

**Final Rule**  
**Changes to 68-1.003, FAC**  
**Florida Boating Improvement Program**  
**Consent Agenda Item (3)(b)**  
**December 9, 2009**

**NOTICE OF PROPOSED RULEMAKING**  
**FISH AND WILDLIFE CONSERVATION COMMISSION**  
**DIVISION: Law Enforcement**

**RULE NUMBER:** 68-1.003  
**RULE TITLE:** Florida Fish and Wildlife Commission Grants Program

**PURPOSE AND EFFECT:** The purposes of this rulemaking are to remove an obsolete form, to decrease the length of time that funds are encumbered but cannot be used while grantees apply for permits, and add requirements for federal funding. The effects of the proposed rule amendments are: to delete a form that is presently required of applicants for the Derelict Vessel Removal Grant Program, to require applicants to be fully permitted before grants are awarded for construction under the Florida Boating Improvement Grant Program, and conform this grant program to federal requirements when federal funding is used.

**SUMMARY:** The Derelict Vessel Removal Grant Program requires a form to be submitted from the Fish and Wildlife Conservation Commission, Division of Law Enforcement. Because all law enforcement officers can now remove or cause the removal of derelict vessels, this requirement is being deleted and a provision is being added to allow local law enforcement to submit their own agencies' forms.

The Program Guidelines for the Florida Boating Improvement Program is being changed to reflect a requirement that grants for construction projects must have all permits issued prior to the grant award. FWC will notify all grant applicants of the proposed grant award date. A provision that the Commission reserves the right to use federal funds through the Sport Fish Restoration Act in order to make the best use of available resources is also being added and Web site addresses are being corrected.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 206.606, 327.04, 327.47, 379.106, FS  
**LAW IMPLEMENTED:** 206.606, 327.47, 328.72, 379.106, FS

**IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE A HEARING WILL BE HELD AT A TIME, DATE, AND PLACE TO BE LATER ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Tim Woody, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 S. Meridian Street, Tallahassee, FL 32399, telephone (850)410-0656 ext. 17173, email tim.woody@myfwc.com.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program.**

- (1) thru (6) No change.
- (7) Derelict Vessel Removal Grant Program grants shall meet all requirements set forth in this section.
  - (a) No change.
  - (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 the law enforcement officer and a copy of the report received by 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 below must be included in or attached to the report completes form number FWCDLE\_048, Derelict or Abandoned Vessel Report, dated March 2008, incorporated herein by reference. This form may be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Law Enforcement.

2. A law enforcement officer must affix the notice specified in section 705.103(2), F.S. The vessel must be 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.

(c) No change.

(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 Weekly and on the Web site at [http://myfwc.com/RECREATION/boat\\_index.htm](http://myfwc.com/RECREATION/boat_index.htm) <http://myfwc.com/boating/grants/derelict.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) thru (h) No change.

(8) No change.

(9) Florida Boating Improvement Program grants shall meet all additional program requirements set forth in the Florida Boating Improvement Program Guidelines (~~dated~~ Jan. ~~2010~~ ~~2008~~), 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, ~~01/10~~ ~~07/08~~; FWC/FBIP-B, Florida Boating Improvement Program Grant Application for Boating Access Facilities, ~~01/10~~ ~~07/08~~; FWC/FBIP-C, Florida Boating Improvement Program Grant Application for Derelict Vessel Removal, ~~01/10~~ ~~07/08~~; FWC/FBIP-D, Florida Boating Improvement Program Boater Education Grant Application, ~~01/10~~ ~~07/08~~; FWC/FBIP-E, Florida Boating Improvement Program Grant Application for Economic Initiatives and Other Local Boating Related Projects, ~~01/10~~ ~~07/08~~. The guidelines and forms are available at [http://myfwc.com/RECREATION/boat\\_grant\\_index.htm](http://myfwc.com/RECREATION/boat_grant_index.htm) or from the Commission at 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600 or [www.myfwc.com/boating/grants/fbip.htm](http://www.myfwc.com/boating/grants/fbip.htm).

(10) thru (12) No change

*Specific 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, \_\_\_\_\_.*

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Patricia Harrell, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section.

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** The Florida Fish and Wildlife Conservation Commission sitting as agency head.

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 9, 2009

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 21, 2009