

## 68-1.003(7)

~~(7) Derelict Vessel Removal Grant Program grants shall meet all requirements set forth in this section.~~

~~(a) In the event monies are appropriated by the Legislature for the funding of the Derelict Vessel Removal Grant Program for a given fiscal year, the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement (Division) shall award said grants to local governments based on these criteria.~~

~~1. The degree to which the designated derelict vessels pose a threat to public health or safety, the environment, navigation or the aesthetic condition of the general vicinity within the jurisdiction of the grant applicant.~~

~~2. The total number of derelict vessels within the jurisdiction of the grant applicant.~~

~~3. The degree to which the designated derelict vessels will be used in the construction of permitted artificial reef sites.~~

~~4. The projected cost effectiveness of the grant applicant's proposed derelict vessel removal program.~~

~~5. The degree of commitment of the grant applicant to maintain coastal waters free of derelict vessels and its record for seeking legal action against those owners who abandon vessels in the waters of the state.~~

~~6. The timeliness and completeness of the grant application received from the applicant.~~

~~(b) Only derelict vessels as defined in Section 823.11(1), F.S., shall be eligible for removal with grant funds. Derelict vessels to be removed with grant funds must be designated and marked by a law enforcement officer as specified in Section 327.70, F.S.~~

~~1. Such designation and marking shall be considered made when a written offense report, incident report, or similar report is submitted by a law enforcement officer, the notice as specified in Section 705.103(2), F.S. is affixed to the vessel, and the vessel is marked as derelict with the letters "DV," the two digit year, and law enforcement agency's offense, incident, case, report, or other identifying number. The marking of the vessel will be done in such a way that it can be easily identified by other boaters or a removal contractor. If the condition of the vessel makes it impossible to affix the required notice and display the "DV" number (example: the vessel is entirely submerged or completely broken up), the notice and "DV" number shall be displayed on a sign or buoy attached to the vessel.~~

~~2. A copy of the report must be submitted to the Fish and Wildlife Conservation Commission, Division of Law Enforcement at 620 South Meridian Street, Tallahassee, FL 32399. Photographs of the vessel displaying the completed sticker and the DV number as described above must be included in or attached to the report.~~

~~(c) Authorized disposal sites for derelict vessels shall be limited to permitted artificial reef sites and permitted landfill locations. Any exceptions must be approved in writing by the Division.~~

~~(d) In the event monies are appropriated by the Legislature for the funding of the Derelict Vessel Removal Grant Program for a given fiscal year, the Division shall announce the availability of funding in the Florida Administrative Register and on the Web at [http://myfwc.com/RECREATION/boat\\_index.htm](http://myfwc.com/RECREATION/boat_index.htm). A grant applicant shall provide a completed grant application to the Division no more than 60 days from the date the announcement is published. This application shall be submitted on the form FWC/DV APP (July 2008), entitled "Application for Derelict Vessel Removal Grant," July 2008, incorporated herein by reference, and may be obtained by contacting: the Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 S. Meridian Street, 1M, Tallahassee, Florida 32399 1600. No other form will be accepted.~~

~~(e) The Division shall within 30 days after the established submission closing date make the award of said grants pursuant to the criteria set forth in subsection (1) above. Said grants shall be awarded for the removal and disposal of all or part of the vessels designated on a given grant application. In the event the dollar amount of the awarded grant applications is less than the allocated funds or the Division determines that any or all of the submitted applications do not adequately meet the established award criteria, or any of the designated derelict vessels contained within an awarded grant are removed prior to their removal with grants funds, the Division shall solicit additional applications from potential applicants for the balance of the allocated funds not expended pursuant to the grant program.~~

~~(f) A grant recipient shall administer the removal and disposal of designated derelict vessels as an independent governmental authority and not as an agent or representative of the Commission. In the event the Division determines that one or more derelict vessels included in a grant constitutes an immediate hazard to navigation by obstructing or threatening to obstruct navigation or in any way constitutes an immediate danger to the environment or to the public~~

safety, the grant recipient or the Division will remove the vessel immediately pursuant to Section 823.11(3)(a), F.S. If the Division removes the vessel or vessels, the grant will be amended to reduce the grant amount by the amount expended by the Division for such removal, or terminated if the amount expended by the Division for such removal exceeds the amount of the grant

~~(g) No grant monies for the removal and disposal of a given derelict vessel shall be paid to the grant recipient until said vessel has been legally removed and such removal and disposal properly documented by the grant recipient. The grant recipient shall submit documentation for the removal and disposal of derelict vessels along with a request for reimbursement to the Division on a monthly basis. Only costs directly associated with the actual removal and disposal of a designated derelict vessel(s) including the removal of pollutants are eligible for reimbursement from the grant program.~~

~~(h) All grants made pursuant to this subsection shall be subject to pre-audit and post-audit by the Commission or its representative.~~

(7) Derelict Vessel Removal Program grants shall meet all requirements set forth in the Florida Fish and Wildlife Conservation Commission's (Commission) Derelict Vessel Removal Grant guidelines (June 2016), which are hereby incorporated by reference. The following form is hereby adopted and incorporated by reference: FWC: DV-APP (June 2016). The guidelines and forms are available at [Http://www.flrules.org/?](http://www.flrules.org/) and <http://www.flrules.org/?> or from the Commission at 620 South Meridian Street, 1M, Tallahassee, Florida 32399-1600.