

Consent Agenda Item 6
68-1.003 Non-Traditional Section 6, and State Wildlife Grants Document (joint rule
amendments by Boating and Waterways)
November 20-21, 2014

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Division of Habitat and Species Conservation and Division of Law Enforcement

RULE NO: 68-1.003 **RULE TITLE:** Florida Fish and Wildlife Conservation Commission Grants Program

PURPOSE AND EFFECT: The proposed amendment to 68-1.003 would add a new part to the rule to address Non-Traditional Section 6 grants programs, clarify and add detail to the Boating Safety and Education Grant Program Guidelines, and address minor changes to Guidelines and forms for the State Wildlife Grants Program and the Florida Boating Improvement Program.

SUMMARY: The Non-Traditional Section 6 grants are Federal Grants that provide flow-through funds from the U.S. Fish and Wildlife Service to non-federal entities. The Non-Traditional Section 6 grants to be included are Habitat Conservation Planning Grants, Habitat Conservation Plan Land Acquisition Grants, and Recovery Lands Acquisitions Grants programs. The proposed addition to the rule will allow FWC the ability to provide guidance to applicants and assure that project packages are complete and appropriately detailed in budget and scope prior to being submitted to the U.S. Fish and Wildlife Service. The intent is to standardize the application, tracking and reporting processes for these grant programs.

Proposed revisions to the Boating Safety and Education Grant Program Guidelines include eligible and ineligible uses of grant funds, eligible participants, the minimum grant award, the evaluation criteria, and the evaluation committee.

Proposed revisions to the Florida Boating Improvement Program Guidelines include project type categories and eligible uses of program funds; distribution of funds; evaluation criteria, compliance requirements regarding construction permits, and changes to the application form to clarify pre-award costs and cost share and the instructions for submitting attachments to the application.

The proposed amendment would also address revisions and reformatting to Florida's State Wildlife Grants Program Guidelines, Budget Form, and Application Form. These revisions would remove obsolete language and references, provide updated language and references, clarify changes to the grants program regarding targeted and general grant types, and include new requirements for complete proposals to address reporting needs for the federal Tracking and Reporting Actions for the Conservation of Species (TRACS) system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *The agency has determined that this rule will ___or will not X have an impact on small business. A SERC has ___ or has not X been prepared by the agency.*

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternatives must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution and Sections 206.606, 327.04, 327.47, and 379.106, F.S.

LAW IMPLEMENTED: : Art. IV, Sec. 9, Florida Constitution and Sections 206.606, 327.47, 328.72, and 379.106 F.S.

A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: No hearing will be held unless requested. If a hearing is requested, a date, time, and place will be

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announced at a later date.

PLACE: NA

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Boating Safety and Education Grant Program:

Captain Tom Shipp
Division of Law Enforcement
Florida Fish and Wildlife Conservation Commission
Bryant Building Headquarters
620 S. Meridian St.
Tallahassee, FL 32399
850-488-5600

Florida Boating Improvement Program:

Tim Woody
Division of Law Enforcement
Florida Fish and Wildlife Conservation Commission
Bryant Building Headquarters
620 S. Meridian St.
Tallahassee, FL 32399
850-488-5600

Non-traditional Section 6:

Tom Ostertag
Division of Habitat and Species Conservation
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399
850-488-3831

State Wildlife Grants Program:

Andrea Alden
Division of Habitat and Species Conservation
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399
850-488-3831

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program.
Subsections (1)-(7). No change.

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(8) Florida Boating Safety and Education Grant Program grants shall meet all additional program requirements set forth in the Boating Safety and Education Grant Program Guidelines (dated January 2015 ~~Jan. 2008~~), which are hereby incorporated by reference. The following form is hereby adopted and incorporated by reference: FWC/FBSEG, Florida Boating Safety and Education Grant Application, 07/08. The guidelines and form are available from the Commission at 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600 or www.myfwc.com/boating/grants/fbseg.htm.

(9) Florida Boating Improvement Program grants shall meet all additional program requirements set forth in the Florida Boating Improvement Program Guidelines (January 2015 ~~Mar. 2012~~), which are hereby incorporated by reference. The following forms are hereby adopted and incorporated by reference: FWC/FBIP-A, Florida Boating Improvement Program Grant Application for Recreational Channel Markers and Other Uniform Waterway Markers, 01/15 03/12; FWC/FBIP-B, Florida Boating Improvement Program Grant Application for Boating Access Facilities, 01/15 03/12; FWC/FBIP-C, Florida Boating Improvement Program Grant Application for Derelict Vessel Removal, 01/15 03/12; FWC/FBIP-D, Florida Boating Improvement Program Boater Education Grant Application, 01/15 03/12; FWC/FBIP-E, Florida Boating Improvement Program Grant Application for ~~Economic Initiatives~~ and Other Local Boating Related Projects, 01/15 03/12. The guidelines and forms are available at <https://www.flrules.org/Gateway/reference.asp?No=> and <https://www.flrules.org/Gateway/reference.asp?No=> or from the Commission at 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600.

Subsection (10). No change.

(11) Florida's State Wildlife Grants Program grants shall meet all additional program requirements set forth in Florida's State Wildlife Grants Program Guidelines (dated ~~February 2010, revised July 2011~~ November 2014), which are hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=>. The following forms are hereby adopted and incorporated by reference: FWC/SWG-1, entitled "Florida State Wildlife Grants Program Budget Form," ~~June 2008~~ November 2014, available at <https://www.flrules.org/Gateway/reference.asp?No=>, and FWC/SWG-2, entitled "Florida State Wildlife Grants Program Application Form," ~~June 2008~~ November 2014, available at <https://www.flrules.org/Gateway/reference.asp?No=>. The guidelines and forms are also available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Subsection (12). No change.

(13) Non-Traditional Section 6 Grants Program grants shall meet all additional program requirements set forth in Florida's Non-Traditional Section 6 Grants Program Guidelines (November 2014.) FWC/NTS6-1 which are hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=>. The following forms are hereby adopted and incorporated by reference: FWC/NTS6-2, entitled "Florida's Non-Traditional Section 6 Grants Program Application Form," dated November 2014 and available at <https://www.flrules.org/Gateway/reference.asp?No=>; FWC/NTS6-3 "Florida's Non-Traditional Section 6 Grants Program Task Schedule and Timeline," dated November 2014 and available at <https://www.flrules.org/Gateway/reference.asp?No=>; and FWC/NTS6-4 "Florida's Non-Traditional Section 6 Grants Program Budget Sheet," dated November 2014 and available at <https://www.flrules.org/Gateway/reference.asp?No=>. The guidelines and forms are also available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Rulemaking Authority 206.606, 327.04, 327.47, 379.106 FS. Law Implemented 206.606, 327.47, 328.72, 379.106 FS. History--New 4-4-04, Amended 3-15-05, Formerly 68A-2.015, Amended 5-22-07, 7-6-08, 1-18-09, 3-21-10, 6-30-10, 5-20-12, _____.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE

Boating Safety and Education Grant Program:
Captain Tom Shipp
Division of Law Enforcement

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Florida Boating Improvement Program:

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State Wildlife Grants Program:

Andrea Alden
Division of Habitat and Species Conservation
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399
850-488-3831

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Anticipated date of November 20-21, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: August 1, 2014

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Division of Habitat and Species Conservation and Division of Law Enforcement

RULE NO: 68-1.003 **RULE TITLE:** Florida Fish and Wildlife Conservation Commission Grants Program

The Non-Traditional Section 6 grants are Federal Grants that provide flow-through funds from the U.S. Fish and Wildlife Service to non-federal entities for conservation of listed species and at-risk species. A recent assessment found a lack of consistency in applications for federal non-traditional Section 6 funds and identified multiple ways in which the program could be improved to ensure that Florida is submitting highly competitive proposals for these federal funds. To improve the efficiency of administering the Non-Traditional Section 6 grants program, we are proposing an amendment to 68 – 1.003 that would provide for the addition of a section 13. Section 13 would establish the Non-Traditional Section 6 grants program and provide for documents that would guide consistent and more competitive applications.

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An assessment of the Boating Safety and Education Grant Program found sections that would benefit from guideline and evaluation changes. The proposed changes clarify the guidelines and simplify the evaluation criteria to ensure a more streamlined process. With the updated language and removal of obsolete language the grants will be more widely available, in smaller amounts, while still having regional or statewide impacts.

The Florida Boating Improvement Program is a state financial assistance program that provides funding through competitive grants to local governments for boating access and boating-related projects. Based on questions from applicants during the previous grant cycles, the proposed rule simplifies the project type categories and eligible uses of program funds. Also, during previous grant cycles, several applications that scored above the minimum required score could not be funded for construction because they did not have permits by the required deadline. The proposed rule provides applicants with additional time to obtain construction permits.

Florida's State Wildlife Grants are Federal Grants that provide flow-through funds from the U.S. Fish and Wildlife Service to non-federal entities. A recent assessment of program documents referenced in Section 11 of 68 – 1.003 found that clarifications needed to be made to the State Wildlife Grants Program Guidelines, and that the State Wildlife Grants Program Budget Form and Application Form could benefit from insertion of updated language and removal of obsolete language. To address these findings, we are proposing an amendment to 68- 1.003 that would reference revised program documents under Section 11.

Several of these grant programs administer federal funds and these proposed amendments to 68-1.003 are consistent with all applicable federal regulations.