



Florida Fish
and Wildlife
Conservation
Commission

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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 and At- Risk/Public Nuisance Vessel Removal Grant Program Guidelines

September 2024

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TABLE OF CONTENTS

SECTION I – PROGRAM DESCRIPTION AND PURPOSE	
1.1 PURPOSE	2
1.2 SOURCE OF FUNDS.....	2
SECTION II – DEFINITIONS	
2.1 DEFINITIONS	2
SECTION III – ELIGIBILITY	
3.1 ELIGIBLE PARTICIPANTS.....	3
3.2 ELIGIBLE USES OF PROGRAM FUNDS	3
3.3 INELIGIBLE USES OF PROGRAM FUNDS	5
SECTION IV – GENERAL INSTRUCTIONS FOR ALL GRANT APPLICATIONS	
4.1 SUBMISSION ADDRESS.....	5
4.2 APPLICATION FORM	5
4.3 COVER LETTER.....	6
4.4 AUTHORIZATION TO APPLY	6
4.5 APPLICATION NUMBER.....	6
4.6 INCOMPLETE APPLICATIONS.....	6
4.7 GRANT AWARDS PROCESS.....	6
4.8 ADVANCED FUNDS	7
4.9 PRE-AWARD COSTS	7
4.10 PAYMENT OF GRANT FUNDS.....	7
SECTION V – APPLICATION PROCESS FOR BULK REMOVAL GRANTS	
5.1 PROJECT TYPE.....	7
5.2 APPLICATIONS.....	7
SECTION VI – APPLICATION PROCESS FOR RAPID REMOVAL GRANTS	
6.1 RAPID REMOVAL GENERAL PROCESS AND CRITERIA FOR ELIGIBILITY	8
6.2 RAPID REMOVAL TIMELINE.....	9
SECTION VII – GRANT AGREEMENT	
7.1 GRANT AGREEMENT.....	9
7.2 EXECUTION OF AGREEMENT.....	10
SECTION VIII – COMPLIANCE REQUIREMENTS	
8.1 STATEWIDE DERELICT VESSEL DATABASE REQUIREMENT	10
8.2 STATE AND FEDERAL LAWS, AUTHORIZED DISPOSAL SITES, MANATEE PROTECTION PLAN	11

SECTION I PROGRAM DESCRIPTION AND PURPOSE

1.1 Purpose

The Florida Fish and Wildlife Conservation Commission (FWC), pursuant to sections 206.606 and 823.11, F.S., hereby establishes the Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Program to provide grants to local governments and other political subdivisions of the State for the costs of removal from the waters of this State, storage, destruction, and disposal of derelict vessels and at-risk vessels that have become public nuisances in accordance with paragraph 327.73(1)(aa), Florida Statutes.

1.2 Source of Funds

When money is appropriated by the Legislature to the Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Program for a given fiscal year, FWC shall announce the availability of funding in the *Florida Administrative Register* and on the internet at MyFWC.com/DVGrant. When available funding has been exhausted for a given fiscal year, FWC shall announce that funding is exhausted in the *Florida Administrative Register* and on the web at MyFWC.com/DVGrant. The funding announcement shall provide the specific grant amounts allocated to the FWC BULK/RAPID Grant Program and to the BLOCK GRANT Program. Application deadlines for the Block Grant program will also be included in this announcement.

Both the BULK/RAPID vessel removal grant, and the BLOCK GRANT opportunities described herein will operate simultaneously until available funding is exhausted. The FWC Derelict Vessel Grant Program will be the funding source for these grant opportunities.

SECTION II DEFINITIONS

2.1 Definitions

As used herein, the term:

AGREEMENT: the written document under which the grantee and FWC mutually agree to carry out respective responsibilities to accomplish the removal of derelict vessels and at-risk/public nuisance vessels from the waters of this State.

APPLICANT: an entity that applies to FWC for program funds.

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

AT-RISK/PUBLIC NUISANCE VESSEL: as provided in paragraph 327.73(1) (aa), Florida Statutes, means a vessel that is the subject of three or more violations issued pursuant to the same paragraph of subsection 327.4107(2), Florida Statutes within an 18-month period which result in dispositions other than acquittal or dismissal.

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

BULK/RAPID REMOVAL GRANT: A standard grant available to local governments for projects limited to specific vessels identified and approved by FWC for removal and disposal within the BULK/RAPID GRANT application. The grantee will be required to submit all required documents to FWC in order to be reimbursed for their removal and disposal costs as outlined in the parties' grant agreement.

BLOCK GRANT: A grant available to local government entities for the removal and disposal at the local government's discretion of any derelict or public nuisance vessels that have been authorized for removal and disposal by law enforcement. BLOCK GRANT applicants must meet eligibility criteria. Grantees will be reimbursed for costs after completion of removal and disposal and upon submission of all required documentation. BLOCK GRANTS are available on a first come / first served basis until the allocated BLOCK GRANT budget has been exhausted.

DATABASE: the Statewide Derelict Vessel Database or another appropriate law enforcement database or record-keeping method.

DERELICT VESSEL: as defined in section 823.11, Florida Statutes.

FWC: The Florida Fish and Wildlife Conservation Commission.

PROGRAM ADMINISTRATOR: the FWC staff member designated by the Director of the FWC Division of Law Enforcement (or designee), to manage the FWC Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Program.

PROGRAM FUNDS: funding available for the FWC Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Program as appropriated by the Florida Legislature.

PROJECT: a proposal that is approved and funded by the State, undertaken for the purpose of removing derelict vessels and/or at-risk/public nuisance vessels from the waters of this State.

PROJECT COMPLETION:

For BULK/RAPID grants: removal by the grantee of all derelict and/or at-risk/public nuisance vessels identified in the Agreement, timely submission of all receipts, reports and images required as proof of such removals. For BLOCK GRANTS: the specific vessels will not be listed in the Agreement, however the Grantee will provide invoices with required documentation outlined in the grant contract to FWC within the Agreement timeframe to be eligible for reimbursement. Block Grants may have multiple projects and invoice submissions during the timeframe of the Block Grant Agreement. Block Grants will be considered completed when all of the encumbered funds for removal have been spent, reimbursement has been made for all removals, or the timeframe for using the grant funds outlined in the Agreement has expired.

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 or at-risk/public nuisance vessel in their jurisdiction are eligible to apply for BULK/RAPID grant funding under this program.

BLOCK GRANT participants must meet the criteria set forth in section 4.7 to be eligible for a BLOCK GRANT. Those entities not qualifying for the BLOCK GRANT opportunity may still apply under the BULK/RAPID GRANT opportunity.

3.2 Eligible Uses of Program Funds

Derelict vessel and at-risk/public nuisance vessel removal grants shall only be used for:

- Up to the entire cost of removal of a derelict or at-risk/public nuisance vessel from the waters of this State,
- Up to fifty percent of the total costs of storage of derelict and at-risk/public nuisance vessels removed from the waters of this State before they are eligible for destruction and disposal for a maximum of 18 months, if storage is pre-authorized by FWC.
- Up to the entire cost of a derelict or at-risk/public nuisance vessel's destruction and disposal.

Pursuant to section 705.103, Florida Statutes, all derelict vessels and at-risk/public nuisance vessels are also abandoned property. In section 823.11, 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 this 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 Statewide derelict vessel database or another appropriate law enforcement database or record-keeping method for derelict vessels or another appropriate law enforcement database or record-keeping method for at-risk/public nuisance vessels. Derelict vessels without updated cases in the database or another appropriate law enforcement database or record-keeping method and at-risk/public nuisance vessels that have not been thoroughly documented in an appropriate law enforcement database or by another appropriate record-keeping method will be considered ineligible to receive grant funding. Specific details of what must be included in the appropriate database or what must be documented by another record-keeping method for a vessel to be eligible for grant funding are provided in section 8.1.

To be eligible for removal and immediate destruction and disposal, vessels included in an application must have been the subject of an investigation completed by a law enforcement officer which meets all due process requirements provided by state and federal law. Due process requirements include the owner or responsible party having been provided appropriate notice of the vessel's condition and the State or governmental entity's intention to remove the vessel from the waters of the State and destroy and dispose of it and the opportunity to appear before a criminal or county court to dispute the vessel's derelict or at-risk/public nuisance condition and/or the opportunity to dispute the basis for the agency's intended action through an administrative review.

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 derelict vessel included on an Application, the applicant must indicate whether the vessel owner or responsible party was charged with a violation of section 823.11, Florida Statutes. If the owner or responsible party of a derelict vessel 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. For a derelict 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, Florida Statutes, or a law enforcement officer must have requested that the State Attorney file charges directly.

For BLOCK GRANT awards, this information must be provided as part of the cost reimbursement documentation after the derelict vessel has been removed.

For an at-risk/public nuisance vessel, the applicant must document three citations against the same individual for a violation of the same paragraph of section 327.4107(2), Florida Statutes, within an 18-month period which all resulted in a disposition other than acquittal or dismissal. The only exception to these charging requirements shall be when by diligent search and inquiry law enforcement was unable to identify an owner or responsible party for a derelict vessel or the responsible party for a derelict vessel was unable to be located. A diligent search and inquiry shall include, at a minimum, a thorough canvassing of the area where the derelict vessel is located, checking with local police departments and sheriff's offices, and thoroughly searching for title and registration on any identified registration, documentation, or hull identification. These

identification efforts must be thoroughly documented in the Database or another appropriate law enforcement database or record-keeping method.

For all derelict vessels and at-risk/public nuisance vessels, the investigating law enforcement agency must include at a minimum, the opportunity for the vessel owner/responsible party to dispute the entity's intended action by administrative challenge.

3.3 Ineligible Uses of Program Funds:

Program funds will only be awarded for projects that are directly associated with the removal from waters of this State, storage, destruction, and disposal, as provided in section 3.2. 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 or at-risk/public nuisance vessel.
- Costs for legal fees.
- The purchase of equipment of any kind.
- Applicant administrative costs of any kind.

SECTION IV GENERAL INSTRUCTIONS FOR ALL GRANT APPLICATIONS

4.1 Submission Address

Applications must be delivered to one of the following addresses:

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

4.2 Application Form

Applicants must submit applications on FWC's Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Application form (9/2024). The application may be obtained from FWC's Web site at MyFWC.com/DVGrant.

4.3 Cover Letter

Applications are to be submitted with a cover letter addressed to the FWC Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Program Administrator. For

FWC Grant Program funding requests, the cover letter should request consideration of the project and include the total amount requested and BLOCK GRANT Program letters should identify the number of derelict and at-risk/public nuisance vessels removed each year as stipulated in section 4.7 of these guidelines.

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 grant 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 this notice 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 (BLOCK GRANT and BULK/ RAPID GRANT)

Each derelict vessel listed on an FWC Grant Program grant application, and each derelict vessel submitted for reimbursement by BULK/RAPID Grantees will be compared against the Database to ensure that due process requirements have been met, identified owners have been charged, and a removal authorization letter was issued. For at-risk/public nuisance vessels, the law enforcement agency authorizing the removal must provide proof of three or more citations issued to the same owner for the same paragraph of subsection 327.4107(2) within an 18-month period which all resulted in a disposition other than acquittal or dismissal for eligibility. **BLOCK GRANT** recipients must provide documentation demonstrating vessel removal eligibility to request and receive cost reimbursement. Failure to provide the required documentation for reimbursement outlined in the BLOCK GRANT contract will place the burden of payment for completed removals upon the grantee and no reimbursement will be issued.

BLOCK GRANT PROGRAM

BLOCK GRANT funding is available on a “first come, first served” basis to county and municipal governments of the State of Florida, Florida water management districts, and inland

navigation special taxing districts, demonstrating removal of **40** or more derelict and/or at-risk/public nuisance vessels within a 3-year period over the preceding five calendar years , as determined by FWC database and/or contract records provided by the applicant or FWC.

The following steps will be used to calculate the amount of funding awarded to an eligible county:

- 1) Determination of Yearly Average - the number of vessels removed per year as determined by averaging the number of vessels for the qualifying three-year period.
- 2) Yearly Average divided in half to determine “Vessel Funding Quota”
- 3) Vessel Funding Quota multiplied by (\$15,000)

Awarded counties will receive money under the **BLOCK GRANT PROGRAM** as cost reimbursement. Upon proof of vessel eligibility and necessary cost reimbursement documentation, reimbursement will be 100 percent of removal, disposal, and destruction costs. Reimbursement will continue until depletion of the funded award amount or as stipulated in the executed grant agreement, whichever comes first. Eligible governmental entities may reapply for new block grant funding under the **BLOCK GRANT PROGRAM** prior to the expiration of their existing block grant when they have used at least 90 percent of their awarded funding. The new block grant funding (if awarded) will not become effective until the original block grant funding for the specific governmental entity has been depleted. New awards will be contingent upon remaining Program funds.

FWC BULK/RAPID Grant Program

Grant funding shall be awarded on a “first come, first served” basis to State, county and municipal governments of the State of Florida, Florida water management districts, and inland navigation special taxing districts. No BULK/RAPID 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 of a fiscal year, 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, destruction, and disposal of eligible derelict and at-risk/public nuisance vessels listed on complete and eligible applications shall be funded 100 percent by this grant program. The costs of storage of derelict and at-risk/public nuisance vessels prior to their destruction and disposal shall be funded fifty percent (50%) for up to 18 months of storage by this grant program, if pre-authorized by FWC.

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

For both grant programs, FWC will accept applications on a continuous basis until available funding has been exhausted and/or encumbered. Unused funding reverted back to the grant program from expired or completed grants will be used to continue funding grant applications until all of the legislative appropriation for the grant program has been used. FWC program

staff will update the FWC website to notify applicants of remaining available funds at MyFWC.com/DV grant. Applicants should check the website or contact FWC directly to ensure funds availability before submitting applications or reapplying under the **BLOCK GRANT Program**.

Block Grants are limited to no more than 50% of the annual appropriation issued to FWC by the Florida Legislature. Factors considered for Block Grant program funding will include state emergency response, program participation and the needs of the BULK/RAPID grant program. Program funds that have not been awarded or encumbered in the Block Grant program at the end of the third quarter of each fiscal year may be utilized by the BULK/RAPID grant program.

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 under any circumstances.

4.10 Payment of Grant Funds

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

SECTION V APPLICATION PROCESS FOR BULK REMOVAL GRANTS

5.1 Project Type

Unless conditions of eligibility exist at the time of application that would qualify a specific vessel for removal under the rapid removal grant process, the applicant will utilize the bulk removal grant process.

5.2 Applications

The applicant will complete the Derelict Vessel and At-Risk/Public Nuisance Removal Grant Application and mark the checkbox for “Bulk Removal Vessel Grant.” This grant opportunity is designed for the applicant to remove as many authorized derelict vessels and at-risk/public nuisance vessels within their jurisdiction as possible, as applied for within a single coordinated project.

All derelict 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. For an at-risk/public nuisance vessel, the applicant must document at least three citations against the same owner for a violation of the same paragraph of section 327.4107(2), F.S., within an 18-month period which all resulted in a disposition other than acquittal or dismissal as well as having made all notifications required by section 705.103, F.S. The applicant must have received a letter of removal authorization from law enforcement indicating that all Constitutional due process requirements per statute were met in the investigation regardless of whether the vessel being removed is derelict or at-risk/public nuisance.

Vessels for which the applicant or another law enforcement or governmental entity have not provided due process, as required by the Florida and United States Constitutions may not be destroyed and disposed of. Derelict vessels may be relocated or removed from the water without destruction or disposal in accordance with subsection 823.11(3), F.S. until such time as due process has been provided in accordance with section 705.103, F.S. Except as provided in section 6.2, the applicant will be solely responsible for all costs incurred for storage, relocation and removal of derelict vessels and at-risk/public nuisance 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 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 or an at-risk/public nuisance 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 a law enforcement 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 on the application, a law enforcement officer will verify the status of the vessel is consistent with the status provided in the application. Once verified by a law enforcement officer, the grant 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. For approved Rapid Removals, an FWC Purchase Order will be issued to the Grantee. Once the Grantee has received a copy of the issued Purchase Order, they may proceed with the removal and disposal of the vessel. As soon as FWC receives proof of project completion, payment will be approved from the Purchase Order for disbursement to the grantee if submitted prior to the deadline established within the Purchase Order for project completion.

The applicant will complete the Derelict Vessel and At-Risk/Public Nuisance Removal Grant Application and mark the check box for “Rapid Removal Vessel Grant.” The applicant must articulate in the application the justification and need for rapid removal.

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:

A derelict vessel or an at-risk/public nuisance 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. 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. 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 or another appropriate law enforcement database or record-keeping method for a derelict vessel or into another appropriate database (or by using another appropriate record-keeping method) for at-risk/public nuisance vessels - on/or before the day of application for grant funding. When a derelict vessel is going to be removed and stored or relocated but not destroyed, in accordance with subsection 823.11(3), Florida Statutes, eligibility for rapid removal funding under this grant program will require an emailed approval from the FWC’s Derelict Vessel and At-Risk/Public Nuisance Program Administrator prior to removal or relocation of the derelict vessel. Completion of the vessel determination and investigation, necessary documentation, and the provision of all due process requirements to all owners or responsible parties are required before payment for removal is made or before destruction and disposal is authorized. Once a law enforcement officer has completed the derelict vessel investigation, and for both derelict vessels and at-risk/public nuisance vessels has provided notifications and an opportunity for due process, the vessel may be destroyed and disposed of absent a judicial finding that the vessel was not derelict upon the waters of the state.

SECTION VII GRANT AGREEMENT

7.1 Grant Agreement

Upon approval of a project for funding or award of BULK/RAPID or BLOCK GRANT, the grantee and FWC shall enter into a grant Agreement. The 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 to be fully executed, prior to the commencement of work. Failure to execute the Agreement within thirty (30) days will render the grant or award null and void, unless the grantee requests an extension and provides a detailed justification.

VIII COMPLIANCE REQUIREMENTS

8.1 Investigation Documentation Requirement

Every derelict vessel listed in an application under the FWC BULK/RAPID Grant Program or submitted for cost reimbursement under the BLOCK GRANT Program must be entered in the Statewide Derelict Vessel Database or another appropriate law enforcement database or record-keeping method. The case must reflect a completed investigation by a sworn law enforcement officer determining the vessel to be derelict by statute. Every at-risk/public nuisance vessel must be documented in a law enforcement database or by another appropriate record-keeping method, with copies of at-risk citations as well court documentation showing dispositions other than acquittal or dismissal for each.

For each derelict vessel included in a grant application under the FWC BULK/RAPID Grant Program or submitted for cost reimbursement under the BLOCK GRANT Program, the case file in the database must include well-articulated investigative notes from the officer supporting the determination of the vessel as being derelict by statute. 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 Statewide derelict vessel database account and training, contact the FWC Boating and Waterways Derelict Vessel Administrator at (850) 488-5600.

Every at-risk/public nuisance vessel listed in an application or cost reimbursement submission must be accompanied by documentation within a law enforcement database or by another appropriate record-keeping method, showing at least three citations issued to the same owner for the same paragraph of subsection 327.4107(2), F.S. within an 18-month period, all of which resulted in a disposition other than acquittal or dismissal. The case file must include well-articulated investigative notes from the officer supporting the determination of the vessel as at-risk/public nuisance. The case file must also include uploaded images of the vessel and the associated conditions supporting the determination. It must also contain a close-up image of the at-risk/public nuisance 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.

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 and at-risk/public nuisance vessels shall be limited to permitted artificial reef sites, with pre-approval and permitting of a reefing project, and/or a permitted landfill.