative fines and civil penalties for violations of the
7 provisions of this Chapter, including the specific authority to order
8 the City to abate any violation of this Chapter if a violation has
9 not been corrected within a specified reasonable time as determined
10 by the Special Magistrate, or through any supplemental method
11 established under the Ordinance Code, Florida Statutes or common law.

12 (d) The City shall have the right to utilize any available
13 method to obtain restitution for the cost of abating a Floating
14 Structure under this Chapter, which includes but is not limited to
15 towing, removing, destroying, and disposing of the Floating
16 Structure. Restitution for such abatement shall be placed into the
17 Derelict Vessel and Floating Structure Removal Fund.

18 (e) Notwithstanding the above, the City shall also be
19 authorized to obtain the assistance of the courts to abate a Floating
20 Structure. In such cases, the Chief shall request and obtain legal
21 representation from the Office of General Counsel, to commence and
22 maintain the necessary action in the appropriate court to assist the
23 Chief in carrying out their responsibilities under this Chapter. The
24 action may encompass any or all of the following proceedings:

25 (1) To make application for an injunction or restraining
26 order, whether temporary or permanent, to prevent a person
27 from maintaining a Floating Structure within the Waters of
28 the County.

29 (2) To enjoin and abate the Floating Structure.

30 (3) To compel the performance of any act specifically
31 required of any person to abate a Floating Structure.

1 (4) To authorize the City to abate the Floating Structure
2 with City personnel, or through a private contractor, and
3 to seek restitution for the cost of abating the Floating
4 Structure.

5 (f) Each day during any portion of which a violation of this
6 Chapter occurs shall constitute a separate offense.

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

14 (Ord. 2020-589-E, § 5)

15 **Sec. 388.304. - Penalties.**

16 (a) Civil penalty: Unless otherwise specified, a violation of
17 this Chapter shall be a Class F offense, as described in Schedule 1-
18 A of Section 609.109 (Applicable Chapters and Parts), Ordinance Code.
19 The penalty shall be in addition to the cost, if any, incurred by the
20 City or other law enforcement agencies to abate the Floating
21 Structure.

22 (b) Regarding repeat violations, as defined in Chapter 609,
23 notwithstanding Section 609.105, Ordinance Code, the penalty for the
24 second determined violation is twice the amount of the first offender
25 fine. The penalty of the third determined violation is three times
26 the amount of the first offender fine.

27 (c) Criminal penalties: A violation of this Chapter may be
28 punishable:

29 (1) As a misdemeanor by a fine of up to \$500 per violation
30 and a definite term of imprisonment of not more than 60
31 days as provided in § 162.22. F.S. (Designation of

1 enforcement methods and penalties for violation of
2 municipal ordinances); or

3 (2) As litter pursuant to § 403.413, F.S.

4 (d) If any penalty of this Section is deemed inconsistent with
5 any Florida Statute, the provisions of the Florida Statute shall
6 prevail.

7 (Ord. 2020-589-E, § 5)

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

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

CHAPTER 388 - BOATS AND WATERWAYS

*** * ***

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

Sec. 388.301. - Definitions.

As used in this Part,

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

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

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

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

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

(I) The steering system;

(II) The propulsion system; or

(III) The exterior hull integrity.

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

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

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

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

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

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

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

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

(5) The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner, operator, or other person legally responsible for the vessel receives telephonic notice, in-person notice

1 recorded on an agency-approved body camera, or written
2 notice, which may be provided by facsimile, electronic
3 mail, or other electronic means, stating such from an
4 officer, and the owner, operator, or other person legally
5 responsible for the vessel is unable to provide a receipt,
6 proof of purchase, or other documentation of having ordered
7 necessary parts for vessel repair. A law enforcement
8 officer investigating a vessel regarding the factor
9 "effective means of propulsion for safe navigation," is
10 required to follow the evaluation procedures promulgated
11 as Rule 68D-15.002, F.A.C. (Effective Means of Propulsion
12 for Save Navigation) by the Florida Fish and Wildlife
13 Conservation Commission.

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

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

19 (c) *At-risk/Public Nuisance Vessel* means a vessel that is on
20 the Waters of the County and has been the subject of three or more
21 citations issued pursuant to the same paragraph of F.S. § 327.4107(2),
22 within an 18-month period which result in dispositions other than
23 acquittal or dismissal, as described in F.S. § 327.73(1)aa.

24
25 **Sec. 388.302. - Findings.**

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

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

31 (c) *At-risk/Public Nuisance Vessels* on the waters of the county

1 endanger public health, safety and welfare, and are public nuisances.

2
3 **Sec. 388.303. - Derelict Vessels, Vessels At-Risk of Becoming**
4 **Derelict, and At-Risk/Public Nuisance Vessels Prohibited.**

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

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

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

14 (d) Paragraphs (a) and (b), do not apply to a vessel that
15 becomes derelict or a vessel at risk of becoming derelict on the
16 waters of the county solely as a result of a boating accident that
17 is reported to law enforcement in accordance with F.S. § 327.301, or
18 otherwise reported to law enforcement; a hurricane; or another sudden
19 event outside of his or her control if:

20 (1) The person documents for law enforcement the specific
21 event that led to the vessel to become derelict or to
22 become at risk of becoming derelict on the waters of the
23 county; and

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

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

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

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

10
11 **Sec. 388.304 - Vessels Interfering with navigation.**

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

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

21 (b) Anchoring, mooring or grounding, under bridges or in or
22 adjacent to heavily traveled channels constitutes a navigational
23 hazard or interference with another vessel if unreasonable under the
24 prevailing circumstances. The term *under bridges* includes bridge
25 approaches, bridge fenders, or piles driven or placed for the
26 protection of bridges or their approaches or in the area between the
27 bank or shore owned by a public authority and the bridge fender
28 system.

29 (c) Anchoring or mooring to any marker or other aid to
30 navigation constitutes a navigational hazard.

31 (d) On the waters of the county, except in case of emergency,

1 a person may not anchor or moor, or allow to be anchored or moored,
2 any vessel to a floating structure. Vessels in use by a licensed
3 marine contractor, or agent thereof, for water-dependent construction
4 or shoreside vessel operation that are anchored or moored to a
5 commercial or governmental floating structure that is in use by the
6 licensed marine contractor, or agent thereof, for water-dependent
7 construction or shoreside vessel operation are exempt from this
8 subsection. Floating structures owned or operated by the City of
9 Jacksonville to which watercraft are permitted to be moored, such as
10 within the definition of dock, in Section 28.701, are exempt from the
11 prohibition on anchoring or mooring to floating structures under this
12 Part.

13 (e) A mechanical failure that poses an unreasonable risk of
14 harm to the vessel or the persons onboard such vessel may constitute
15 an emergency. The owner, operator, or other person legally responsible
16 for such vessel may anchor, moor or be aground, on the waters of the
17 county, for 5 business days or until the vessel is repaired, whichever
18 occurs first, unless the vessel unreasonably or unnecessarily
19 constitutes a navigational hazard or interferes with another vessel.
20 Imminent or existing weather conditions in the vicinity of the vessel
21 that pose an unreasonable risk of harm to the vessel or to the persons
22 onboard such vessel may constitute an emergency. However, during a
23 hurricane or tropical storm, weather conditions are deemed to no
24 longer pose an unreasonable risk of harm when the hurricane or
25 tropical storm warning affecting the area has expired.

26
27 **Sec. 388.305. - Relocation or removal of vessels.**

28 A law enforcement officer is authorized and empowered to relocate,
29 remove, or cause to be relocated or removed, any vessel anchored,
30 moored, or grounded, on the waters of the county that the officer has
31 reasonable cause to believe is in violation of Section 388.304, or

1 is a Derelict Vessel, or is an At-Risk/Public Nuisance Vessel. The
2 law enforcement officer shall make a reasonable effort to ascertain
3 the name and address of the owner and any lien holder, as described
4 in Section 388.102. Such a vessel may be relocated or removed as
5 follows:

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

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

21
22 **Sec. 388.306. - Notice of violation; form and service of notice.**

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

25 (1) If the vessel has been removed or relocated pursuant
26 to Section 388.305(a), notice shall include the location
27 where the vessel is being held, the reason for removal or
28 relocation, and how to reclaim the vessel, including that
29 the owner other interested party with legal standing on the
30 disposition of the vessel must make a claim to the vessel
31 within 21 days of notice of removal or relocation and must

1 pay the costs for removal, relocation and storage, within 30
2 days of the attempt to reclaim the vessel. If the vessel has
3 not been removed or relocated, notice shall direct that
4 the vessel be removed from the Waters of the County within
5 a reasonable time, not less than 21 days, otherwise a
6 citation may be issued.

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

23 (3) As to a Derelict Vessel or At-risk/Public Nuisance
24 Vessel, in addition to subsections 1. and 2., the notice
25 shall also include that the owner or other interested party
26 with legal standing on the disposition of the vessel has
27 30 days to request an administrative hearing regarding the
28 determination that the vessel is a Derelict Vessel or an
29 At-risk/Public Nuisance Vessel in accordance with Section
30 388.310, and that failure to request such hearing shall be
31 deemed a waiver of the right to such administrative

1 hearing.

2 (4) As to a vessel that is at risk of becoming derelict,
3 as described in Section 388.303(b), in addition to
4 subsections 1. and 2., the notice shall also include a
5 description of the specific issue with the vessel that
6 denotes it is at risk of becoming derelict, as described
7 in Section 388.301, and that the condition must be
8 corrected or the vessel removed from the waters of the
9 county within 10 days or a citation may be issued and that
10 a person issued such citation may request a hearing in the
11 county court to challenge a citation. Subsection (b)
12 notwithstanding, if the at risk condition is or includes
13 that the vessel does not have an effective means of
14 propulsion for safe navigation, prior to a citation being
15 issued a notice of the lack of effective means of
16 propulsion must be made from an officer to the owner or
17 operator of the vessel by means of, telephone, in-person
18 notice recorded on an agency-approved body camera, or
19 written notice, which may be provided by facsimile,
20 electronic mail, or other electronic means, stating such,
21 and notifying the owner or operator that the vessel owner
22 or operator has 72 hours to provide a receipt, proof of
23 purchase, or other documentation of having ordered
24 necessary parts for vessel repair. The notice of the
25 effective means of propulsion shall inform that the
26 evaluation procedures promulgated as Rule 68D-15.002,
27 F.A.C. (Effective Means of Propulsion for Save Navigation)
28 by the Florida Fish and Wildlife Conservation Commission
29 shall be the measure employed to verify if the vessel has
30 an effective means of propulsion.

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

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

5 A. For a vessel in violation of Section 388.304,
6 but not a Derelict Vessel or At-Risk/Public
7 Nuisance Vessel:

8 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
9 INTEREST IN THE ATTACHED PROPERTY.
10 This vessel, to wit: (make, model,
11 registration numbers, if available, HIN, if
12 available) is anchored, moored or grounded
13 [choose/ short description of nature of
14 violation: in a manner which unreasonably or
15 unnecessarily constitutes a navigational
16 hazard or interference with another vessel,
17 that hinders access to a public right-of-way
18 or to public utilities, or creates an imminent
19 danger to public safety or to the environment;
20 under a bridge, bridge approaches, bridge
21 fenders, or piles driven or placed for the
22 protection of bridges or their approaches or
23 in the area between the bank or shore owned
24 by a public authority and the bridge fender
25 system; to a marker or other aid to
26 navigation; to a Floating Structure] in
27 violation of Sec 388.304, *Ordinance Code*, and
28 is unlawfully on the Waters of the County
29 (setting forth brief description of
30 location). THIS VESSEL MUST BE REMOVED FROM
31 THE WATERS OF THE COUNTY WITHIN 5 DAYS OF THE

1 POSTING OF THIS NOTICE OTHERWISE A CITATION
2 MAY BE ISSUED. A person to whom a citation is
3 issued may request a hearing in the county
4 court to challenge the citation.

5 IF THE OWNER OR OTHER PERSON LEGALLY
6 RESPONSIBLE THIS VESSEL HAS NOT REMOVED THIS
7 VESSEL FROM THE WATERS OF THE COUNTY OR SHOWN
8 REASONABLE CAUSE FOR FAILURE TO DO SO WITHIN
9 21 DAYS OF THE DATE OF THIS NOTICE THIS VESSEL
10 WILL BE REMOVED AND DISPOSED OF AS LOST OR
11 ABANDONED PROPERTY, PURSUANT TO CHAPTER 705,
12 FLORIDA STATUTES, OR SECTION 388.506,
13 ORDINANCE CODE. The City may recover from the
14 owner or other person legally responsible for
15 the vessel for all costs incurred by the City
16 to abate the violation, as described in
17 Section 388.103(1), *Ordinance Code*, which may
18 include costs to relocate, remove, store,
19 destroy or dispose of a vessel; costs to
20 remediate or mitigate damage or threatened
21 damage to the environment caused by the
22 violation; costs to remediate or mitigate
23 litter or debris caused by the violation; and
24 the costs of enforcement of Chapter 388, Part
25 3, *Ordinance Code*.

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

30 B. For a Derelict Vessel or At-Risk/Public
31 Nuisance Vessel,

NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL INTEREST IN THE ATTACHED PROPERTY. This vessel, to wit: (make, model, registration numbers, if available, HIN, if available) has been determined to be [choose: a Derelict Vessel OR an At-risk/Public Nuisance Vessel] as described in Chapter 388, Part 3, *Ordinance Code*, and is unlawfully on the waters of this county (setting forth brief description of location), in violation of Sec 388.303, *Ordinance Code*. THIS VESSEL MUST BE REMOVED WITHIN 21 DAYS OTHERWISE, IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER 705, FLORIDA STATUTES, OR PURSUANT TO SECTION 388.311, *ORDINANCE CODE*, AND A CITATION MAY BE ISSUED. The owner or other party with legal standing on the disposition of the vessel has 30 days to request an administrative hearing to challenge the determination that this vessel is [choose: a Derelict Vessel or an At-risk/Public Nuisance Vessel] or otherwise in violation of the law, as described in Section 388.310, *Ordinance Code*. Contact (contact information for person who can arrange for a hearing in accordance with this section). A person to whom a citation is issued may request a hearing in the county court to challenge the citation. The City may recover from the owner or other person legally responsible for the vessel for all costs incurred by the City to abate the violation,

1 as described in Section 388.103(1), *Ordinance*
2 *Code*, which may include costs to relocate,
3 remove, store, destroy or dispose of a vessel;
4 costs to remediate or mitigate damage or
5 threatened damage to the environment caused
6 by the violation; costs to remediate or
7 mitigate litter or debris caused by the
8 violation; and the costs of enforcement of
9 Chapter 388, Part 3, *Ordinance Code*.

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

14 C. For a vessel at risk of becoming derelict,
15 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
16 INTEREST IN THE ATTACHED PROPERTY.
17 This vessel, to wit: (make, model,
18 registration numbers, if available, HIN, if
19 available) has been determined to be at risk
20 of becoming derelict as described in Chapter
21 388, Part 3, *Ordinance Code*, and is unlawfully
22 on the waters of this county (setting forth
23 brief description of location) in violation
24 of Sec 388.303, *Ordinance Code*. Specifically,
25 this vessel is deemed at risk of becoming
26 derelict due to the following condition(s):
27 [include any that apply:

28 The vessel is taking on or has taken on water
29 without an effective means to dewater.;
30 Spaces on the vessel that are designed to be
31 enclosed are incapable of being sealed off or

1 remain open to the elements for extended
2 periods of time.; The vessel has broken loose
3 or is in danger of breaking loose from its
4 anchor or mooring.; The vessel is listing due
5 to water intrusion.; That on (date, at least
6 72 hour prior) notice by (method of notice
7 described in subsection (a)4.) this vessel
8 does not have an effective means of propulsion
9 for safe navigation within 72 hours after the
10 vessel owner or operator received notice of
11 the specific condition.; The vessel is tied
12 to an unlawful or unpermitted structure or
13 mooring.] THE CONDITION MUST BE CORRECTED
14 WITHIN 10 DAYS OR A CITATION MAY BE ISSUED. A
15 person to whom a citation is issued may
16 request a hearing in the county court to
17 challenge the citation.

18 Further, IF THE CONDITION IS NOT CORRECTED OR
19 IF THE VESSEL IS NOT REMOVED FROM THE WATERS
20 OF THE COUNTY WITHIN 30 DAYS THIS VESSEL WILL
21 BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER
22 705, FLORIDA STATUTES, OR PURSUANT TO SECTION
23 388.311, *ORDINANCE CODE*. The City may recover
24 from the owner or other person legally
25 responsible for the vessel for all costs
26 incurred by the City to abate the violation,
27 as described in Section 388.103(1), *Ordinance*
28 *Code*, which may include costs to relocate,
29 remove, store, destroy or dispose of a vessel;
30 costs to remediate or mitigate damage or
31 threatened damage to the environment caused

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

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

9 Notice posted on the vessel shall not be less than eight
10 inches by ten inches and shall be sufficiently weatherproof
11 to withstand normal exposure to the elements.

12 (2) If the owner, operator, or other person legally
13 responsible for the vessel is known or ascertained by
14 reasonable effort, notice shall also be provided to such
15 person on the date of posting to the vessel as described
16 in subsection 1., or as soon thereafter as is practical,
17 as follows:

18 A. Certified mail, return receipt requested, to the
19 last address listed in vessel registration record for
20 the state of registration; if the vessel is not
21 registered, by certified mail, return receipt
22 requested, to the address listed in the tax
23 collector's office for tax notices or to the address
24 listed in the county property appraiser's database.

25 If the vessel is owned by a corporation, notices may
26 be provided by certified mail to the registered agent
27 of the corporation. If notice sent by certified mail
28 is not signed as received within 30 days after the
29 postmarked date of mailing, notice may be provided by
30 posting as described in subparagraph 3;

31 B. Hand delivery by the sheriff or other law

1 enforcement officer, or code enforcement officer;

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

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

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

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

18 B. by publication in print in a newspaper or on a
19 publicly accessible website, as provided in F.S. §
20 50.0311, for 3 consecutive weeks. If published in
21 print, the notice shall be published once during each
22 week for 3 consecutive weeks (three publications
23 being sufficient) in a newspaper in the county, such
24 newspaper shall meet such requirements as are
25 prescribed under F.S. Chapter 50 for legal and
26 official advertisements.

27 If the owner, operator, or other person legally responsible
28 for the vessel is known or ascertained by reasonable
29 effort, in addition to providing notice or attempting
30 notice as set forth in subsection 2, notice may be served
31 by posting as described in this subsection.

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

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

11 (d) Evidence of posting as provided in subsection 1, together
12 with proof of posting and publishing as provided in subsection 3, and
13 if the owner, operator, or other person legally responsible for the
14 vessel is known or ascertained by reasonable effort, proof that an
15 attempt has been made to hand deliver or mail notice as provided in
16 subsection 2, shall be sufficient to show that the notice requirements
17 of this part have been met, without regard to whether or not the
18 alleged violator actually received such notice.

19
20 **Section 388.307. - Citations; Form of Citation; Service of Citation.**

21 (a) Whenever a law enforcement officer has reasonable cause to
22 believe that a vessel exists on the Waters of the County in violation
23 of this Part, after notification of violation and after the time
24 period for the opportunity for the violator to correct the violation,
25 if required, such officer has the authority to issue a citation
26 consistent with this Part.

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

30 (1) Certified mail, return receipt requested, to the last
31 address listed in vessel registration record for the state

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

12 (2) Hand delivery by the sheriff or other law enforcement
13 officer;

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

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

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

23 (1) The date and time of issuance.

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

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

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

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

31 (6) The number or Section of the Ordinance Code which has

1 been violated.

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

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

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

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

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

28 (e) Within 5 days after issuing a citation, the issuing officer
29 shall deposit the original and one copy of the citation with the
30 County Court and shall transmit a copy of the citation to the **Manager**
31 **of the Office of Administrative Services.**

1 (f) The County Court in and for the Fourth Judicial Circuit is
2 the Court of competent jurisdiction for citations issued pursuant to
3 this Part.
4

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

6 (a) Notwithstanding Chapter 609, any person owning, operating
7 or having control of a vessel, in violation of 388.304, other than a
8 Derelict Vessel or an At-Risk/Public Nuisance Vessel, in violation
9 of this Part shall be guilty of a violation of this part as a Class
10 C offense, as described in Section 609.109. The penalty for a second
11 violation within 3 years shall be twice the amount of the first
12 offender fine. The penalty for a third or subsequent violation within
13 5 years shall be three times the amount of the first offender fine.
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 (b) Notwithstanding Chapter 609, any person owning, operating
18 or having control of a Derelict Vessel in violation of this Part
19 shall be guilty of a violation of this part as a Class D offense, as
20 described in Section 609.109. The penalty for a subsequent violation
21 within 5 years shall be twice the amount of the first offender fine.
22 The penalty shall be in addition to restitution for damage to the
23 property of another and all costs incurred by the City to abate the
24 violation, as described in Section 388.103(1).

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

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

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

1 (3) For a third or subsequent offense occurring 30 days
2 or more after a previous offense but within 5 years, \$500.
3 The penalty shall be in addition to restitution for damage to the
4 property of another and all costs incurred by the City to abate the
5 violation, as described in Section 388.103(1).

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

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

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

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

24
25 **Sec. 388.309. - Bar on vessel and vehicle registration privileges as**
26 **penalty for failure to pay costs.**

27 In addition to any penalty for violation of this part, pursuant to
28 F.S. § 705.103(4), a law enforcement officer or representative of the
29 law enforcement agency or other governmental entity shall supply the
30 Department of Highway Safety and Motor Vehicles with the name of any
31 person who, after having been provided written notice via certified

1 mail that such costs are owed, has neglected or refused to pay all
2 costs of removal, storage, destruction, or disposal of a derelict
3 vessel, and the person shall not be entitled to be issued a
4 certificate of registration for such derelict vessel, or any
5 other vessel, or motor vehicle, until such costs have been paid.

6
7 **Sec. 388.310. - Administrative hearings on declarations regarding**
8 **Derelict Vessels, At-Risk/Public Nuisance Vessels, and Anchoring**
9 **Limitation/Public Nuisance Vessels.**

10 The procedure for hearings requested by adversely affected vessel
11 owners who have received notice from City of a "Notice of Intent" to
12 remove and dispose a vessel declared to be a Derelict Vessel, under
13 Section 388.306, an At-Risk/Public Nuisance Vessel, under Section
14 388.306, or an Anchoring Limitation/Public Nuisance Vessel, under
15 Section 388.412, shall be as follows,

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

21 (b) Any hearing pursuant to this section shall be conducted in
22 accordance with the processes set forth in F.S. §120.569, except that
23 pursuant to F.S. § 705.103(2)(a)2, the **Manager of the Office**
24 **of Administrative Services** with due regard to the expertise required
25 for the particular matter shall name a Code Enforcement Officer to
26 serve as the presiding officer to hear and make findings of fact and
27 law, and to produce a recommended order to the Board. The Board shall
28 promulgate rules of procedure, including but not limited to rules on
29 the review of requests for hearing, notice of hearing, procedure of
30 hearing, application of rules of evidence, proposed findings of facts
31 and orders, procedure to file exceptions to a presiding officer's

1 recommended order, procedure for requesting Board review, content of
2 the record, and procedure for request for judicial review.

3 (c) At every hearing under this section, the case for the City
4 shall be presented by one or more assistant(s) general counsel. A
5 presenting assistant general counsel shall not concurrently serve as
6 counsel to the Board. If a presenting assistant general counsel
7 prevails in prosecuting a case before the Board, the City shall be
8 entitled to recover all costs incurred in prosecuting the case and
9 such costs may be included in a lien authorized under F.S. §
10 162.09(3).

11 (d) Upon service of Notice of Intent, a vessel owner or other
12 interested party with legal standing on the disposition of the vessel
13 who wishes to be heard on a Notice of Intent shall file a Notice of
14 Request for Hearing with the **Manager of the Office**
15 **of Administrative Services** and the Office of General Counsel within
16 30 days of service of the notice of intent. Each request for hearing
17 shall be in writing and shall be filed by electronic mail to the
18 Manager of the Office of Administrative Services and to the Office
19 of General Counsel. A request for hearing must include a clear
20 articulation of legal standing as to the disposition of the vessel.
21 A person making the request is the "Respondent."

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

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

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

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

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

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

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

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

(1) If, after the term of days required for posting, publishing, or mailing notice, if required, the owner, operator, or other person legally responsible for the vessel has not caused the vessel to be removed within the

term of days specified in the notice or shown reasonable cause for failure to do so, or if a vessel has been removed by law enforcement pursuant to Section 388.305(a) and no person makes a claim to the vessel within 21 days of notice of removal or relocation, or if a rightful owner makes a claim to the vessel within 21 days but fails to pay costs of removal, relocation and storage within 30 days of the attempt to reclaim, and the rightful owner has not timely requested an administrative hearing on the determination of the vessel as either a Derelict Vessel or an At-risk/Public Nuisance Vessel, and if a citation has been issued the term of days to contest a citation has lapsed; or

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

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

the law enforcement agency, or its designee, may:

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

2. Authorize the use of the vessel as an artificial reef in

1 accordance with F.S. § 379.249 if all necessary federal, state, and
2 local authorizations are received.

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29 **Section 6. Amending Part 4 (Anchoring Limitation Areas),**
30 **Chapter 388 (Boats and Waterways), Ordinance Code.** Part 4 (Anchoring
31 Limitation Areas), Chapter 388 (Boats and Waterways), *Ordinance Code,*

1 is hereby amended to read as follows:

2 **CHAPTER 388 - BOATS AND WATERWAYS**

3 * * *

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

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

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

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

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

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

27
28
29 **Sec. 388.402. Definitions.**

30 As used in this Part,

31 ~~Impoundment of vessel means, for purposes of this Part, the~~

1 ~~removal of the vessel by a law enforcement officer, or under~~
2 ~~authorization of a law enforcement officer, without the ability of~~
3 ~~the owner to claim the vessel.~~

4 Navigable-in-fact waterways means, as defined in F.S. §
5 327.4108, waterways that are navigable in their natural or unimproved
6 condition over which useful commerce or public recreation of a
7 substantial and permanent character is or may be conducted in the
8 customary mode of trade and travel on water. The term does not include
9 lakes or streams that are theoretically navigable; have a potential
10 for navigability; or are temporary, precarious, and unprofitable, but
11 the term does include lakes or streams that have practical usefulness
12 to the public as highways for transportation.

13 ~~Storage of vessel means the period of time after impoundment~~
14 ~~that a vessel occupies space in the water or on land for the purpose~~
15 ~~of vessel storage.~~

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

24
25 **Sec. 388.403. - Criteria for Anchoring Limitation Areas.**

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

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

31 (b) Each Anchoring Limitation Area established herein must meet

all of the following requirements:

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

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

(3) Be clearly marked with the following:

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

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

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

* * *

[Note: Sec 404 not changed]

Sec. 388.405. Anchoring Restricted in Anchoring Limitation Areas.

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

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

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

~~In order to not be in violation of this Part, if a person moves a vessel from an Anchoring Limitation Area on or before the forty-fourth day, then that vessel shall not relocate to another Anchoring Limitation Area within a radius of eight 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

1 onboard unless the vessel anchors. The vessel may anchor
2 for 3 business days or until the vessel is repaired,
3 whichever occurs first.

4 (2) If imminent or existing weather conditions in the
5 vicinity of the vessel pose an unreasonable risk of harm
6 to the vessel or the persons onboard unless the vessel
7 anchors. The vessel may anchor until weather conditions no
8 longer pose such risk. During a hurricane or tropical
9 storm, weather conditions are deemed to no longer pose an
10 unreasonable risk of harm when the hurricane or tropical
11 storm warning affecting the area has expired.

12
13 **Sec. 388.406. Vessels not restricted in Anchoring Limitation Areas.**

14 The anchoring restrictions of this Part do not apply to:

15 (a) Vessels owned or operated by a governmental entity for law
16 enforcement, firefighting, military or rescue purposes.

17 (b) Construction or dredging vessels on an active job site.

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

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

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

29 **Sec. 388.407. Enforcement Procedures.**

30 (a) A law enforcement officer who has reasonable cause to
31 believe that a vessel exists on the waters of the county in violation

1 of this Part has the authority to issue a citation consistent with
2 this Part.

3 (b) A law enforcement officer investigating a violation of this
4 Part shall make a reasonable effort to ascertain the name and address
5 of the owner and any lien holder. ~~If based upon an investigation by~~
6 ~~the officer or evidence provided by others, the officer has reasonable~~
7 ~~cause to believe that a vessel has been in an Anchoring Limitation~~
8 ~~Area in violation of this Part, the officer shall inquire regarding~~
9 ~~same of the vessel owner, operator or responsible party. Personal~~
10 ~~investigation may include receipt of at least one sworn affidavit~~
11 ~~from each of at least two unrelated adult witnesses setting forth~~
12 ~~facts establishing, either separately or together with other~~
13 ~~information known to the officer, the reasonable cause referenced~~
14 ~~above.~~

15 (c) Prior to issuing a citation, the law enforcement officer
16 shall provide the owner, operator, or other person legally responsible
17 for the subject vessel notice of the violation and an opportunity to
18 demonstrate proof of non-violation. Proof that the vessel has not
19 exceeded the limitations on anchoring may include any of the
20 following:

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

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

31 After notice of violation, if the owner, operator, or other person

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

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

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

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

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

28 ~~(g) If the vessel owner or responsible party is not present,~~
29 ~~the law enforcement officer shall follow the standard operating~~
30 ~~procedures of the Jacksonville Sheriff's Office to locate and~~
31 ~~notify the owner or responsible party of the violation. The law~~

1 ~~enforcement officer may issue the citation through the U.S. mail if~~
2 ~~the owner or responsible party if not present. A law enforcement~~
3 ~~officer may also provide hand delivery of the citation.~~

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

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

26 ~~(j) If the vessel is impounded, after 48 hours have elapsed~~
27 ~~since impoundment, if the vessel owner, operator, or responsible~~
28 ~~party has not appeared to claim the vessel at the designated~~
29 ~~impoundment location, then the law enforcement officer acting under~~
30 ~~this Part is authorized to place, or have placed, the vessel into a~~
31 ~~designated storage location, at the vessel operator's expense,~~

1 ~~until the vessel owner, operator, or responsible party has claimed~~
2 ~~the vessel and paid all removal, impoundment, penalty and storage~~
3 ~~fees which have accrued since impoundment and as a result of any~~
4 ~~penalties. The owner or responsible party of the vessel may claim~~
5 ~~the vessel during storage after payment of towing, impoundment and~~
6 ~~storage fees.~~

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

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

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

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

1 ~~posted and the date and places of its posting.~~

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

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

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

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

31 (a) A notice of violation shall be in writing and shall

1 identify the vessel in violation [to include: the registration number
2 of the vessel (if known); Hull identification number; the general
3 description of the vessel including, make, model, color and length;
4 and the name of the vessel (if known)]; the section of the code
5 violated; the date(s) of the violation; and the location of the
6 violation (to include: a general physical description and the identity
7 of the Anchoring Limitation Area). The notice shall include a
8 conspicuous statement that if the vessel is not removed within 10
9 days, a citation may be issued. The notice shall provide the name and
10 contact information of an officer to whom proof of non-violation of
11 violation of anchoring limitation term limits may be presented and a
12 statement informing that the owner, operator, or other person legally
13 responsible for the vessel have 10 days to provide proof of non-
14 violation as described in Section 388.407, otherwise a citation may
15 be issued. The notice shall inform that a person to whom a citation
16 is issued may request a hearing in the county court to challenge an
17 issued citation. The notice shall inform that the owner or the party
18 legally responsible for the vessel being unlawfully anchored in an
19 anchoring limitation area may be liable for and all costs incurred
20 by the City to abate the violation, as described in Section
21 388.103(1), if the vessel is not removed by the owner, operator, or
22 other interested party.

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

26 (1) Certified mail, return receipt requested, to the last
27 address listed in vessel registration record for the state
28 of registration; if the vessel is not registered, by
29 certified mail, return receipt requested, to the address
30 listed in the tax collector's office for tax notices or to
31 the address listed in the county property appraiser's

1 database. If the vessel is owned by a corporation, notices
2 may be provided by certified mail to the registered agent
3 of the corporation. If notice sent by certified mail is
4 not signed as received within 30 days after the postmarked
5 date of mailing, notice may be provided by posting as
6 described in subparagraph (b);

7 (2) Hand delivery by the sheriff or other law enforcement
8 officer;

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

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

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

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

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

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

28 (d) In addition to providing notice as set forth in subsection
29 (b) or (c), notice may be served by publication, if published in
30 print in a newspaper or on a publicly accessible website, as provided
31 in F.S. § 50.0311, for 4 consecutive weeks. If published in print,

1 the notice shall be published once during each week for 4 consecutive
2 weeks (four publications being sufficient) in a newspaper in the
3 county, such newspaper shall meet such requirements as are prescribed
4 under F.S. Chapter 50 for legal and official advertisements.

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

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

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

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

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

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

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

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

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

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

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

30
31 **Sec. 388.409. - Citations; form; service Violations.**

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

2 (1) The date and time of issuance.

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

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

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

8 (5) A description of the vessel, to include: the
9 registration number of the vessel; the name of the title
10 owner of the vessel (if known); Hull identification number;
11 the general description of the vessel including, make,
12 model, color and length; and the name of the vessel (if
13 known);

14 (6) The location of the violation, to include: a general
15 physical description and the identity of the Anchoring
16 Limitation Area;

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

19 (8) The name and agency authority of the Officer issuing
20 the citation;

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

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

28 (11) A conspicuous statement that if the person fails to
29 pay the civil penalty within the time allowed, or fails to
30 appear in court to contest the citation, he or she shall
31 be deemed to have waived the right to contest the citation

1 and that, in such case, judgement may be entered against
2 the person for an amount up to the maximum civil penalty.

3 (12) A conspicuous statement that the vessel owner or
4 operator is directed to remove the vessel from the
5 Anchoring Limitation Area within 12 hours of effective
6 service of the citation. The statement shall include the
7 warning that the vessel may be impounded by law enforcement
8 pursuant to Section 399.411, Ordinance Code, and F.S. §
9 327.4108(6)(c), if the vessel is not removed from the
10 anchoring limitation area after being served the directive
11 to do so by a law enforcement, or if the vessel is moved
12 it is anchored in violation of Part 4 of Chapter 388 within
13 12 hours after being issued the citation.

14 (13) A conspicuous statement that in addition to any
15 penalties under law, the City may recover from the owner,
16 operator, or other person legally responsible for the
17 vessel, for all costs incurred by the City to abate the
18 violation, as described in Section 388.103(1), Ordinance
19 Code, which may include costs to abate the violation, costs
20 to remediate or mitigate damage or threatened damage to
21 the environment caused by the violation, and the costs of
22 enforcement of this Part.

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

26 (1) Certified mail, return receipt requested, to the last
27 address listed in vessel registration record for the state
28 of registration; if the vessel is not registered, by
29 certified mail, return receipt requested, to the address
30 listed in the tax collector's office for tax notices or to
31 the address listed in the county property appraiser's

1 database. If the vessel is owned by a corporation,
2 citations may be provided by certified mail to the
3 registered agent of the corporation. If a citation sent by
4 certified mail is not signed as received within 15 days
5 after the postmarked date of mailing, the citation may be
6 posted in a weatherproof covering in a conspicuous location
7 upon the vessel;

8 (2) Hand delivery by the sheriff or other law enforcement
9 officer;

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

15 or

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

18 (c) Within 5 days after issuing a citation, the issuing officer
19 shall deposit the original and one copy of the citation with the
20 County Court and shall transmit a copy of the citation to the **Manager**
21 **of the Office of Administrative Services.**

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

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

1 in any 6-month period in an anchoring limitation area
2 established pursuant to Chapter 388, Part 4, Ordinance
3 Code, to wit: (setting forth brief description of
4 location and dates of known anchoring). A citation has
5 been issued. THE OWNER, OPERATOR, OR OTHER PERSON
6 LEGALLY RESPONSIBLE FOR THE VESSEL ARE DIRECTED TO
7 REMOVE THE VESSEL FROM THE ANCHORING LIMITATION AREA
8 WITHIN 12 HOURS OF THE POSTING OF THIS NOTICE. If the
9 vessel is not removed from the anchoring limitation area
10 in 12 hours, or if the vessel is otherwise anchored in
11 violation of Chapter 388, Section 4, Ordinance Code,
12 within 24 hours, THE VESSEL MAY BE REMOVED AND IMPOUNDED,
13 pursuant to Section 399.411, Ordinance Code, or F.S. §
14 327.4108(6)(c). The owner, operator, or other person
15 legally responsible for the vessel may be liable for all
16 costs incurred by the City to abate the violation, as
17 described in Section 388.103(1), Ordinance Code, which
18 may include costs to abate the violation, costs to
19 remediate or mitigate damage or threatened damage to the
20 environment caused by the violation, and the costs of
21 enforcement of Chapter 388, Part 4, Ordinance Code, if
22 the vessel is not removed by the owner, operator, or
23 other person legally responsible for the vessel.

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

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

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

30
31 **Sec. 388.410 409. - Penalties and Remedies Violations.**

1 (a) Notwithstanding Chapter 609, Pursuant to F.S. §
2 327.73(1)(z), (2022), a violation of Anchoring Limitation Areas is
3 punishable as a noncriminal infraction for which the penalty is:

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

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

6 (3) For a third or subsequent offense, up to a maximum of
7 \$~~250~~ 500.

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

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

14 (c) In addition to the civil penalty imposed above, the owner
15 or other person legally responsible for a vessel that is removed and
16 impounded pursuant to Section 388.411, must pay all removal and
17 storage fees before the vessel is released. A vessel removed pursuant
18 to Section 388.411 may not be impounded for longer than 48 hours.
19 Following impoundment, the vessel may be stored as described in
20 Section 388.411 ~~388.407(j)~~.

21 (d) ~~All penalties and fines relating to this Part shall be~~
22 ~~deposited into the Derelict and Abandoned Vessel and Floating~~
23 ~~Structure Enforcement and Removal Trust Fund, Section 111.787,~~
24 ~~Ordinance Code. Reimbursement for the removal, impoundment and~~
25 ~~storage of vessels resulting from the enforcement of this Part shall~~
26 ~~be provided to the entity that initially paid for those services.~~

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

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

1
2 **Sec. 388.411 - Impoundment, removal and disposal of vessels.**

3 (a) After posting the removal directive to the vessel, as
4 described in Section 388.409(d), a law enforcement officer may
5 authorize the removal of a vessel from an Anchoring Limitation Area
6 and impound the vessel for up to 48 hours, or may cause such removal
7 and impoundment, if the vessel owner, operator or other legally
8 responsible party fails to remove the vessel from the anchoring
9 limitation area or shown reasonable cause for failure to do so, or
10 anchors the vessel in violation of this Part within 12 hours after
11 being issued a citation for violation of this Part. If the vessel is
12 impounded pursuant to this subsection, after 48 hours have elapsed
13 since impoundment, if the vessel owner or other interested party with
14 legal standing on the disposition of the vessel has not claimed the
15 vessel at the designated impoundment location, then the law
16 enforcement officer acting under this Part is authorized to place,
17 or have placed, the vessel into a designated storage location, at the
18 expense of the vessel owner, operator, or other responsible party,
19 until the vessel owner, operator, or responsible party has paid all
20 removal, impoundment, penalty and storage fees which have accrued
21 since impoundment and as a result of any penalties. Notice of removal
22 and storage shall be served in the same manner as provided for notice
23 of violation in Section 388.408. The vessel owner or other interested
24 party with legal standing on the disposition of the vessel may reclaim
25 a stored vessel after payment of towing, impoundment and storage
26 fees. If, within 30 days of service of notice of removal and storage
27 pursuant to this subsection, no attempt has been made to claim the
28 vessel, the vessel may be designated as a Lost or Abandoned Vessel,
29 subject to Section 388.506, of this Chapter.

30 (b) If the owner, operator, or other person legally responsible
31 for the vessel is known or ascertained by reasonable effort, and

1 either,

2 (1) The owner, operator, or other person legally
3 responsible for the vessel has disavowed responsibility
4 for the vessel and no other owner, operator, or other
5 person legally responsible for the vessel is known; or

6 (2) After service of the notice of violation has been
7 attempted as provided in Section 388.408, and the term of
8 days to correct the violation has lapsed under Section
9 388.408, no party legally responsible for the vessel has
10 removed the vessel from the waters of the county or shown
11 reasonable cause for failure to do so, and the term of days
12 to contest an issued citation has lapsed, and no person
13 has come forward in response to the notice or citation;

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

16 (c) If the owner, operator, or other person legally responsible
17 for the vessel is not known or cannot be ascertained upon reasonable
18 effort, and notice of violation has been provided pursuant to Section
19 388.408, and the term of days to correct the violation has lapsed
20 under Section 388.408, and no person legally responsible for the
21 vessel has caused the vessel to be removed within the term of days
22 specified in the notice or shown reasonable cause for failure to do
23 so, the vessel may be designated as a Lost or Abandoned Vessel,
24 subject to Section 388.506, of this Chapter.

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

29 IF THE OWNER, OPERATOR, OR OTHER PERSON LEGALLY RESPONSIBLE
30 FOR THE ATTACHED PROPERTY HAS NOT REMOVED THIS VESSEL FROM
31 THE WATERS OF THE COUNTY OR SHOWN REASONABLE CAUSE FOR

1 FAILURE TO DO SO WITHIN 30 DAYS OF THE DATE OF THIS NOTICE
2 THIS VESSEL WILL BE REMOVED AND DISPOSED OF AS ABANDONED,
3 PURSUANT TO CHAPTER 705, FLORIDA STATUTES OR CHAPTER 388,
4 PART 5, *ORDINANCE CODE*.

5
6 **Sec. 388.412 - Anchoring Limitation/Public Nuisance Vessel.**

7 (a) A vessel that is the subject of four or more violations
8 within 12 months which result in dispositions other than acquittal
9 or dismissal, as described in F.S. § 327.4108, is a vessel habitually
10 in violation of anchoring limitations and shall, by operation of law,
11 be declared an Anchoring Limitation/Public Nuisance Vessel and may
12 be disposed of as provided in this section, or as provided in F.S. §
13 705.103.

14 (b) A law enforcement officer with reasonable cause to believe
15 a vessel anchored or moored on the waters of the county is an Anchoring
16 Limitation/Public Nuisance Vessel, the officer shall serve upon the
17 owner, operator, or other person legally responsible for the vessel
18 a notice of intent to remove and dispose a vessel declared to be an
19 Anchoring Limitation/Public Nuisance Vessel ("notice of intent").
20 Notice of intent shall be in writing and shall identify the vessel
21 in violation [to include: the registration number of the vessel (if
22 known); Hull identification number; the general description of the
23 vessel including, make, model, color and length; and the name of the
24 vessel (if known)]; shall refer to Section 388.412, *Ordinance Code*,
25 and F.S. § 327.4108; shall include the court case number or citation
26 number of four or more previous violations within 12 months, with the
27 dispositions and dates of disposition for each; and the notice shall
28 include that the owner or other interested party with legal standing
29 on the disposition of the vessel has 30 days from service of the
30 notice of intent to request an administrative hearing regarding on
31 the determination that the vessel is an Anchoring Limitation/Public

1 Nuisance Vessel and that failure to request such hearing shall be
2 deemed a waiver of the right to such administrative hearing.

3 (c) Notice of intent to remove and dispose a vessel declared
4 to be an Anchoring Limitation/Public Nuisance Vessel shall be served
5 by the methods described for a notice of violation pursuant to Section
6 388.408, except that the content of the notice shall be as described
7 in subsection (b) of this section, and notice posted to the vessel
8 shall be as described in subsection (d) of this section.

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

14 NOTICE TO THE OWNER AND ALL PERSONS WITH LEGAL
15 INTEREST IN THE ATTACHED PROPERTY. This vessel, to
16 wit: (make, model, registration numbers, if
17 available, HIN, if available) has been declared to be
18 an Anchoring Limitation/Public Nuisance Vessel, as
19 described in Section 388.412, Ordinance Code, and
20 F.S. § 327.4108, and is unlawfully on the waters of
21 this county in violation of Section 388.405,
22 Ordinance Code, to wit: (brief description of
23 location). The vessel having been the subject of four
24 or more violations of anchoring limitations within 12
25 months, to wit: [court case number or citation number
26 of four or more previous violations within 12 months,
27 the dispositions and dates of disposition], the
28 vessel is declared to be a public nuisance. The vessel
29 owner or other interested party with legal standing
30 on the disposition of the vessel has 30 days from the
31 date of this notice to request an administrative

1 hearing regarding the determination that the vessel
2 is an Anchoring Limitation/Public Nuisance Vessel,
3 under Section 388.412, Ordinance Code. Failure to
4 request such hearing shall be deemed a waiver of the
5 right to such administrative hearing.

6 THIS VESSEL MUST BE REMOVED WITHIN 21 DAYS OTHERWISE
7 IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER
8 705, FLORIDA STATUTES, OR PURSUANT TO SECTION
9 388.412, ORDINANCE CODE, AND A CITATION MAY BE ISSUED.

10 The City may recover from the owner or other person
11 legally responsible for the vessel for all costs
12 incurred by the City to abate the violation, as
13 described in Section 388.103(1), Ordinance Code,
14 which may include costs to abate the violation, costs
15 to remediate or mitigate damage or threatened damage
16 to the environment caused by the violation, and the
17 costs of enforcement of Chapter 388, Part 4, Ordinance
18 Code.

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

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

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

29 (1) If, after the term of days required for posting,
30 publishing, or mailing notice of intent to remove and
31 dispose a vessel declared to be an Anchoring

1 Limitation/Public Nuisance Vessel, the owner, operator, or
2 other person legally responsible for the vessel has not
3 caused the vessel to be removed or shown reasonable cause
4 for failure to do so, the owner or other interested party
5 with legal standing on the disposition of the vessel has
6 not timely requested an administrative hearing on the
7 determination of the vessel as an Anchoring
8 Limitation/Public Nuisance Vessel, and if a citation has
9 been issued the term of days to contest a citation has
10 lapsed; or

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

16 (3) If, following a hearing pursuant to F.S. §
17 705.103(2)(a)2., a judge, magistrate, administrative law
18 judge, or hearing officer, or in the instance of an
19 administrative proceeding described in Section 388.310,
20 Ordinance Code, a Code Enforcement Officer named as a
21 presiding officer or the Environmental Protection Board,
22 has determined the vessel to be an Anchoring
23 Limitation/Public Nuisance Vessel and a final order has
24 been entered;

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

27
28
29 **Section 7. Creating Part 5 (Abandoned Vessels; Lost**
30 **Vessels), Chapter 388 (Boats and Waterways), Ordinance Code.** Part 5
31 (Abandoned Vessels; Lost Vessels), Chapter 388 (Boats and Waterways),

1 *Ordinance Code*, is hereby created to read as follows:

2 **CHAPTER 388 - BOATS AND WATERWAYS**

3 * * *

4 **PART 5. ABANDONED VESSELS; LOST VESSELS**

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

6 (a) Pursuant to F.S. § 327.60 (2023), as amended from time to
7 time, the Florida Legislature has expressly authorized local
8 governments to enact and enforce regulations to implement the
9 procedures for abandoned or lost property that allow the local law
10 enforcement agency to remove a vessel affixed to a public dock or
11 mooring within its jurisdiction that is abandoned or lost property
12 pursuant to F.S. § 705.103(1). Such regulation must require the local
13 law enforcement agency to post a written notice at least 24 hours
14 before removing the vessel.

15 (b) Abandoned vessels pose a significant threat to the
16 environment, human health, and navigational safety as an obstruction
17 to navigation through deterioration, physical damage to the
18 surrounding ecosystems, through the proliferation of marine debris,
19 or the threat of discharge of sewage, oil and/or hazardous substances
20 into the marine environment.

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

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

30 (e) Prohibitions on lost or abandoned vessels serve to promote
31 public health, safety and welfare by reducing or eliminating the

1 threats posed by lost vessels and abandoned vessels, through the
2 exercise of the authority granted to the City pursuant to Florida
3 Statutes Chapter 705.

4
5 **Sec. 388.502. - Definitions.**

6 For the purpose of this Part, the following terms, phrases,
7 words, abbreviations and their derivations shall have the meaning
8 given herein.

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

16 (1) The vessel identification numbers and other means of
17 identification have been removed so as to hinder or nullify
18 efforts to locate or identify the owner;

19 (2) Absence of a current license decal, registration or
20 inspection.

21 (3) Evidence that the vessel's registration certificate
22 is expired for 45 or more days and the registered owner no
23 longer resides at the address listed in the vessel
24 registration;

25 (4) Evidence that the last registered owner of record
26 disclaims ownership and the current owner's name or address
27 cannot be determined;

28 (5) The Department of Highway Safety and Motor Vehicles
29 or the appropriate agency in the state of registration, if
30 known, have no record of the vessel having ever been
31 registered and the owner's name or address cannot be

determined.

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

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

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

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

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

(9) Evidence that the vessel was involved in a collision or other incident during which it was physically damaged and has remained in the condition for in excess of 72 hours and no repair activity has taken place over a 72-hour period. This criterion does not apply to persons who abandon a vessel on the waters of the County solely as a result of a boating accident that is reported to law enforcement in accordance with F.S. § 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

1 make a bona fide attempt to recover the vessel,

- 2 i. For a vessel that has been abandoned as a result
3 of a boating accident or other sudden event
4 outside his or her control, within 7 days after
5 such accident or event; or
6 ii. Within 45 days after the hurricane has passed
7 over the state.

8 The term Abandoned Vessels as used in this Part is distinct from the
9 term Abandoned Property, as used in Chapter 670. Vessels described
10 in Section 388.311, (a), (b) or (c), or Section 388.411, (a) or (c),
11 or Section 388.411, may be designated as a Lost or Abandoned Vessel,
12 subject to Section 388.506.

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

19 (c) *Lost Vessel* means any unattended vessel anchored or moored
20 on the waters of the county, that does not have an identifiable owner
21 upon reasonable effort (to ascertain the name and address of the
22 owner and any lien holder, as described in Section 388.102) which is
23 in a substantially operable, functioning condition or which has an
24 apparent intrinsic value to the rightful owner. A vessel described
25 in Section 388.412(f), may be treated as a lost vessel.

26
27 **Sec. 388.503. - Prohibitions.**

28 (a) Notwithstanding Chapter 609, any person who willfully
29 abandons a vessel anchored, moored, or aground, on the waters of the
30 county, or allows a vessel to be anchored, moored, or aground, on the
31 waters of the county, shall be guilty of a violation of this part as

1 a Class C offense, as described in Section 609.109, Ordinance Code.
2 The penalty for a second violation within 3 years shall be twice the
3 amount of the first offender fine. The penalty for a third or
4 subsequent violation within 5 years shall be three times the amount
5 of the first offender fine. The penalty shall be in addition to
6 restitution for damage to the property of another and all costs
7 incurred by the City to abate the violation, as described in Section
8 388.103(1).

9 (b) It is unlawful for any person who finds any lost or
10 abandoned vessel on the waters of the county to appropriate the same
11 to his or her own use or to refuse to deliver the same when required
12 by law. Any person who unlawfully appropriates such lost or abandoned
13 vessel to his or her own use or refuses to deliver such property when
14 required commits theft, as defined in F.S. § 812.014, punishable as
15 provided by law.

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

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

25 (f) This section does not apply to persons who abandon a vessel
26 on the waters of the County solely as a result of a boating accident
27 that is reported to law enforcement in accordance with F.S. § 327.301,
28 or otherwise reported to law enforcement; a hurricane; or another
29 sudden event outside of his or her control if:

30 (1) The individual documents for law enforcement the
31 specific event that led to the vessel to become abandoned

1 on the waters of the county; and

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

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

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

10
11 **Sec. 388.504. - Reporting, Notice, and Procedure for Lost or Abandoned**
12 **Vessels.**

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

17 (b) Reporting lost or abandoned vessels. Whenever any person
18 finds any lost or abandoned vessel, such person may report the
19 description and location of the vessel to the **Manager of the Office**
20 **of Administrative Services** or to a law enforcement officer who shall
21 deliver a copy of the report to the **Manager of the Office**
22 **of Administrative Services**. The person taking the report shall
23 ascertain whether the person reporting the vessel wishes to make a
24 claim to it if the rightful owner cannot be identified or located.
25 If the person does wish to make such claim, he or she shall deposit
26 with the City a reasonable sum sufficient to cover the cost for
27 transportation, storage, and publication of notice. This sum shall
28 be reimbursed to the finder by the rightful owner should he or she
29 identify and reclaim the property.

30 (c) Required Notice.

31 (1) Whenever a law enforcement officer has reasonable cause

1 to believe that a vessel anchored, moored, or grounded, on
2 the waters of the county, reported as lost or abandoned,
3 is a Derelict Vessel, as described in Section 388.301, or an
4 At-Risk/Public Nuisance Vessel, as described in Section
5 388.301, the officer shall proceed under Part 3 of this
6 Chapter. If the reported as lost or abandoned qualifies as
7 an Anchoring Limitation/Public Nuisance Vessel, as
8 described in Section 388.412, the officer shall proceed
9 under Part 4 of this Chapter. However, any vessel described
10 in Section 388.311, (a), (b) or (c); Section 388.411, (a)
11 or (c); or Section 388.411, may be designated as a Lost or
12 Abandoned Vessel, subject to Section 388.506, regardless
13 of the vessel also qualifying as a Derelict Vessel, an At-
14 Risk/Public Nuisance Vessel, or an Anchoring
15 Limitation/Public Nuisance Vessel.

16 (2) 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 lost or abandoned vessel, the officer shall cause
20 notice of violation to be served as described in this
21 section. Notice of violation shall be in writing, shall
22 specify the violation alleged with reference to the
23 relevant ordinance, and shall direct that the vessel be
24 removed from the waters of the county within a reasonable
25 time, not less than 5 days otherwise a citation may be
26 issued to the owner, operator, or other person legally
27 responsible for the vessel. Notice shall include that a
28 person who has been issued a citation may request a hearing
29 in the county court to challenge a citation issued. Notice
30 shall include a conspicuous statement that if the owner or
31 other person legally responsible for the vessel has not

1 removed this vessel from the waters of the county within
2 the 5 days, it will be removed and disposed of pursuant to
3 Chapter 705, Florida Statutes or Chapter 388, Part 5,
4 *Ordinance Code*. The notice shall also inform that in
5 addition to fines and penalties, the owner, operator, or
6 other person legally responsible for the floating structure
7 may be liable for all costs incurred by the City to abate
8 the violation, as described in Section 388.103(1),
9 *Ordinance Code*, which may include costs to relocate,
10 remove, store, destroy or dispose of a vessel; costs to
11 remediate or mitigate damage or threatened damage to the
12 environment caused by the violation; costs to remediate or
13 mitigate litter or debris caused by the violation; and the
14 costs of enforcement of Chapter 388, Part 5, *Ordinance*
15 *Code*. Notice of violation posted upon such vessel, shall
16 be in substantially the following form:

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

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

10 (3) Whenever a law enforcement officer has reasonable cause
11 to believe that a vessel, reported as lost or abandoned,
12 is a lost or abandoned vessel and is anchored, moored, or
13 affixed to a public dock or public mooring, the officer
14 shall cause notice of violation to be served as described
15 in this section. Notice of violation shall be in writing,
16 shall specify the violation alleged with reference to the
17 relevant ordinance, and shall direct that the vessel be
18 removed from the waters of the county within a reasonable
19 time, not less than 48 hours otherwise a citation may be
20 issued to the owner, operator, or other person legally
21 responsible for the vessel. Notice shall include that a
22 person who has been issued a citation may request a hearing
23 in the county court to challenge a citation issued. Notice
24 shall include a conspicuous statement that if the owner or
25 other person legally responsible for the vessel has not
26 removed this vessel from the waters of the county within
27 48 hours, it will be removed and disposed of pursuant to
28 Chapter 705, Florida Statutes or Chapter 388, Part 5,
29 *Ordinance Code*. The notice shall also inform that in
30 addition to fines and penalties, the owner, operator, or
31 other person legally responsible for the floating structure

1 may be liable for all costs incurred by the City to abate
2 the violation, as described in Section 388.103(1),
3 *Ordinance Code*, 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 Chapter 388, Part 5, *Ordinance*
9 *Code*. Notice of violation posted upon such vessel, shall
10 be in substantially the following form:

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

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

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

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

1 the contents of the notice; or,

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

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

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

12 B. by publication in print in a newspaper or on a
13 publicly accessible website, as provided in F.S. §
14 50.0311, for 3 consecutive weeks. If published in
15 print, the notice shall be published once during each
16 week for 3 consecutive weeks (three publications
17 being sufficient) in a newspaper in the county, such
18 newspaper shall meet such requirements as are
19 prescribed under F.S. Chapter 50 for legal and
20 official advertisements.

21 (3) If the owner, operator, or other person legally
22 responsible for the vessel is known or ascertained by
23 reasonable effort, 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 (f) A copy of the notice shall be sent to the lien holder, if
27 any, by certified mail, return receipt requested, on the same day as
28 posting, mailing or publishing, or as soon as practicable thereafter.
29 Failure in notice to the lien holder, if any, does not invalidate an
30 otherwise validly issued citation.

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

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

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

12
13 **Sec. 388.505. - Citations, form and service.**

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

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

21 (1) The date and time of issuance.

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

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

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

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

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

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

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

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

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

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

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

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

1 for the vessel is known or ascertained by reasonable effort, service
2 of a citation shall be effectuated upon such person by:

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

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

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

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

26 (d) Within 5 days after issuing a citation, the issuing officer
27 shall deposit the original and one copy of the citation with the
28 County Court and shall transmit a copy of the citation to the **Manager**
29 **of the Office of Administrative Services.**

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

1 this Part.

2
3 **Sec. 388.506. - Disposition of Abandoned or Lost Vessels.**

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

25 (b) As to a vessel described in Section 388.411(c), or a vessel
26 described in Section 388.503, if the owner, operator, or other person
27 legally responsible for the vessel is not known or cannot be
28 ascertained upon reasonable effort, after notice of violation as
29 provided in Section 388.408 as to a Section 388.411(c) vessel, and
30 Section 388.504 as to a Section 388.503 vessel, and no person legally
31 responsible for the vessel has caused the vessel to be removed within

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

5 (c) As to a vessel described in Section 388.311(a) or Section
6 388.411(b), if the owner, operator, or other person legally
7 responsible for the vessel is known or ascertained by reasonable
8 effort, and the owner, operator, or other person legally responsible
9 for the vessel has disavowed responsibility for the vessel and no
10 other owner, operator, or other person legally responsible for the
11 vessel is known, the vessel may be designated as a Lost or Abandoned
12 Vessel, subject to subsection (f), below.

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

25 (e) As to a vessel described in Section 388.411(a), if a vessel
26 has been impounded and stored pursuant to Section 388.411(a) for over
27 30 days and either, no owner or other interested party with legal
28 standing on the disposition of the vessel has attempted to reclaim
29 the vessel within the term of days specified in the notice or the
30 owner or other interested party with legal standing on the disposition
31 of the vessel made claim to the vessel but failed to timely pay the

1 cost of towing, cost of impoundment and storage fees, the vessel may
2 be designated as a Lost or Abandoned Vessel, subject to subsection
3 (f), below.

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

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

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

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

adequate to permit the rightful owner of the property to claim it.

B. If the City elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. Notice of the 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 F.S. § 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

1 proceeds within 1 year from the date of the above stated deposit by
2 making application to the agency. If no rightful owner comes forward
3 with a claim to the property within the designated year, the balance of
4 the proceeds shall be deposited into the *Derelict and Abandoned Vessel*
5 *and Floating Structure Enforcement and Removal Trust Fund*, Section
6 111.787.

7 (i) The owner, operator, or other person legally responsible for
8 the vessel, who after notice of violation as provided in Section 388.504,
9 does not remove such vessel within the specified period or show
10 reasonable cause for failure to do so, is liable to the City for all
11 costs incurred by the City to abate the violation, as described in
12 Section 388.103(1), less any salvage value obtained by disposal of the
13 vessel. Upon final disposition of the vessel, the City shall notify the
14 owner, if known, of the amount owed. Notice shall be effectuated by the
15 methods described for notice of violation in this Part. If the rightful
16 owner does not pay such costs within 30 days of making claim to the
17 property, title to the property shall vest in the City. The City may
18 recover the costs as provided in Section 388.503(1).

19 (j) Employees of any state, county, or municipal agency shall be
20 deemed agents of such governmental entity, and lost or abandoned vessel
21 found by them during the course of their official duties shall be turned
22 in to the proper person or department designated to receive such property
23 by the governmental entity. Such property shall be subject to the
24 provisions of this Part, or F.S. Chapter 705, after which, if unclaimed
25 by the rightful owner, the title to such property shall be vested in the
26 City and not in the employee.

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

31 In addition to any penalty for violation of this part, a law

1 enforcement officer or representative of the law enforcement agency
2 or other governmental entity shall supply the Department of Highway
3 Safety and Motor Vehicles with the name of any person who has
4 neglected or refused to pay all costs of removal, storage,
5 destruction, or disposal of an abandoned vessel or lost vessel, after
6 having been provided written notice via certified mail that such
7 costs are owed, and the person shall not be entitled to be issued a
8 certificate of registration for such vessel, or any other vessel, or
9 motor vehicle, until such costs have been paid, as provided in F.S.
10 § 705.103(4).

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29 **Section 8. Amending Section 360.104 (Individual enjoyment**
30 **and responsibility), Part 1 (Public Policy; General Provisions),**
31 **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 amended to read as follows:

CHAPTER 360 ENVIRONMENTAL REGULATION

* * *

PART 1. PUBLIC POLICY; GENERAL PROVISIONS

* * *

Sec. 360.104. - Reserved. ~~Individual enjoyment and responsibility.~~

~~The Director shall be responsible for the administration of this Chapter and of Chapters 362 and 390 and the rules promulgated by the Board pursuant to these Chapters and shall make regular reports to the Board.~~

* * *

NOTE: Because of/ duplicate of/ inconsistent with:

Sec. 360.107. - Administration.

The Director shall be responsible for the administration of this Chapter and of Chapters 362, 368, 376, and 388, and for the rules promulgated by the Board pursuant to Chapters 362, 368, and 376, and shall make regular reports to the Board regarding Chapters 362, 368, and 376. The Director shall also make annual reports to the Waterways Commission, beginning with the Waterways Commission meeting held in June 2021, regarding the enforcement of floating structures, derelict vessels, and vessels at risk of becoming derelict.

(Ord. 84-674-684, § 1; Ord. 85-1295-690, § 1; Ord. 2020-589-E, § 4)

... AND THERE IS NO LONGER A Chapter 390.

Section 9. Creating Section 360.404.2 (Hearings on administrative declarations regarding Derelict Vessels, At-Risk/Public Nuisance Vessels, and Anchoring Limitation/Public

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

CHAPTER 360 ENVIRONMENTAL REGULATION

* * *

PART 4. ENFORCEMENT

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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 content of notice, applicable time periods, the 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 10. Creating Section 670.111 (Abandoned Vessels), Chapter 670 (Abandoned Property), Ordinance Code. Section 670.111 (Abandoned Vessels), Chapter 670 (Abandoned Property), Ordinance

Code, is hereby created to read as follows:

CHAPTER 670 ABANDONED PROPERTY

*** * ***

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

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

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

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

Section 11. Amending Section 28.802 (Trespass Procedures), Part 8 (Trespass in Public Parks; Violation and Appeal), Chapter 28 (Parks, Recreation and Community Services), Ordinance Code. Section

1 28.802 (Trespass Procedures), Part 8 (Trespass in Public Parks;
2 Violation and Appeal), Chapter 28 (Parks, Recreation and Community
3 Services), *Ordinance Code*, is hereby amended to read as follows:

4 **CHAPTER 28 PARKS, RECREATION AND COMMUNITY SERVICES**

5 * * *

6 **PART 8 TRESPASS IN PUBLIC PARKS; VIOLATION AND APPEAL**

7 * * *

8 **Sec. 28.802. - Trespass Procedures.**

9 (a) *Trespass for violation of Certain State Statutes.* If a
10 person is arrested based upon probable cause to believe that the
11 person has committed any of the offenses enumerated in F.S. Chs. 790
12 (Weapons and Firearms), 749 (Sexual Battery), 796(Prostitution), and
13 800 (Lewdness; Indecent Exposure) or any felony involving violence
14 within a City park, beach, dock, marina or other recreational area
15 or facility, the Jacksonville Sheriff's Office shall exclude that
16 person from all City parks, beaches, docks, marinas or other
17 recreational areas or facilities for a period of one year. If a person
18 is arrested based upon probable cause to believe that the person has
19 committed any of the offenses enumerated in F.S. Ch. 806 (Arson and
20 Criminal Mischief) within a City park, beach, dock, marina or other
21 recreational area or facility, the Jacksonville Sheriff's Office
22 shall exclude for a period of one year that person from the particular
23 City park, beach, dock, marina or other recreational area or facility
24 where the offense occurred. Upon arrest, every person excluded shall
25 be provided a notice of trespass after warning, in accordance with
26 this Part.

27 (b) *Trespass for violation of Park Rules, Jacksonville*
28 *Ordinance Code and ~~certain~~ State Statutes not listed above.* If a
29 person is cited for violation of Park Rules, Jacksonville Ordinance
30 Code or ~~and certain~~ State Statutes not listed above, the Jacksonville
31 Sheriff's Office may exclude for a period of one year that person

1 from the particular City park, beach, dock, marina or other
2 recreational area or facility where the offense occurred for a period
3 of one year. However, if a person is cited for two or more violations
4 within 30 days of the same Park Rule(s), Jacksonville Ordinance Code
5 or ~~certain~~ State Statutes ~~not listed above~~, in two or more City parks,
6 beaches, docks, marinas or other recreational areas or facilities,
7 the Jacksonville Sheriff's Office may exclude for a period of one
8 year that person from the all City parks, beaches, docks, marinas or
9 other recreational area or facility. Every person excluded shall be
10 provided a notice of trespass after warning in accordance with this
11 Part.

12 (c) The notice of trespass after warning shall be in writing
13 with a case number and a copy delivered to the excluded person. The
14 notice of trespass after warning shall specify the following:

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

18 (2) Information concerning the right to appeal the exclusion
19 to a hearing officer.
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29 **Section 12. Council exercising county powers.** Pursuant to
30 Section 4.102, *Ordinance Code*, the enactment of this Ordinance
31 shall be deemed to be the exercise of county powers.

1
2 **Section 13. Codification Instructions.** The Codifier and the
3 Office of General Counsel are authorized to make all chapter and
4 division "tables of contents" consistent with the changes set forth
5 herein. Such editorial changes and any other necessary to make the
6 *Ordinance Code* consistent with the intent of this legislation are
7 approved and directed herein, and changes to the *Ordinance Code* shall
8 be made forthwith and when inconsistencies are discovered.

9
10 **Section 14. Effective Date.** This Ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

13
14 Form Approved:

15 DRAFT

16 Office of General Counsel

17 Legislation Prepared By: Shannon MacGillis

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