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# FWC Derelict Vessel Removal Grant Program Guidelines

## June 2016

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## SECTION I – PROGRAM DESCRIPTION AND PURPOSE

### 1.1 Purpose

The Florida Fish and Wildlife Conservation Commission (FWC), pursuant to Sections 206.606 and 376.15, F.S., may establish a program to provide grants to local governments for reimbursement for the removal of derelict vessels from the public waters of the state. The program may be funded from a trust fund, general revenue, or by other means. The Commission shall adopt by rule 68-1.003(7), FAC, procedures for submitting a grant application and criteria for allocating available funds.

### 1.2 Source of Funds

In the event monies are appropriated by the Legislature, and/or if other funding is available for the funding of the Derelict Vessel Grant Program for a given fiscal year, the Commission shall announce the availability of funding in the *Florida Administrative Register* and on the web at: <http://www.MyFWC.com/DVGrant>.

Of the total funds available, the Commission may allot a percentage of available funds to both the Rapid Removal Grant Process and the Bulk Derelict Vessel Grant Process. Both grant opportunities will operate simultaneously during the funding cycle until the end of the fiscal year or until available funding is exhausted, whichever comes first.

## SECTION II – DEFINITIONS

### 2.1 Definitions

The following definitions are provided for further explanation of terms stated herein and shall have the meanings indicated which are applicable to both the singular and plural thereof:

**AGREEMENT:** Written document under which the awardee and Commission mutually agree to carry out respective responsibilities for a fixed period of time, which can be amended by mutual consent.

**AGREEMENT PERIOD:** Number of days or the dates stated in the agreement to complete the project.

**APPLICANT:** Eligible participant that submits an application for program funds to the Commission during an announced application submission period.

**APPLICATION:** A formal request for program funds by an Applicant on the form approved by the Commission and with required documentation.

**APPLICATION SUBMISSION PERIOD:** The formally announced period of time provided by the Commission for the submission of applications by eligible participants for program funds.

**AWARDEE:** An Applicant whose application has been selected and approved for a funding award and the party responsible for completing the project and reporting outcomes to the Commission.

**COMMISSION:** Florida Fish and Wildlife Conservation Commission

**BULK DERELICT VESSEL GRANT:** A grant process for Applicants with one or more vessels that are ready to be removed and can be grouped under one application. This allows for the removal of a greater number of derelict vessels than the rapid removal grant.

**DATABASE:** The Statewide At-Risk and Derelict Vessel Database

**DERELICT VESSEL:** “Derelict Vessel” 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 the consent of the owner.

**DVGP:** FWC Derelict Vessel Grant Program

**EVIDENCE OF COMPLETION:** Photographic images of removal and destruction entered into database, sworn statements of destruction by investigating officer, and completion of all database entries as required to include removal cost entry and copies of all invoices for removal and disposal.

**FIND:** Florida Inland Navigation District

**WCIND:** West Coast Inland Navigation District

**FWC:** The Florida Fish and Wildlife Conservation Commission

**PROGRAM ADMINISTRATOR:** The Commission’s staff member designated by the Director, Division of Law Enforcement (or designee), to manage the FWC Derelict Vessel Grant Program.

**PROGRAM FUNDS:** Funding available for the FWC Derelict Vessel Grant Program as appropriated by the Florida Legislature or any other available funding directed toward the program.

**PROJECT:** Those projects that are approved and funded by the state and are undertaken for the purpose of removing derelict vessels from the public waters of the state.

**PROJECT COMPLETION:** Submission by the awardee of all receipts, reports and images required, and FWC’s Derelict Vessel Database closeout, indicating that the project is completed in accordance with the Agreement.

**RAPID REMOVAL GRANT:** When a derelict vessel is in danger of imminent sinking, breaking apart or is a critical danger to public safety or the environment, it may be a candidate for the rapid removal grant. In this grant process, the applied for vessel will be individually examined and if vessel and Applicant eligibility criteria are met, an agreement with the Applicant shall be executed as soon as practicable as funding permits.

## **SECTION III – ELIGIBILITY**

### **3.1 Eligible Participants**

Eligible participants shall include state, county and municipal governments of the state of Florida, Florida water management districts and inland navigation special taxing districts. Non-Governmental Organizations (NGOs) will be required to operate under an agreement with a county or municipality. Grant funds under this program will not be directly awarded to NGOs.

### **3.2 Eligible Uses of Program Funds**

Derelict vessel removal grants are only to be used for the removal and disposal costs associated with derelict vessels as defined in section 328.11(1), F.S. Vessels tied to public or private docks will not be eligible for funding under this program unless they were: 1) declared derelict by law enforcement and entered into the derelict vessel database prior to being attached to a dock; and 2) where being tied to a dock was to prevent the derelict vessel from further drifting or sinking.

Applicant administrative costs will not be paid from grant funds; however, itemized and detailed administrative costs may be used as part of the Applicant's matching requirement. Derelict vessels without updated cases in the Statewide At-Risk and Derelict Vessel Database will be considered ineligible to receive removal funding from this program.

### **3.3 Ineligible Uses of Program Funds:**

Program funds will only be awarded for projects that are directly associated with the derelict vessel's removal. Costs listed below are some examples of those not eligible for reimbursement under this program:

- The salaries of any government agency personnel involved with the removal projects.
- Removal costs associated with any derelict vessels attached to, grounded upon, tied to, or docked at any private property.
- Costs not related to the actual removal and destruction of a derelict vessel.
- Costs for legal fees.
- The purchase of equipment of any kind.

### **3.4 Matching Fund Requirements:**

Under this grant program, all Applicants will be required to provide a 25% match. This match amount may be cash or a combination of cash and in-kind services. In-kind services may not exceed 10% of the total grant amount and must be supported by documentation of the in-kind services and hourly or contractual rates applied for those services.

#### **Cash Matching Funds: (Must be at least 15% of the total grant amount requested.)**

Applicants must provide at least 15% of the total grant amount in cash matching funds. The Commission encourages Applicants to provide the highest amount of cash matching funds possible to reduce the total amount of grant funds requested.

Cash matching funds may be in the form of the following:

- Consulting services paid for by the Applicant.
- Other expenditures paid by the Applicant directly related to the removal of the derelict vessels for which they have applied.
- Should the Florida Inland Navigation District or the West Coast Inland Navigation District choose to contribute to the removal funding at a 50% match, vessels located in their coverage area within the counties of Brevard, Broward, Duval, Flagler, Indian River, Martin, Miami-Dade, Nassau, Palm Beach, St. Johns, St. Lucie and Volusia and/or Charlotte, Lee, Manatee and Sarasota will not require matching funds directly from the grantee.
- Applicants are encouraged to seek other sources of funding from local, state or federal grants to help leverage the maximum amount of grant funds available.

#### **Non-Cash Funds (In-Kind Services)**

Non-cash matching funds include the cost of administrative/contract management, contractor/removal oversight management, labor, existing materials and equipment provided through in-house resources of the Applicant.

## **SECTION IV- GENERAL INSTRUCTIONS FOR ALL DERELICT VESSEL GRANT APPLICATIONS**

### **4.1 Submission Address**

Applications must be delivered on or before the last day of the announced submission period(s), no later than the close of business, to the following address:

Florida Fish and Wildlife Conservation Commission  
Division of Law Enforcement  
Boating and Waterways Section  
Attn: Derelict Vessel Removal Program  
620 South Meridian Street, Room 235  
Tallahassee, Florida 32399-1600

OR [DVGrant@MyFWC.com](mailto:DVGrant@MyFWC.com)

## **4.2 Application Form and Instructions**

Applicants must submit applications on the FWC's Derelict Vessel Program application form (FWC/DERELICT VESSEL-APP (April 2016)). The application form and instructions may be obtained from the FWC's Web site, <http://www.MyFWC.com/DVGrant>

Application instructions will include how to access the application, how to complete each section, and the correct format for submission in order for the application to be considered complete. The Applicant shall submit the application and all attachments either as paper copy (to include an electronic version saved to electronic media) or may email the application and all attachments to [DVGrant@MyFWC.com](mailto:DVGrant@MyFWC.com).

## **4.3 Cover Letter**

Applications are to be mailed with a cover letter addressed to the FWC Derelict Vessel Grant Program administrator requesting consideration of the project and the total amount requested.

## **4.4 Authorization to Apply**

Applications must include documentation of formal authorization by the appropriate Governing body that the project manager has the authority to apply for and administer the grant on behalf of the Applicant.

## **4.5 Application Number**

All grant applications will receive an application number assigned by FWC staff once received by FWC. Applicants will use this grant application number for all future correspondence regarding that application and/or project.

## **4.6 Incomplete Applications**

Applications must include, at a minimum, the required attachments as indicated in the application checklist (section VIII of the application package). Applications will be reviewed for completeness, eligibility with the policies and guidelines, and compliance with all applicable state statutes and rules. The Applicant will be notified by email if any portion is considered by the Commission to be incomplete or ineligible. The Applicant will be given an opportunity within ten (10) calendar days from receipt of the email to provide FWC with the necessary information or documentation. Failure to provide the requested information or documentation within this time period will result in the application being rejected.

## **4.7 Grant Awards Process**

Once grant applications are received, the vessels will be compared against the Statewide At-Risk and Derelict Vessel Database for accuracy and eligibility. Rapid Removal Grant requests will be processed as soon as practicable and Bulk Removal Grant applications will be adjusted to reflect the new allowable revised total grant maximum (see Section 5.2). The Applicant will be advised of the revised amount and shall submit an amendment to their application.

#### **4.8 Advanced Funds**

The Commission will not approve a request for any advance in program funds. The awardee must have the financial capability to process invoices and make timely payments to contractors, vendors or other similar payees prior to receiving program funds for reimbursement of project expenses.

#### **4.9 Pre-Award Costs**

Costs for environmental reviews or permitting required to begin a project are allowable as pre-award costs or pre-award cost share, **only** if the application clearly identifies the costs as occurring prior to the application being submitted, and a detailed explanation is provided as to why the costs were necessary prior to the application being submitted and awarded.

#### **4.10 Single Vessel Maximum**

Any single vessel may not exceed the single vessel grant maximum within the removal application for a single vessel or multiple vessels. The single vessel grant maximum will be specified within the FWC's grant opportunity announcement.

## **SECTION V- APPLICATION PROCESS FOR BULK DERELICT VESSEL REMOVAL GRANTS**

### **5.1 Project Type and Limit**

Unless conditions of eligibility currently exist that would qualify under the Rapid Removal Grant process, the Applicant will utilize the Bulk Derelict Vessel Grant process. The deadline for receipt of this application will be forty five (**45**) days after the grant opportunity announcement has been advertised.

Applicants may only submit one Bulk Derelict Vessel Grant application unless a subsequent grant opportunity is announced. If total statewide eligible removal requests are more than the amount allocated for the bulk grant process, only one Bulk Derelict Vessel Grant round will be used. If eligible request totals are less than the allocated amount, a second round of bulk derelict vessel grant applications may be announced or the balance may be shifted to the Rapid Removal Grant process. This decision will be made by FWC staff.

If the amount remaining is not enough to announce another statewide round of grant applications as decided by FWC staff, and the need in the Rapid Removal Grant program is minimal, the following process will be utilized in an expeditious manner to expend the remaining funds.

Those counties with six or more remaining vessels that were cut from their original grant request due to the Revised Allowable Total Grant Maximum adjustment may be selected to remove some or all of the remaining vessels. The Applicants will be notified in the order in which their applications were received by FWC. FWC will contact grantee to validate that the remaining vessels can still be removed for the same amount and are still awaiting removal. The FWC will then amend their agreements to allow for up to \$40,000 more per Applicant to be spent on the

additional removals. This process will continue until the funds have been exhausted or no more valid removals remain.

## 5.2 Applications

The Applicant will complete the general derelict vessel removal grant application and mark the checkbox for Bulk Derelict Vessel Grant. This grant opportunity is designed for the Applicant to remove as many derelict vessels within their jurisdiction as possible within a single coordinated project with up to a specified maximum removal amount. The Applicant will identify within their jurisdictional area those vessels which are derelict and prioritize those they wish to remove. These must be vessels as described in section 823.11(1)(b)1 or 2, F.S., that have had an investigation completed by a law enforcement officer who has also made all notifications as required by s.705.103(2), F.S.

If the application is accepted and the vessels on the application meet the eligibility requirements, they will be entered into the pool of all qualified derelict vessel projects statewide. Using the formula described below, the total amount of allocated funding available will be divided by the total dollars of eligible requests. This will provide the multiplier to calculate total individual Applicant awards. Each Applicant will then be notified within fifteen (15) days of their “Allowable Revised Total Grant Maximum” amount with which to work. The Applicant will then submit to FWC a revised removal list or amendment to their original application, scaled down to limit their chosen removals to be within the spending limit of the “Allowable Revised Total Grant Maximum.” The applicant will have fifteen (15) days to return this amendment to FWC by mail or by email. At this point, the award will be granted and the Applicant will be notified that they will receive a grant agreement within fifteen (15) days. The FWC will prepare and mail the grant agreement to the grant Applicant. The grant Applicant will review and sign the agreement and mail the executed agreement back to FWC within thirty (30) days. FWC will review the executed document and if approved, email the Applicant approval to begin their removal operations per the grant agreement.

Example:

If \$1,200,000 is allocated for the Bulk Grant, and the total amount of Bulk Grant requests from all Applicants is \$1,950,000, the formula would be  $\$1,200,000/\$1,950,000 = .615384$ . If an Applicant’s request is \$175,000 the formula would be  $\$175,000 \times .615384 =$  their Revised Allowable Total Grant Maximum of \$107,692.20

Counties with only one eligible vessel to be removed will be allowed to remove the vessel up to the single vessel grant maximum even if the revised allowable total grant maximum does not provide for funding the entire amount.

Once the removal project is complete, the Applicant will complete the project closeout as instructed by these guidelines and mail it to FWC. The FWC Derelict Vessel Program staff will review the closeout documentation and if complete, process the reimbursement payment to the Applicant as described in the grant agreement at the earliest practicable time. The Applicant’s failure to complete these steps in a timely manner with complete and accurate documentation may delay or jeopardize reimbursement to the Applicant.

## SECTION VI - APPLICATION PROCESS FOR RAPID REMOVAL DERELICT VESSEL GRANTS

### 6.1 Rapid Removal General Process and Criteria for Eligibility

This process is designed for those vessels that have an urgent need for immediate removal. In addition to meeting all of the requirements of the general removal grant criteria as found in section 3.2 above, the following will be required for a Rapid Removal Grant application. When a derelict vessel is in danger of imminent sinking, breaking apart or is a critical danger to public safety or the environment and can be verified by the investigating officer, it will be eligible for rapid removal.

The Applicant will complete the general derelict vessel removal grant application and mark the check box for Rapid Removal Derelict Vessel Grant. It is imperative that the Applicant articulate in their application the justification for elevation to the Rapid Removal Program. The FWC program administrator and staff will review the application and, if the burden has been met to show just cause for rapid removal, the award will be issued as soon as practicable based on available funding. In this case, the FWC program staff will notify the Applicant by phone and email that the project has been awarded. FWC will initiate a purchase order to be issued to the awardee for the amount of the vessel removal. As soon as the removal and disposal are complete and the awardee has returned the required paperwork and evidence of removal and disposal, payment will be ordered and sent to the awardee at the earliest practicable time.

The FWC Derelict Vessel Removal Program will begin receiving and approving Rapid Removal Grant applications immediately after the announcement in the *Florida Administrative Register*. This will be an ongoing award process until the funding for the Rapid Removal Process allotment has been exhausted or until May 31 of the state fiscal year, whichever comes first. All evidence of deliverables must be completed and submitted to FWC no later than the end date as advertised.

The maximum award allowed for any single rapid removal project and the total amount allocated to rapid removal projects will be as specified in the opportunity announcement. Multiple vessels may be applied for under a single rapid removal grant application as long as they all meet the rapid removal criteria.

Criteria used to approve a vessel or vessels for removal under the rapid removal process are as follows:

1. The Applicant must meet the criteria of eligibility as specified in the guidelines section 3.1 above.
2. The application must specify in detail why the vessel is in danger of imminent sinking, breaking apart or is a critical danger to the public safety or the environment.

## 6.2 Rapid Removal Timeline:

Upon the announcement by FWC of the grant opportunity, Applicants may send in at any time their request for a rapid removal project on the approved application form. If the vessel is qualified and the Applicant is eligible, a purchase order will be requested by FWC staff for the project (funds permitting). Once a purchase order has been approved by FWC program staff, the awardee will be emailed permission to begin the work as soon as possible. FWC Derelict Vessel Program staff will update their website to show funded projects and remaining available funds at [www.MyFWC.com/DVgrant](http://www.MyFWC.com/DVgrant). Please check the website before submitting applications.

For the Rapid Removal process, a vessel may be immediately removed from the water with a determination from a law enforcement officer that the vessel is in imminent danger of sinking, breaking apart or is a critical danger to public safety or the environment. The vessel must be held in a safe or secure location where the officer can complete the derelict vessel investigation with appropriate notifications. Grantee will be responsible for storage once on land. After the law enforcement officer has completed the investigation, notifications, and the owner cannot or will not claim the vessel (if identifiable), the vessel may be destroyed. The officer is responsible for entering the vessel information into the database on/or before the day of removal. Eligibility for state funding will require an emailed approval by the FWC's Derelict Vessel Program administrator or staff prior to removal. Completion of derelict vessel determination, case investigation and database entries with law enforcement supervisor's approval are required before payment for removal is made.

## SECTION VII - GRANT AGREEMENT

### 7.1 Grant Agreement

Upon approval of a project for funding, the awardee and the Commission shall enter into a grant agreement. This grant agreement will describe the responsibilities of both parties, terms and conditions particular to each project, and incorporate applicable statutes, rules, and policies. Unless otherwise specified herein or in the Agreement, a project may not commence until the grant agreement is fully executed by all parties.

If it is necessary that the project begin before the Agreement is executed, the awardee must submit a request in writing that includes a detailed justification explaining why it was necessary. If approved, the Commission will include a provision in the Agreement authorizing pre-agreement costs. Costs for any portion of a project initiated or completed prior to the execution of the Agreement, **will not** be reimbursed unless specifically requested by the awardee and approved by the Commission. Pre-agreement costs for derelict vessel removal will be approved only when the vessel is in imminent danger of sinking or has become a critical threat to public safety as determined by the Commission's Division of Law Enforcement or Derelict Vessel Program staff. No other pre-agreement costs will be approved.

## **7.2 Execution of Agreement**

Upon receipt of the Agreement from the Commission, the awardee must sign the agreement and return it to the Commission prior to the commencement of work. Failure to execute the Agreement within thirty (30) days will render the grant null and void, unless the awardee requests an extension and provides a detailed justification.

# **VIII - COMPLIANCE REQUIREMENTS**

## **8.1 Statewide At-Risk and Derelict Vessel Database Requirement**

Every vessel listed in an application must be entered in the Statewide At-Risk and Derelict Vessel Database. The case must reflect an investigation by a sworn law enforcement officer determining the vessel to be derelict.

For bulk derelict vessel removals, the case file in the database must include well-articulated investigative notes from the officer supporting the determination of the vessel as derelict. The case file must also include uploaded images of the vessel and the associated conditions supporting the derelict determination. The case file must also show a close up of the derelict vessel sticker that was placed on the vessel and an image of the vessel with the sticker posted on it. There must also be a copy of the letter that was sent to the last known registered owner (if known) and a return receipt showing signed delivery or return. For database account and training, contact the FWC Boating and Waterways Derelict Vessel Administrator at (850) 488-5600.

## **8.2 State and Federal Laws, Authorized Disposal Sites, Manatee Protection Plan**

Projects must comply with all local, state and federal regulations, including the Manatee Protection Plan, obtain state or federal permits, if necessary, and follow all laws related to procurement for any labor, equipment, materials, facilities, construction and other services related to the project funded. Authorized disposal sites for derelict vessels shall be limited to permitted artificial reef sites, with pre-approval and permitting of reefing project, and /or a permitted landfill. The FWC requires that all work be done using best established management practices. Any exceptions must be pre-approved in writing by the Derelict Vessel Program staff.

## **8.3 Project Completion Requirement**

Failure to complete the project and make final payment request to the Commission within the stipulated period will result in grant termination and possible loss of program funds.

## **8.4 Timeline and Agreement Changes**

The awardee shall inform the FWC Derelict Vessel Program staff of any changes or time delays incurred with the project and provide at least sixty (60) days' notice prior to termination date of the project due date. If anything changes that would affect the agreement, the awardee must notify FWC immediately and request an amendment to their agreement.

## **8.5 Federal Law in Hiring Practices**

The awardee shall require that hiring of qualified project contractors and project staff that are paid for using state program funds is done without regard to race, creed, color, national origin, age, sex, or disability.

## **8.6 Project Execution Timeline**

Work shall begin within sixty (60) days of execution of the agreement, unless delay is of no fault of the awardee, or the agreement shall be cancelled.

## **8.7 Cost Overruns**

The awardee shall make every effort to avoid cost overruns on a project. If the total cost of the project exceeds the grant amount and match, the awardee shall assume liability for any additional cost.

## **8.8 Agreement Compliance Requirement**

A grant agreement will be terminated and program funds returned to the Commission for non-compliance with any of the terms of the agreement, the rule, or these guidelines, unless the non-compliance is rectified by the awardee.

## **8.9 Contingency Fees Prohibited**

Contingency fees are prohibited. Applicants must agree that they have not, or will not, pay or agree to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Applicant, any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award of a grant from this Program.

## **8.10 Employment Verification System**

A grant awardee shall enroll in and use the U.S. Department of Homeland Security's E-Verify Employment Eligibility Verification System (<http://www.uscis.gov/portal/site/uscis>) to verify the employment eligibility of all new employees hired by the awardee during the term of the grant agreement. Additionally the grant awardee, in any subcontracts for the performance of work or services pursuant to the grant's scope of work, shall include the requirement that the subcontractor use the E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.