

RESOLUTION NO. 2022 - 328

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO SUBMIT AN APPLICATION, AND ANY OTHER REQUIRED PAPERWORK, IN ORDER TO SEEK FUNDING ASSISTANCE THROUGH THE U.S. FISH AND WILDLIFE SERVICES DERELICT VESSEL REMOVAL GRANT**

**RECITALS**

**WHEREAS**, the U.S. Fish and Wildlife Service allows local governments to make application through the Derelict Vessel Removal Grant; and

**WHEREAS**, the County has reviewed the completed Grant application; and

**WHEREAS**, after a review of the Grant application the County has determined that none of the requirements, restrictions, and/or obligations associated with award of the Grant, of the Grant itself, negatively impact the interests of the County; and

**WHEREAS**, after a review of the completed Grant application, the County has determined that an award of a U.S. Fish and Wildlife Derelict Vessel Removal Grant for the removal of a derelict shrimp boat that washed ashore in St. Johns County.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above Recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

**Section 2.** The Board of County Commissioners hereby approves and authorizes the County Administrator, or designee, to submit a completed application based on the approved guidelines for grant submittal (attached hereto, and incorporated herein), on behalf of the St. Johns County Parks and Recreation Department for a U.S. Fish and Wildlife Service Derelict Vessel Removal Grant to assist with the removal of a shrimp boat that washed up on the St. Johns County shoreline.

**Section 3.** To the extent that there are typographical or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval of the board of County Commissioners.

**Section 4.** This Resolution shall be effective upon its execution.

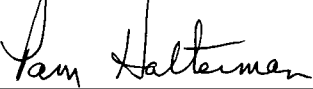
**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns

County, Florida, this 14th day of September, 2022.

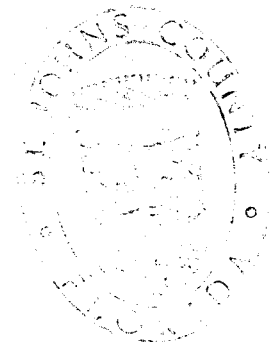
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS  
COUNTY, FLORIDA

By:   
Henry Dean, Chair

ATTEST: BRANDON J. PATTY,  
CLERK OF THE CIRCUIT COURT & COMPTROLLER

By:   
Deputy Clerk

Rendition Date 9/18/22





# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

## Derelict Vessel Removal Grant Application

### FOR OFFICE USE ONLY

Derelict Vessel Removal Grant Application Number:	Date Received:
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I. APPLICANT INFORMATION	
Applicant:	St Johns County BOCC
a) Federal Employer ID No.:	59-6000825
b) Project Manager Name: Nathan Otter	c) Project Manager Title: Natural Resources Superintendent
d) Mailing Address	901 Pope Rd
e) City/State/ZIP	St Augustine/FL/32080
f) Shipping Address	901 Pope Rd
g) City/State ZIP	St Augustine /FL/32080
h) Telephone	904.209.0328
i) FAX	
j) Email	notter@sjcfl.us
k) District Numbers:	6,17
l) State House	Stevenson
m) State Senate	Hudson

II. PROJECT SUMMARY	
a) Project Title	Shrimp Boat Removal
b) Project Goal(s):	The removal and disposal of a shrimp boat that washed ashore in St Johns County. The boat has been deemed derelict and in need of removal.
c) Project Cost (Total):	\$35,000

d) Grant Amount Requested:	\$35,000
e) Project Type(s):	<input type="checkbox"/> Bulk Derelict Vessel Grant (See Section V of guidelines for eligibility and restrictions). <input checked="" type="checkbox"/> Rapid Removal Derelict Vessel Grant (See Section VI of guidelines for eligibility and restrictions).

Brief Project Summary (including the total number of derelict vessels that you are requesting be removed as part of this project). (Note that a detailed Project Summary/Scope of Work is required as an attachment to this application. This is for the removal of one 35ft vessel off of the beach at 2589 S. Ponte Vedra Blvd

<b>III. JUSTIFICATION FOR RAPID REMOVAL GRANT REQUEST VS. BULK DERELICT VESSEL GRANT REQUEST</b>
<p>Describe how the vessel to be removed meets the rapid removal criteria listed in Section VI of the Derelict Vessel Removal Grant guidelines using specific conditions which demonstrate it is in danger of imminent sinking, breaking apart, or is a critical danger to public safety or the environment.</p> <p>The vessel currently poses a public safety issue to beach users and the coinciding environment. Individuals could climb on the vessel and cause harm to themselves. Additionally, the condition of the vessel is not great and could cause it to break apart if left in the elements. Furthermore, the vessel could be shifted or displaced with wind events and/or storms causing hazardous debris on our beaches.</p>

**IV. PROJECTED OUTCOMES**

- a. How many total derelict vessels are there in the project's jurisdiction? What percentage of the total derelict vessels located within the project's jurisdiction will be removed by this project? (Limited to those listed in the Statewide Derelict Vessel Database).

This is the only vessel I am aware of.

- b. Describe the system to be used in demonstrating complete removal and destruction of the removed vessel(s). Include the procedure to verify contractor's completeness in removal of the vessel(s).

The contractual service intends to work the first day on removing hazards from the vessel, including but not limited to fluids and large beams. The following day will consist of removing the vessel landward in manageable sizes. SJC will have staff onsite to make sure project goes smoothly and will also have environmental staff involved to ensure sea turtle protection.

**V. BUDGET** 35,000

Has a detailed cost estimate/proposal been developed for this derelict vessel removal project? If yes, attach a copy of application.

YES  NO

**VI. OTHER SOURCE OF FUNDS (STATUS)** None

a.  Federal  State/Local  Loan Agency:

b. Grant Name: Amount:

c. Approval Status:  Approved  Pending Intend to Apply, Date:

**VII. LAW ENFORCEMENT CASE DATE**

(Include a line for each derelict vessel that you are requesting be removed as a part of this project)

	AGENCY	AGENCY CASE NUMBER	VESSEL REGISTRATION	VESSEL MAKE	VESSEL LENGTH	VESSEL REMOVAL QUOTE
1	FWC	FWC-22-ON-0053770	US 926669	Thompson Trawler	35 ft	\$ 35,000.00
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
<b>TOTAL</b>						<b>\$ 35,000.00</b>

**VIII. APPLICATION ATTACHMENTS CHECKLIST**

For mailed applications, include a copy on electronic media with paper copy or you may email entire application to:  
[DVGrant@MyFWC.com](mailto:DVGrant@MyFWC.com)

Inc.	Required Attachments
<input type="checkbox"/>	a. Cover Letter: A brief letter explaining overview of project and responsible parties involved.
<input type="checkbox"/>	b. Application: One (1) application with original signature from authorized individual.
<input type="checkbox"/>	c. Project Proposal: a detailed description of the project as described in the application instructions.
<input type="checkbox"/>	d. Delegation of Authority: Formal documentation to show that the person signing the application has the authority to apply for, administer and commit the governing body or not-for-profit organization to the grant project on behalf of the applicant.
<input type="checkbox"/>	e. Detailed Cost Estimate: Cost estimate in the form of a formal bid, written quote from proposed vendor or a detailed cost estimate for the project elements. One (1) tabbed section for each vessel removal requested to include the Derelict Vessel Data Sheet (Attachment "A").

## APPLICANT SIGNATURE

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority (see grant guidelines Section IV, 4.4) to sign on behalf of the Applicant and that the Applicant has the ability to undertake the proposed activities in compliance with the FWC Derelict Vessel Removal Grant Program Guidelines.

I also certify that the applicant's governing body is aware of and has authorized the project manager as the official representative of the applicant to act in connection with this application and subsequent project, as well as to provide additional information as may be required. By my signature below, the applicant agrees to comply with all applicable federal, state, and local laws in conjunction with this proposal and the resulting project if approved.

Print/Type Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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STATE OF FLORIDA, COUNTY OF St. Johns



\_\_\_\_\_ personally, appeared before me this \_\_\_\_\_ day of \_\_\_\_\_

20\_\_ who subscribed and swore to the above instrument in my presence.

Notary Public Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

NOTE: Instruction and further information regarding this application and the FWC Derelict Vessel Removal Grant Program can be found in the Program's Guidelines document or by contacting the Program Administrator at: Florida Fish and Wildlife Conservation Commission, Boating and Waterways Section, Derelict Vessel Program, 620 South Meridian Street, Tallahassee, FL 32399-1600 or call (850) 488-5600

**Attachment A**

(Submit one (1) sheet for each vessel requested in grant application)

**Derelict Vessel Data Sheet**

Law Enforcement Case Number:	FWC-22-ON-0053770
County of Vessel's Location:	St. Johns <input type="checkbox"/>
Has the vessel's owner or responsible party been charged with a violation of either Section 823.11, F.S. or Section 376.15, F.S.?	YES <input type="checkbox"/>
If the vessel's owner or responsible party has not been charged with a violation of Section 823.11, F.S. or section 376.15, F.S., did law enforcement request that the State Attorney file charges directly?	SELECT ONE
Describe the vessel's location: (example: Vessel is in shallow water within mangroves at boat ramp. The vessel is located on the beach adjacent to 2589 S Ponte Vedra Blvd.	
Vessel Coordinates: (Degrees-Decimal Minutes)	(N) 30 2.2400 (W) 081 19.5736
Has law enforcement officer issued a Letter of Removal Authorization:	YES <input type="checkbox"/>
Vessel Color:	Off White
Vessel Length:	35 Ft
Vessel Registration:	US 926669
Investigating Agency:	FWC
Photo of Vessel: (include photos as attachment in this tab)	NO <input type="checkbox"/>
Select Removal Type:	RAPID REMOVAL <input type="checkbox"/>
Are there pollutants on the vessel requiring removal?	YES <input type="checkbox"/>
Is the vessel located in or above seagrass or coral?	NO <input type="checkbox"/>
Vessel Removal Cost (Include contractors written quote for the vessel)	35,000.00
Contractor's Name:	Yelton Construction
Contractor's Address:	2435 Dobbs Road, Suite ASt. Augustine, FL 32086
Contractor's Phone	(904) 819-9141

# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

## Derelict Vessel Removal Grant Program

Instructions for completing the FWC Derelict Vessel Removal Grant Application

### GENERAL INSTRUCTIONS

**PLEASE READ THE DERELICT VESSEL REMOVAL GRANT PROGRAM GUIDELINES BEFORE PROCEEDING TO THE APPLICATION**

- Submit one (1) original of the application with attachments.
- Application may be mailed or emailed to FWC for submissions.
- Staple application in upper left-hand corner, or clip with one binder clip. **Do not place in a spiral binder, three-ring binder, or report cover.**
- Place a tabbed divider between each attachment. Each vessel within the overall project will be a separate section of the application. A Separate removal quote must be given for each vessel in the project. A single quote for all vessels will not be acceptable. The total project cost must be given in the application.
- Make all photocopies of attachments on 8 1/2" x 11" paper.

I. APPLICANT INFORMATION	
a. Applicant: <b>St Johns County</b>	Enter the name of the governmental entity applying for the grant.
b. Federal Employer ID. No.: <b>59-6000825</b>	Enter the applicant's Federal Employer Identification (FEID) Number. Payment will be sent to the address associated with this FEID number.
c. Project Manager Name: Title: <b>Nathan Otter</b>	Enter the name and title of the person in charge of the project. All correspondence will be sent to this person.
d. Mailing Address: <b>901 Pope Rd</b>	Enter the mailing address for the Project Manager. All correspondence will be sent to this address.
e. Shipping Address: <b>901 Pope Rd</b>	Enter the physical address for the Project Manager (no post office boxes) for delivery of overnight mail.
f. Telephone No. <b>904.209.0328</b> Fax No.: Email: <b>notter@sjcfl.us</b>	Enter the telephone number, fax number, and email address where the Project Manager may be contacted during regular business hours.
g. District Numbers: <b>6, 17</b>	Enter the District numbers for the State House and State Senate.
II. PROJECT SUMMARY	
a. Project Title: <b>Removal of derelict vessel on beach. \$35,000</b>	Enter total project monetary cost, including only the eligible project elements for grant funding. Enter the total funds requested from this program.
b. Project Goal(s) <b>The removal and disposal of a shrimp boat that washed ashore in St Johns County. The boat has been deemed derelict and in need of removal.</b>	Provide a description of the intended goal(s) of the project in relation to removing derelict vessels from waters of the state to enhance the environment and boater safety.
c. Project Cost: <b>\$35,000</b>	Enter total project monetary cost, including only eligible project elements for grant funding. Enter the total funds requested from this program.



d. Project Type(s): Rapid Removal	Indicate by checking the appropriate box whether this is a Bulk Derelict Vessel Removal Grant application or a Rapid Removal Derelict Vessel Grant Application.
e. Scope of Work/Detailed Project Summary: <small>This is for the removal of one 35ft vessel off of the beach at 2589 S. Ponte Vedra Blvd</small>	Enter project monetary cost, including only the eligible project elements for grant funding. Enter the total funds requested from this program.
<b>III. RAPID REMOVAL PROJECT JUSTIFICATION</b> <small>The vessel currently poses a public safety issue to beach users and the coinciding environment. Individuals could climb on the vessel and cause</small>	
Briefly describe why this project is urgent such that it should not be evaluated and funded under the Bulk Derelict Vessel Removal process. Specifically explain how the vessel is in danger of imminent sinking or breaking apart or is a critical danger to public safety or the environment, such that the vessel should be considered for rapid removal.	
<b>IV. PROJECT OUTCOMES</b> This is the only vessel I am aware of	
a. List the number of total derelict vessels that exist in the project's jurisdiction. List percentage of total active derelict vessels that will be removed by completion of this project. (Use the Statewide Derelict Vessel Database as source of total numbers)	
b. Explain procedures to be used to gauge the effectiveness of the project in order to evaluate contractor's completeness of removal and post environmental damage assessment.	
<b>V. BUDGET</b> 35,000	
a. Has a detailed cost estimate been developed for this project? Yes	Indicate whether a preliminary or final cost estimate has been developed. If yes, attach a copy of the estimate to the application.
<b>VI. OTHER SOURCE OF FUNDS (Partnerships)</b>	
a. Funding Source:	Check source of funds: Federal grant, State/Local grant or loan.
b. Grant Name:	Enter name of grant program.
c. Approval Status:	Enter status of grant/loan application. If "Intending to Apply," enter date of application deadline.
<b>VII. Law Enforcement case date (Include a lien for each derelict vessel that you are requesting be removed as part of this project.)</b>	
a. Agency: <b>FWC</b>	Enter the name of the governmental agency that conducted the derelict vessel investigation.
b. Agency Case Number: <b>FWC-22-ON-0053770</b>	Enter the investigating agency's case number pertaining to this vessel's law enforcement investigation.
c. Vessel Registration: <b>US 926669</b>	Enter the vessel registration number if one exists.
d. Vessel Make: <b>Thompson Trawler</b>	Enter the make of the derelict vessel, if known.
e. Vessel Length: <b>35ft</b>	Enter the length of the derelict vessel, if known.
f. Vessel Removal Quote: <b>35000</b>	Enter the removal cost estimate for this specific vessel. <b>(Each vessel must have its own removal cost estimate)</b>
<b>VII. APPLICATION ATTACHMENTS</b>	
Please place a tabbed divider between each attachment. Submit one (1) original (with original signature) by paper copy via mail, or email the entire application and supporting documentation to <a href="mailto:DVGrant@MyFWC.com">DVGrant@MyFWC.com</a>	
Completed applications should include: cover letter, application form, delegation of authority, project proposal, contractor quotes, and required attachments as referenced in the Derelict Vessel Grant guidelines.	



**Florida Fish  
and Wildlife  
Conservation  
Commission**

MyFWC.com

Division of Law  
Enforcement

Boating and Waterways  
Section

FWC Derelict Vessel  
Removal Grant Program

620 South Meridian Street  
Tallahassee, FL 32399-  
1600

Tel: (850) 488-5600  
Fax: (850) 488-9284  
E-mail:  
DVgrant@MyFWC.com

# **FWC Derelict Vessel Removal Grant Program Guidelines**

**Effective November 2019**

Permission is granted for duplication, use and reuse of any and all information contained in this document.

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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., hereby establishes this program to provide grants to local governments and other political subdivisions of the state for reimbursement for the removal of derelict vessels from the public waters of the state.

### 1.2 Source of Funds

In the event monies are appropriated by the Legislature, and/or if other funding is available for the Derelict Vessel Removal Grant Program for a given fiscal year, FWC shall announce the availability of funding and the application submission period in the *Florida Administrative Register* and on the web at [MyFWC.com/DVGrant](http://MyFWC.com/DVGrant).

Both the bulk derelict vessel removal and the rapid removal grant opportunities described herein will operate simultaneously during the funding cycle until the end of the posted application period or until available funding is exhausted, whichever occurs first.

## SECTION II DEFINITIONS

### 2.1 Definitions

As used herein, the term:

**AGREEMENT:** means the written document under which the grantee and FWC mutually agree to carry out respective responsibilities to accomplish the removal of derelict vessels from the waters of the state.

**APPLICANT:** means an eligible participant that applies to FWC for program funds.

**APPLICATION:** means a formal request for program funds by an applicant on the form approved by FWC, submitted with all required documentation.

**GRANTEE:** means an applicant whose application has been selected and approved for a funding award and who is the party responsible for completing the project and reporting project completion to FWC.

**DATABASE:** means the Statewide Derelict Vessel Database.

**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.

**FWC:** means the Florida Fish and Wildlife Conservation Commission.

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

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

**PROJECT:** means a proposal that is approved and funded by the state, undertaken for the purpose of removing derelict vessels from the public waters of the state.

**PROJECT COMPLETION:** means removal of all derelict vessels identified in the Agreement by the grantee, timely submission of all receipts, reports and images required as proof of such removals, and the closeout of the derelict vessel case in FWC's Derelict Vessel Database, indicating that the project is completed in accordance with the Agreement.

## **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 or private citizens. Applicants who have at least one derelict vessel in their jurisdiction are eligible to apply for grant funding under this program.

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

Derelict vessel removal grants shall only be used for the costs of removal and disposal of derelict vessels.

Applicant administrative costs will not be paid from grant funds.

Pursuant to section 705.101(3), Florida Statutes, all derelict vessels are also abandoned property. In section 376.15, Florida Statutes, the Florida Legislature has made clear its intent that recipients of grant funding under this program demonstrate commitment to maintain waters free of abandoned and derelict vessels and to seek legal action against those who abandon vessels in the waters of the State. This commitment can be demonstrated by Applicants investing time and resources into thoroughly completing a law enforcement investigation and thoroughly documenting that investigation in the database. Derelict vessels without updated cases in the database will be considered ineligible to receive removal funding from this program. Specific details of what must be included in the database for a vessel to be eligible for removal grant funding under this program are provided herein.

In order to be eligible for removal, vessels included in an application must have been the subject of an investigation completed by a law enforcement officer which met all Constitutional due process requirements. This includes requirements that the owner or responsible party had the opportunity to appear before a criminal court to dispute the vessel's derelict condition and/or the owner or responsible party was notified the vessel was derelict and was offered the opportunity for an appropriate alternative hearing to dispute the determination that the vessel was derelict.

In keeping with the statutory expectation that applicants demonstrate commitment to seek legal action against those who abandon vessels in the waters of the State, for each vessel included on an Application, the Applicant must indicate whether or not the vessel owner or responsible party was charged with a violation of either section 823.11 or section 376.15, Florida Statutes. If the owner or responsible party was not charged, the Applicant must indicate whether a law enforcement officer requested that the State Attorney file charges directly against the owner or responsible party. In order for a vessel to be eligible for removal grant funding under this program, the vessel owner or responsible party must have either been charged with a violation of section 823.11 or section 376.15, Florida Statutes, or a law enforcement officer must have requested that the State Attorney file charges directly and the State Attorney must have declined to do so. The only exception shall be when by diligent search and inquiry law enforcement was unable to identify an owner or responsible party or the responsible party was unable to be located. A diligent search and inquiry shall include, at a minimum, a thorough canvassing of the area where the vessel is located, checking with local police departments and Sheriff's offices, and thoroughly searching for title and registration on any identified registration, documentation, hull identification or engine serial numbers. These identification efforts must be thoroughly documented in the Database.

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

Program funds will only be awarded for projects that are directly associated with the removal and destruction of a derelict vessel from the waters of the state. 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.

- Costs not related to the actual removal and destruction of a derelict vessel.
- Costs for legal fees.
- The purchase of equipment of any kind.
- Vessel storage costs.

## **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, 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                      OR                      DVGrant@MyFWC.com  
620 South Meridian Street, Room 235  
Tallahassee, Florida 32399-1600

### **4.2 Application Form and Instructions**

Applicants must submit applications on FWC's Derelict Vessel Removal Grant Application form (FWC/DERELICT VESSEL-APP (July 2019)). The application form and instructions may be obtained from FWC's Web site at [MyFWC.com/DVGrant](http://MyFWC.com/DVGrant).

Instructions provided with the application form include information about 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 as paper copy or may email the application and all attachments to [DVGrant@MyFWC.com](mailto:DVGrant@MyFWC.com).

### **4.3 Cover Letter**

Applications are to be submitted with a cover letter addressed to the FWC Derelict Vessel Removal Grant Program administrator. The cover letter should request consideration of the project and include the total amount requested.

### **4.4 Authorization to Apply**

Applications must include documentation of formal authorization by the appropriate governing body that the individual signing the application form has the authority to apply for and administer the grant on behalf of the governing body.

### **4.5 Application Number**

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

#### **4.6 Incomplete Applications**

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

#### **4.7 Grant Awards Process**

Each vessel listed on a grant application will be compared against the Statewide Derelict Vessel Database for accuracy and eligibility.

Grant funding shall be awarded on a “first come, first served” basis. No applicant shall be eligible for more than 25 percent of the funding available in a fiscal year during the first half of that year. At the beginning of the third quarter, an applicant who has already received the maximum 25 percent for the first half of the fiscal year may reapply for additional grant funding up to the amount of the remaining funds available in that year.

The costs of removal and destruction of eligible derelict vessels listed on complete and eligible applications shall be funded 100 percent by this grant program.

Rapid Removal Grant requests will be processed as soon as practicable and shall be expedited to the extent possible.

FWC will accept applications on a continuous basis until available funding has been exhausted or the advertised submission period ends, whichever occurs first.

FWC program staff will update the FWC website to notify applicants of remaining available funds at [MyFWC.com/DVgrant](http://MyFWC.com/DVgrant). Applicants should check the website or contact FWC directly to ensure funds availability before submitting applications.

#### **4.8 Advanced Funds**

FWC will not approve a request for any advance in program funds. The grantee 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 **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 cost expenditures were necessary prior to the application being submitted and awarded. Removal operations started before agreement execution will not be eligible for reimbursement.

#### **4.10 Payment of Grant Funds**

Payment of grant funds to the Applicant shall be by warrant (check) or direct deposit/electronic funds transfer.

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

#### **5.1 Project Type**

Unless conditions of eligibility currently exist that would qualify a specific vessel for removal under the Rapid Removal Grant process, the applicant will utilize the Bulk Derelict Vessel Removal Grant process.

#### **5.2 Applications**

The applicant will complete the 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.

All vessels for which grant funding is sought must have been the subject of an investigation completed by a law enforcement officer who has also made all notifications as required by section 705.103(2), F.S. The Applicant must have received a letter of removal authorization from law enforcement indicating that all Constitutional due process requirements were met in the investigation.

Vessels for which the applicant or another law enforcement or governmental entity have not provided due process, as required by the Florida and Federal Constitutions may not be destroyed and disposed of. They may be relocated or removed from the water without destruction or disposal until such time as due process has been provided in accordance with sections 823.11(3), 376.16(3), and 327.44(3), F.S. The applicant will be solely responsible for all costs incurred for relocation and removal of derelict vessels for which the owner has not received due process. These costs do not qualify for grant funding under this program.

### **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. When a derelict vessel is in danger of imminent sinking or breaking apart or is a critical danger to public safety or the environment and these facts can be verified by the investigating officer, it will be eligible for rapid removal.

In addition to meeting all eligibility criteria in section III above, the requirements of this section will apply to a Rapid Removal Grant application.

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. FWC program staff will notify the applicant by phone and email whether the project has been awarded. If awarded, FWC will initiate a purchase order to be issued to the grantee for the amount of the vessel removal. As soon as FWC receives proof of project completion, payment will be approved for disbursement to the grantee.

The applicant will complete the Derelict Vessel Removal Grant Application and mark the check box for Rapid Removal Derelict Vessel Grant. The applicant must articulate in their application the justification for elevation to the Rapid Removal Program.

Multiple vessels may be applied for under a single rapid removal grant application as long as they all meet the rapid removal criteria.

## **6.2 Rapid Removal Timeline:**

If a vessel is qualified for rapid removal and the applicant is otherwise 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 grantee will be emailed permission to begin the work immediately.

A vessel may qualify for rapid removal grant funding even though due process procedures have not yet been provided if it meets all other criteria contained in these Guidelines. Once the applicant is notified of a grant award, the vessel may be immediately removed from the water, but not destroyed. The vessel must be removed from the water without intentionally dismantling or destroying the vessel. The investigating law enforcement officer is responsible for entering the vessel information into the database on/or before the day of application for grant funding. Eligibility for state funding will require an emailed approval by the FWC's Derelict Vessel Program administrator or staff prior to removal of the derelict vessel. Completion of derelict vessel determination and database entries with law enforcement supervisor's approval are required before payment for removal is made.

Once removed from the waters of the state, the vessel must be held in a safe and secure location where the officer can complete the derelict vessel investigation and provide appropriate due process procedures and other required notifications. The grantee will be responsible for storage of the derelict vessel and all related storage costs once on land. After the law enforcement officer

has completed the investigation, provided notifications and an opportunity for due process, the vessel may be destroyed absent a judicial finding that the vessel was not derelict upon the waters of the state.

Once all due process has been provided, law enforcement must provide the grantee a letter indicating that all Constitutional due process requirements were met in the investigation and the vessel may be destroyed and disposed of.

This grant program will cover the costs of removal, transportation to the storage location, transportation to the disposal site, and destruction and disposal only.

## **SECTION VII GRANT AGREEMENT**

### **7.1 Grant Agreement**

Upon approval of a project for funding, the grantee and FWC shall enter into a grant agreement. This grant agreement will describe the responsibilities of both parties and terms and conditions particular to each project, and will require compliance with 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 grantee must submit a request in writing that includes a detailed justification explaining why it was necessary. If approved, FWC will include a provision in the Agreement authorizing pre-agreement costs only for environmental reviews or permitting. These costs **will not** be reimbursed unless specifically requested by the grantee and approved by FWC. No other pre-agreement costs will be approved except as provided herein.

### **7.2 Execution of Agreement**

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

## **VIII COMPLIANCE REQUIREMENTS**

### **8.1 Statewide Derelict Vessel Database Requirement**

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

For each vessel included in a grant application, 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. It must also contain a close-up image 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 be a copy of documentation providing the owner or responsible party with notification of his or her due process rights and providing proof of receipt or delivery to the owner or responsible party. For creation of a 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 a reefing project, and /or a permitted landfill.

## **8.3 Project Completion Requirement**

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

## **8.4 Timeline and Agreement Changes**

The grantee shall inform the FWC Derelict Vessel Program staff of any changes or time delays incurred with the project. If deadlines or other terms of the agreement cannot be met, the grantee must notify FWC immediately and request an amendment to the agreement.

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

The grantee shall require that qualified project contractors and project staff that are paid using state program funds are hired 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 grantee, or the agreement shall be cancelled.

## **8.7 Cost Overruns**

The grantee shall make every effort to avoid cost overruns on a project. If the total cost of the project exceeds the grant amount, the grantee shall assume liability for all additional costs.

### **8.8 Agreement Compliance Requirement**

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

### **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 grantee 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 grantee during the term of the grant agreement. Additionally, the grantee, 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.