



<b>PATROL</b>			<b>525.00</b>		
		<b>DERELICT VESSEL INVESTIGATIONS</b>			
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## PURPOSE

The purpose of this standard operating procedure is to establish a step-by step procedure that sworn officers shall follow when conducting an investigation into a derelict vessel.

## SCOPE

This procedure shall apply to all Punta Gorda Police Department personnel.

## DEFINITIONS

1. **At Risk:** Vessels in a neglected or deteriorating condition where any of the following conditions exist:
  - a. The vessel is taking on or has taken on water without an effective means to dewater.

- b. 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.
  - c. The vessel has broken loose or is in danger of breaking loose from its anchor.
  - d. The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk.
  - e. The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.
2. **Derelict Vessel:** Any vessel, including watercrafts, barges, and airboats that are left, stored or abandoned in wrecked or junked conditions, or in significant disrepair, on public waters or private property without the consent of the property owner that may pose a threat to the public or the environment.
  3. **Derelict Vessel Database:** A statewide database administered by the Florida Fish and Wildlife Commission that tracks and manages derelict vessel cases that are entered by government agencies in the state.
  4. **Junked:** Cast aside as if discarded, stripped of all valuable parts, no value and disposed of as if thrown away.
  5. **Substantially Dismantled:** The vessel's steerage, propulsion or hull must be inoperable or missing elements allowing the steerage, propulsion or hull to not function properly. Two out three (steerage, propulsion and hull integrity) must be missing to make the vessel substantially dismantled, or the vessel is sunken or partially sunken and can't extract itself without mechanical assistance.
  6. **Wrecked:** The vessel must be seriously damaged from a marine casualty and not functional under normal operations, grounded to the point of not being able to extract itself without mechanical assistance, sunken or partially sunken requiring mechanical assistance to extract the vessel.

## PROCEDURE

### I. DERELICT VESSELS

- A. It is unlawful for any person, firm or corporation to store, leave, or abandon any derelict vessel in this state.

1. Punta Gorda Police Department officers are authorized and empowered to remove or cause to be removed any abandoned or derelict vessels from public waters in any instance when the same obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment. Removal of vessels may be funded by grants provided in ss. 206.606 and 376.15.

**II. DERELICT VESSEL INVESTIGATIONS:** The following is the procedure that officers of the department shall follow when conducting an investigation into a derelict vessel.

A. The chain of command to follow when addressing derelict vessels is:

1. Operations Division Commander
2. Community Services Supervisor
3. Marine Officer

B. If a vessel is determined to be derelict and:

1. The owner or responsible party is present at the time of the derelict determination, the Marine Officer shall be required to complete steps 1-10 of sections III and IV and all necessary steps following the 21-day count to removal authorization; or
2. The owner or responsible party is not present at the time of the derelict determination, but can later be identified and the Marine Officer can meet with the owner or responsible party in person, the Marine Officer shall be required to complete steps 1-3 of section III, 4-10 of section IV, and 11-15 of section V, and all necessary steps following the 21-day count to removal authorization; or
3. The owner or responsible party is not present at the time of the derelict determination but can later be identified, but the Marine Officer can is unable to meet with the owner or responsible party in person, the Marine Officer shall be required to complete steps 1-3 of section III, and 11-22 of sections V and VI and all necessary steps following the 21-day count to removal authorization; or
4. The owner or responsible party cannot be located or identified at any time throughout the derelict vessel investigation, the Marine Officer shall be required to complete steps 1-3 of section III, 11-15 of section V, and 23-26 of section VII and all necessary steps following the 21-day count to removal authorization.

**III. PROCEDURAL STEPS**

1. The officer either observes a vessel that may be derelict and self-dispatches or is dispatched to respond to a report of a possible derelict vessel.

- a. The Marine Officer is required to proactively seek out and investigate vessels which may be derelict within their area of responsibility.
  - b. If an officer is dispatched to or observes a vessel that may be derelict, they shall complete a report and forward the case to the Marine Officer for investigation.
    - i. A status 8 report shall be completed by the Marine Officer and any information entered into the Derelict Vessel Database shall be attached to the report.
2. The Marine Officer shall conduct an assessment to determine the vessel's status. The vessel may be:
- a. Derelict: Marine Officer shall initiate a derelict vessel investigation. The Marine Officer's report must include a statement that the derelict vessel was found to meet one or more of the following elements:
    1. Wrecked;
    2. Junked; and/or
    3. Substantially Dismantled.
  - b. At Risk: Marine Officer issues a citation or warning under s. 327.4017, F.S.
    - 1) If a vessel is determined to be at risk a notification sticker may be placed on the hull or another visible location of the vessel.
  - c. Neither Derelict nor At Risk: Officer closes the inquiry as unfounded.
3. If the vessel is derelict, the Marine Officer shall take photographs of the vessel that show, in detail, the issues that make the vessel derelict. The Marine Officer shall not post the vessel with a Derelict Vessel Notice Sticker at this time. The Marine Officer shall properly identify the accurate location of the derelict vessel and record the location in the Derelict Vessel database.
- a. There is no grace period for removal; all vessel owners or responsible parties shall be informed that they are required to immediately remove the vessel from the public waters of the state or otherwise bring the vessel into compliance.
  - b. Once a determination is made that a vessel is derelict, the Marine Officer shall notify the Department of Highway Safety and Motor Vehicles in writing that a certificate of title may not be issued to any applicant for the vessel. The Marine Officer shall then enter a new narrative into the Derelict Vessel database

indicating the Department of Highway Safety and Motor Vehicles has been notified.

- c. The Marine Officer shall use the Derelict Vessel Title Hold or Release Request Form to notify the Department of Highway Safety and Motor Vehicles to place a hold on the issuance of a title. The form should be either emailed to [flhsmv.gov](mailto:flhsmv.gov) or faxed to (850)617-3946.

#### **IV. VESSEL IS DETERMINED DERELICT; OWNER RESPONSIBLE PARTY PRESENT**

The Marine Officer shall take the following steps if the owner or responsible party of the derelict vessel is present at the time of the derelict vessel determination.

4. The Marine Officer shall issue the owner or responsible party a citation for a violation of section 376.15(2), F.S. or section 823.11(2), F.S.
  - a. If circumstances do not warrant the immediate issuance of a citation, the officer shall document their findings and consult with the State Attorney's Office (SAO).
  - b. After consultation with the Assistant State Attorney (ASA), the Marine Officer shall document in a new narrative in the Derelict Vessel database the date of the discussion with the ASA, the specific ASA who was consulted, and the SAO decision regarding charging the derelict vessel owner or responsible party, as well as any other pertinent facts.
5. The Marine Officer shall, regardless of the issuance of a citation, prepare a Derelict Vessel Notification letter to be issued to the present owner or responsible party along with the Derelict Vessel Notification of Rights Packet. Unless a citation was issued, the Marine Officer shall require that the owner or responsible party sign the signature page of the Derelict Vessel Notification Rights Packet and shall keep the signature page and upload it into the Derelict Vessel database. If the owner or responsible party refuses to sign the signature page of the Derelict Vessel Notification Packet, the Marine Officer shall indicate such on that page and shall keep it and upload it into the Derelict Vessel Database. The remaining pages of the completed Derelict Vessel Notification of Rights Packet shall be given to the owner or responsible party.
6. The Marine Officer shall complete the Derelict Vessel Notice Sticker. Only after providing the owner or responsible party with the citation (if applicable), the completed Derelict Vessel Notification Letter, and the Derelict Vessel Notification of Rights Packet, the Marine Officer shall post the completed Derelict Vessel Notice Sticker on the derelict vessel.

7. The Marine Officer shall take photographs of the posted Derelict Vessel Notice Sticker to include a close-up posted on the vessel such that the text is legible and a second photograph clearly showing the Derelict Vessel Notice Sticker posted on the vessel such that the entirety of the vessel with the posted sticker is contained in one photograph. The Marine Officer shall upload these photographs to the Derelict Vessel database.
8. The Marine Officer shall attach/enter one representative photograph, and as many supporting photos as are necessary to document the reasons for the derelict determination into the Derelict Vessel database.
9. The Marine Officer shall create a new narrative in the Derelict Vessel database that details the following:
  - a. All specific, objective factors which were observed that provided the basis for determining the vessel to be derelict. These facts must be specific and clear and should match the details provided to the owner or responsible party in the Derelict Vessel Notification Letter. It is critical to be as clear and thorough in this explanation as possible.
  - b. That the Derelict Vessel Notification of Rights Packet was provided to the vessel owner or responsible party. The Marine Officer shall upload a copy of the signature page of the Packet.
  - c. That the Derelict Vessel Notice Sticker was posted on the vessel after providing the owner or responsible party with the citation (if applicable), the completed Derelict Vessel Notification Letter, and the Derelict Vessel Notification of Rights Packet.
  - d. That the required photographs were taken. He/she shall add them to the Derelict Vessel database.
10. The Marine Officer shall begin the 21-day count to removal authorization (see below) on the same day and shall document the date the 21 days will expire in a new narrative in the Derelict Vessel database. The Marine Officer shall notify the City Attorney's Office that the Derelict Vessel Notification of Rights Packet was provided to the vessel owner or responsible party and that the Notice Sticker was posted on the vessel.

**V. OWNER OR RESPONSIBLE PARTY IS NOT PRESENT AT THE TIME OF DETERMINATION:**

11. The Marine Officer shall search the vessel thoroughly for registration, documentation, hull identification and engine serial numbers if visible and any identifying markings that may help to identify the vessel's owner or responsible

party. The Marine Officer shall not, without a warrant, open any closed or locked compartments or containers.

12. The Marine Officer shall create a new narrative within the Derelict Vessel database that contains all specific, objective factors which were observed that provided the basis for determining the vessel to be derelict. It is critical to be as clear and thorough in this explanation as possible.
13. The Marine Officer shall attach/enter one representative photograph, and as many supporting photographs as are necessary to document all specific, objective factors which were observed that provided the basis for determining the vessel to be derelict.
14. The Marine Officer shall take steps to try to ascertain the owner or responsible party of the vessel. The officer shall, at a minimum, conduct a thorough canvassing of the area, check with local police departments and Sheriff's offices, and thoroughly search for title and registration on any identified registration, documentation, hull identification or engine serial numbers.

Resources the Marine Officer may use to further seek the responsible party include, but are not limited to:

- a. FCIC and NCIC
  - b. National Insurance Crime Bureau (NICB.org)
  - c. Google searches
  - d. 411.com
  - e. Checks with local police departments and Sheriff's offices
  - f. LInX, ArrestNet, and other similar databases
  - g. Physically going to and checking addresses
  - h. Speaking with nearby boaters and officers of the maritime community
  - i. Calling associated phone numbers
  - j. Checking with the U.S. Coast Guard regarding documented vessels
15. The Marine Officer shall create a new narrative in the Derelict Vessel database case file that describes in detail all efforts taken to locate the vessel owner or responsible party. This narrative should include the dates each action was taken as well as whether an owner or responsible party was located.

## VI. OWNER OR RESPONSIBLE PARTY IDENTIFIED AFTER DILIGENT SEARCH AND INQUIRY

If an owner or responsible party is identified, and the Marine Officer is able to meet with the owner or responsible party in person, the Marine Officer shall complete all of steps 4-10 that have not previously been completed. If the Marine Officer is unable to meet with the owner or responsible party in person, the officer shall complete the following steps:

16. The Marine Officer shall consult with the Assistant State Attorney for a violation of section 376.15(2), F.S. or section 823.11(2), F.S.
17. The Marine Officer shall prepare a Derelict Vessel Notification Letter and a Derelict Vessel Notification of Rights Packet to be issued to the owner or responsible party. The facts used to document the reasons the vessel was determined to be derelict must include all specific, objective factors which were observed that provided the basis for determining the vessel to be derelict. It is critical to be as clear and thorough in this explanation as possible. The Marine Officer shall remove the signature page of the Derelict Vessel Notification Packet and note on it that the owner or responsible party was not present.
18. The Marine Officer shall mail the Derelict Vessel Notification Letter and the Derelict Vessel Notification of Rights Packet to the identified owner or responsible party via certified mail with restricted delivery (to the identified owner or responsible party only) with signature confirmation. The officer shall note on the signature page of the Derelict Vessel Rights Notification Packet the date the documents were mailed to the owner or responsible party. The officer shall keep and upload this page into the Derelict Vessel database.
19. Only after mailing the owner or responsible party the Derelict Vessel Notification Letter and the Derelict Vessel Notification of Rights Packet, the Marine Officer shall post the completed Derelict Vessel Notice Sticker on the derelict vessel.
20. The Marine Officer shall take photographs of the posted Derelict Vessel Notice Sticker to include a close-up posted on the vessel such that the text is legible and a second photo clearly showing the Derelict Vessel Notice Sticker posted on the vessel such that the entirety of the vessel with the posted sticker is contained in one photograph. The Marine Officer shall upload these photographs to the Derelict Vessel database.
21. The Marine Officer shall create a new narrative in the Derelict Vessel database that details the following:
  - a. All specific, objective factors which were observed that provided the basis for determining the vessel to be derelict. These facts must be specific and clear and



should match the details provided to the owner or responsible party in the Derelict Vessel Notification Letter. It is critical to be as clear and thorough in this explanation as possible.

- b. That the Derelict Vessel Notification Letter and the Derelict Vessel Notification of Rights Packet were provided to the vessel owner or responsible party by mail as required. The Marine Officer shall upload a copy of the top page of the Packet together with a copy of the completed Derelict Vessel Notification Letter mailed to the owner or responsible party.
  - c. That the Marine Officer consulted with the Assistant State Attorney for a violation of section 376.15(2), F.S. or section 823.11(2), F.S. The Marine Officer shall document in a new narrative in the Derelict Vessel database the date of the discussion with the ASA, the specific ASA who was consulted, and the ASA's decision regarding charging the derelict vessel owner or responsible party, as well as any other pertinent facts.
  - d. That the photographs required above were taken. He/she shall add them to the Derelict Vessel database.
22. The Marine Officer shall begin the 21-day count to removal authorization (see below) on the day that the certified mail is delivered or the day the Derelict Vessel Notice Sticker is posted on the vessel, whichever occurs later.
- a. The officer shall upload the proof of delivery of certified mail to the Derelict Vessel database. If delivery has not been accomplished within 20 days after mailing the documents via certified mail as required, the Marine Officer shall begin the 21-day count to removal authorization after the 20 days, provided the Derelict Vessel Notice Sticker has been posted on the vessel. The Marine Officer shall document the date the 21 days will expire in a new narrative in the Derelict Vessel database. Certified mail that is returned undeliverable or when delivery is refused shall be deemed as delivered for purposes of this paragraph and will begin the 21-day count to removal authorization if the vessel has been posted with the Derelict Vessel Notice Sticker.

## **VII. NO OWNER OR RESPONSIBLE PARTY IDENTIFIED DESPITE SEARCH AND INQUIRY**

23. If after a diligent search and inquiry, an owner or responsible party cannot be identified or contacted, the Marine Officer shall complete and post the completed Derelict Vessel Notice Sticker on the derelict vessel. The Marine Officer shall document in a new narrative in the Derelict Vessel database all efforts that were taken to identify an owner or responsible party.

24. The Marine Officer shall take photographs of the posted Derelict Vessel Notice Sticker to include a close-up posted on the vessel such that the text is legible and a second photograph clearly showing the Derelict Vessel Notice Sticker posted on the vessel such that the entirety of the vessel with the posted sticker is contained in one photograph. The Marine Officer shall upload these photographs to the Derelict Vessel database.
25. The Marine Officer shall create a new narrative in the Derelict Vessel database that details that a copy of the Derelict Vessel Notice Sticker was posted on the vessel.
26. The Marine Officer shall begin the 21-day count to removal authorization (see below) on the day that the Derelict Vessel Notice Sticker was posted on the vessel. The Marine Officer shall document the date the 21 days will expire in a new narrative in the Derelict Vessel database.

### VIII. 21-DAY COUNT TO REMOVAL AUTHORIZATION

Marine Officers shall have 90 days to complete all the preceding steps necessary in the investigation. In the event the Marine Officer is unable to complete this portion of the derelict vessel investigation within 90 days, they may request an additional 90-day extension from the Operations Commander for good cause shown.

At any point once the 21-day count to removal authorization has begun an owner or responsible party may request an administrative hearing from the City Attorney's office. All officers shall be responsible for completing step #27.

27. At the end of the 21-day count to removal authorization, the Marine Officer shall check the Derelict Vessel database to determine whether an administrative hearing was requested by the owner or responsible party of the derelict vessel. If a hearing has been requested by the owner or responsible party, the City Attorney's Office will have made a new narrative entry into the Derelict Vessel database that says, "Administrative Hearing Requested."

If a derelict vessel owner or responsible party did not request an administrative hearing (the Derelict Vessel database does not contain an entry from the City Attorney's Office that states "Administrative Hearing Requested") the Marine Officer shall proceed to step number 30 and shall complete the remaining steps.

If a derelict vessel owner or responsible party requested an administrative hearing (the Derelict Vessel database contains an entry from the City Attorney's Office that states "Administrative Hearing Requested") the Marine Officer shall complete steps 28 and 29.

28. If the derelict vessel database contains an entry that says "Administrative Hearing Requested" the City Attorney's Office will update the Marine Officer, as well the

Community Services Supervisor and Operations Division Commander of the date, time, and location of the scheduled hearing once it is scheduled via email, and will enter this information into the derelict vessel database as an entry that says “Adm. Hearing Scheduled: Date, Time, and Location of Hearing.” The Marine Officer shall participate fully in the administrative hearing and in all preparation necessary as requested by the City Attorney’s Office.

29. Following the conclusion of the administrative hearing, the City Attorney’s Office will provide the Marine Officer with a copy of the hearing officer’s findings and will upload a copy of the findings to the Derelict Vessel database. If the hearing officer finds that the vessel is not derelict, the Marine Officer shall send a request to the marine officer that the case be closed without the derelict vessel’s removal. The marine officer shall close out the case without removal within 7 days. If any material facts regarding the vessel’s derelict condition change, any sworn officer may initiate a new derelict vessel investigation.
  - a. Once the determination is made that a vessel is not derelict, the Marine Officer shall notify the Department of Highway Safety and Motor Vehicles in writing that any prior suspensions on the issuance of a title for the vessel may be lifted.
  - b. The Marine Officer shall use the Derelict Vessel Title Hold or Release Request Form to notify the Department of Highway Safety and Motor Vehicles to lift the hold on the issuance of a title. The form shall be either emailed to [flhsmv.gov](mailto:flhsmv.gov) or faxed to (850)617-3946.
30. If the hearing officer found the vessel to be derelict, or if no administrative hearing is requested, the Marine Officer shall notate such in a new narrative in the Derelict Vessel Database and shall send the completed Derelict Vessel database case file to the Community Services Supervisor to request final approval for removal of the derelict vessel. The Marine Officer will then proceed with the following steps:
  - a. The Community Services Supervisor shall review the derelict vessel report within 7 days. The Community Services Supervisor shall be responsible for ensuring:
    - i. Sufficient narrative and photographic evidence exist to prove the vessel is derelict. They shall specifically ensure that one representative photograph is present as well as all supporting photographs as may be necessary to thoroughly document the derelict nature of the vessel and that the required photos of the Derelict Vessel Notice Sticker are included in the Derelict Vessel database case file;
    - ii. All of the following documents, as necessary, have been properly documented and utilized: the Derelict Vessel Notification Letter; the Derelict Vessel Notification of Rights Packet, proof of certified mail with restricted delivery (to the identified owner or responsible party only) with signature

confirmation, the Derelict Vessel Notice Sticker), the final disposition of the administrative hearing (if any), and the criminal citation, unless this requirement was waived, in which case a narrative explaining the decision by the ASA must be included.

- iii. That the Marine Officer has validated the location of the vessel on the Derelict Vessel Map within the Derelict Vessel database.
  - b. If the Community Services Supervisor is satisfied that the case file in the Derelict Vessel database is complete and thorough, they shall forward the request for the removal of the derelict vessel to the Operations Division Commander. If they are not satisfied that the case file is complete and thorough, they shall return the case file to the Marine Officer so that the case can be more thoroughly documented and/or investigated.
  - c. The Operations Division Commander shall be responsible in all cases for approving the removal of a derelict vessel. They shall review all cases provided by the Community Services Supervisor within 7 days of receipt. If they are satisfied that the case file is complete and thorough, and that removal is appropriate and lawful, they shall approve removal. If they are not satisfied that the case file is complete or thorough, they shall return the case file to the Marine Officer to be more thoroughly documented or investigated. If they are not satisfied that removal is appropriate or lawful, he shall deny removal.
  - d. If a case file is returned to the Marine Officer to be more thoroughly documented or investigated, the officer shall take steps to update the case file within 14 days, or as directed, and shall resubmit the case file to the Community Services Supervisor. If the Operations Division Commander approves final removal, the Marine Officer shall proceed with the following steps.
  - e. If the Operations Division Commander approves final removal of a derelict vessel, the Marine Officer shall complete and send the completed Derelict Vessel Removal Authorization Letter to the appropriate county and/or municipality authority in whose waters the derelict vessel is located.
31. In the event the derelict vessel is scheduled to be removed from the waters of the State, the Marine Officer shall work with the county/municipality and the contractor performing the removal to ensure the vessel is removed in its entirety. The Marine Officer, or another sworn officer assigned by the Community Services Supervisor, shall visually verify the complete removal of the vessel. The Marine Officer shall enter a new narrative into the Derelict Vessel database within 7 days of the derelict vessel removal stating that the entirety of the vessel was removed, who made the visual verification, and on what date the verification was made. The Marine Officer shall complete the Removal Process Page of the Derelict Vessel Database. The Marine Officer or designee will be present when the vessel is being removed by the contracted company and will take pictures of the removal. A photo with the Florida

identification number is needed if available. If it is not feasible to have an officer present, then arrangements will be made with the contracted company to take pictures and be sent to the Marine Officer to be entered into the Derelict Vessel Database.

- a. Following visual verification of the removal of the derelict vessel, the Marine Officer shall notify the Department of Highway Safety and Motor Vehicles that the title and registration for the vessel may be cancelled.
- b. Following the removal of a derelict vessel from the public waters of the State by a governmental agency or their contractor, the Marine Officer shall complete and send the Derelict Vessel Repayment Demand Letter to the owner or responsible party. They shall upload a copy of this letter to the case file in the Derelict Vessel database and provide a new narrative that explains that the demand was sent.
- c. No sooner than thirty days after the Derelict Vessel Repayment Demand Letter is sent, if repayment is not made, the marine officer shall create a new narrative in the Derelict Vessel database that the owner or responsible party has not repaid the cost of removal and shall notify the Department of Highway Safety and Motor Vehicles to suspend all future registrations of vessels or vehicles by the owner or responsible party.
- d. If at any time the Marine Officer becomes aware that the owner or responsible party has made repayment of the derelict vessel removal costs, he or she shall enter a new narrative indicating that repayment was made. If the Derelict Vessel database case file was closed, the officer shall reopen the case file and add the new narrative. The officer shall then contact the Department of Highway Safety and Motor Vehicles to request that the suspension of the owner or responsible party's registrations be lifted.
- e. After removing the derelict vessel, sending the Derelict Vessel Repayment Demand Letter or failure to repay by the owner or responsible party, the Marine Officer shall request the Operations Division Commander to close the Derelict Vessel database case file. The Operations Division Commander shall review the request to close the Derelict Vessel database case file within 7 days of receipt from the Marine Officer. The Operations Division Commander shall review the case file to ensure all necessary documentation (as detailed in this Standard Operating Procedure) is provided in the case file and shall close the Derelict Vessel database case file as requested by the Marine Officer.

## **IX. ADDITIONAL INFORMATION**

- A. Derelict Vessel database case files shall remain open until:

1. The case is closed without the vessels' removal by the Operations Division Commander;
  2. The owner or responsible party has brought the vessel into compliance and the vessel is no longer derelict; or
  3. All the following have occurred:
    - a. The derelict vessel is removed from the waters of the State;
    - b. The repayment demand letter has been sent (if not removed by the owner or responsible party)
    - c. If necessary, repayment has either been made or the Boating and Waterways Section has notified the Department of Highway Safety and Motor Vehicles to suspend all future vehicle and vessel registrations; and
    - d. All criminal charges have been prosecuted or otherwise disposed of and all appeals have been exhausted.
  4. Once the necessary steps above have been completed and documented in the Derelict Vessel database, the Marine Officer may request, and the Operations Division Commander shall close the case file.
- B. All Derelict Vessel database case files must remain current regardless of the status of the investigation. If final removal of a derelict vessel has been approved, but the vessel has not yet been removed, the Marine Officer shall continue to update the file with a new narrative no less than every 120 days with, at a minimum, the current accurate location of the vessel. A current representative photograph is also required if the vessel condition or location has changed. If a new narrative is not provided in the Derelict Vessel database case file at least once every 120 days, the case file will become delinquent, and the Marine Officer may be subject to disciplinary action.
- C. Each new narrative entry into the Derelict Vessel database case file must be entered as a new narrative and shall not be included as a continuing entry added to previous narratives. Continuing within an already existing narrative will not update the case file.
- D. In the event that the Marine Officer is unable to complete a derelict vessel investigation, the Community Services Supervisor will ensure that the case is reassigned and that it is noted in the Derelict Vessel Database.
- E. In investigations where a derelict vessel owner or responsible party cannot be located despite a diligent search and inquiry and for which it is impossible to post the Derelict Vessel Notice Sticker, the Marine Officer may request approval from the Community Services Supervisor and Operations Division Commander for removal of the vessel without further delay. The Community Services Supervisor shall ensure that diligent

efforts were taken to identify a lawful owner or responsible party and that these efforts were thoroughly documented before forwarding the removal request to the Operations Division Commander.

- F. Throughout a derelict vessel investigation, the Marine Officer shall thoroughly document each derelict vessel with a series of evidentiary photographs. These photographs shall include:
1. A close-up of the Derelict Vessel Notice Sticker posted on the vessel such that the text is legible;
  2. A photograph clearly showing the Derelict Vessel Notice Sticker posted on the vessel such that the entirety of the vessel with the posted sticker is contained in one photograph;
  3. One representative photograph, and as many supporting photos as are necessary to document the reasons for the derelict determination. This documentation shall include exterior and/or interior photographs which demonstrate that the boat is wrecked, junked or substantially dismantled;
  4. General photographs of the vessel and surroundings to document the vessel's location; and
  5. If accessible, photographs of identifying markings such as registration, documentation, hull identification and engine serial numbers and any other identifying markings that may help to identify the vessel's owner or responsible party.
  6. The Marine Officer shall not, without a warrant, open any closed or locked compartments or containers.
  7. The Marine Officer shall upload all photographs into the Derelict Vessel database as .jpeg image files prior to the end of the shift in which they were taken unless he or she receives approval to upload the photographs at another time by the Community Services Supervisor.
- G. If at any time the City Attorney's Office notifies the Marine Officer via the Derelict Vessel database or otherwise that an administrative hearing has been requested by the derelict vessel owner or responsible party, the Marine Officer shall take no steps to remove the derelict vessel or to document that the vessel is ready for removal.
- H. At any point throughout a derelict vessel investigation, if the vessel is deemed to be a hazard to navigation or threatens to be an environmental hazard, the Marine Officer shall notify, either directly or through the Communications Center, the U.S. Coast Guard / National Response Center ([See Appendix Section V \(I\)\(1\)](#)).

- I. The Marine Officer shall report, either directly or through the Communications Center, all fuel discharges to the U.S. Coast Guard / National Response Center ([See Appendix Section V \(D\)\(1\)](#)). The Marine Officer shall document the confirmation number provided by the National Response Center in the Derelict Vessel database with a new narrative.
  
- J. Where a vessel is deemed to constitute a navigational hazard or a hazard to public safety or is determined to interfere with another vessel or where a derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons, the City may immediately remove or relocate but not destroy the vessel, or may authorize the immediate removal or relocation, but not destruction of the vessel, pursuant to sections 327.44, 327.70, 376.15, and 823.11, Florida Statutes. Any decision to remove or relocate a vessel under these circumstances shall be done in strict compliance with these statutes, and only with the Operations Division Commanders approval.
  
- K. If at any point during a derelict vessel investigation the vessel is brought into compliance or is otherwise determined to not be derelict, the Marine Officer shall notify the Department of Highway Safety and Motor Vehicles in writing that any prior suspensions on the issuance of a title for the vessel may be lifted.

**APPROVED**



**PAMELA R. SMITH, CHIEF OF POLICE**

**STAFF REVIEW DATES:** 07-13-2021, 02-10-2023, 02-06-2025

**REVISION DATES:** 07-13-2021, 02-10-2023, 02-06-2025