



## Florida Fish and Wildlife Conservation Commission

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### REGULATORY PLAN – OCTOBER 1, 2019

The Fish and Wildlife Conservation Commission, pursuant to the requirements of section 120.74(1), Florida Statutes, hereby publishes its Regulatory Plan, due October 1, 2019.

#### **List of Laws Enacted or Amended During the Previous 12 Months which Create or Modify the Duties or Authority of the Fish and Wildlife Conservation Commission**

In compliance with paragraph 120.74(1)(a), F.S., below is a list of laws enacted or amended during the twelve months prior to October 1, 2019, which create or modify the statutory duties or authority of the Fish and Wildlife Conservation Commission (Commission).

**Vessels:** Chapter 2019-54, Laws of Florida (SB 1666), which made the following changes to the law, effective July 1, 2019:

- Authorized the Commission to issue both the boating safety identification card and the temporary certificate in digital, electronic, or paper format and to appoint liveries, marinas, or other persons as its agents to issue identification cards and temporary certificates in digital, electronic, or paper format under guidelines established by the Commission;
- Changed the fee the Commission is authorized to collect in the boating safety education program from \$2 for each examination to \$2 for each boating safety identification card or temporary certificate issued;
- Directed the Commission to conduct a study, or contract with a private vendor to conduct a study, to evaluate the impacts of long-term stored vessels on local communities and the state and to report the findings to the Governor and the Legislature; and
- Authorized the Commission to use appropriated derelict vessel grant funds not allocated to local governments by the end of the third quarter of a given fiscal year to remove derelict vessels or hire private contractors to remove derelict vessels.

Rulemaking is not necessary to implement this law. Most components of the law will take effect pursuant to the language of the statute itself; the language does not require additional rule clarification or details. Moreover, the Commission is not making any programmatic changes where discretion has been authorized, so no changes to existing rules are necessary.

**Transportation; Multi-use Corridors:** Chapter 2019-43, Laws of Florida, created section 338.2278 F.S., requiring the creation of the Multi-use Corridors of Regional Economic Significance Program (Program) within the Department of Transportation (FDOT). The statute requires FDOT to identify certain opportunities to accommodate or co-locate multiple types of infrastructure, addressing issues during the project development phase. The program is designed to advance construction of three regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure. The statute authorizes funding for projects in the corridors that must be tolled facilities are approved turnpike projects that are part of the turnpike system, and are considered as Strategic Intermodal System facilities during project development. The FDOT must convene a task force for each corridor comprised of representatives from state agencies and other stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other pertinent impacts of the corridors. The Commission is identified as a member of these task forces.

**List of Commission Rules the Fish and Wildlife Conservation Commission  
Commissioners Will Consider for Adoption Before July 1, 2020**

In compliance with section 120.74(1)(b), F.S., the following is a list of rules the Commission will consider for adoption pursuant to statutory authority before July 1, 2020. For each rule listed below, a statement of whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules is provided.

**Law Enforcement**

1. Rule 68-1.003(7) (Derelict Vessel Removal Grants) – At its July 2019 meeting the Commission approved publication of a Notice of Proposed Rule to change the guidelines and application associated with the Derelict Vessel Removal Grants program. That Notice of Proposed Rule was published on July 19, 2019 in the Florida Administrative Register Vol. 45/140. Subsequent to the notice being published the Joint Administrative Procedures Committee of the Florida Legislature provided comments to the Commission which led to amendments to the language and which require additional approval by the Commission. This rule will return to the Commission at its meeting in October 2019, with the plan to file a Notice of Change following that meeting, if the Commission approves the new language. This rulemaking effort will be completed during the 2019-20 Fiscal Year. The rule changes will eliminate the requirement that local government applicants must provide matching funds; require that local governments have completed an investigation into the derelict condition of a vessel before it is eligible for derelict vessel grant removal funding, including clarification that they must ensure provision of due process to vessel owners; and clarify the method of payment of grants. This rulemaking effort is intended to clarify the rule and improve coordination with other agencies.

2. Rule 68D-15.002 (Effective Means of Propulsion for Safe Navigation) – At its July 2019 meeting, the Commission approved publication of a Notice of Proposed Rule to implement evaluations for law enforcement to use in determining whether a vessel is at-risk of becoming derelict for failure to have an effective means of propulsion for safe navigation as provided in section 327.4107, F.S. This Notice of Proposed Rule was published September 3, 2019, and the rule language will return to the Commission for final approval at its October 2019 meeting. This rulemaking will be complete during the 2019-20 Fiscal Year. It is intended to clarify and improve coordination with other agencies.

### Update of 2018-2019 Regulatory Plan

The Commission previously filed its list of Commission rules considered for adoption for the Fiscal Year beginning July 1, 2018, pursuant to section 120.74(2), F.S. In compliance with section 120.74(1)(c), F.S., the Commission provides the following updates.

1. 68C-22.008 (St. Lucie County Zones) and 68C-22.011 (Citrus, Levy and Hernando Speed Zones), Fl. Admin. Code. Continued monitoring and stakeholder outreach is needed before publishing edits to the rules.

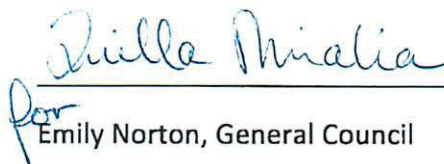
### CERTIFICATION

By way of this Certification, pursuant to section 120.74 (1)(d), Florida Statutes, the below signed agency head and principal legal advisor each verify that they have reviewed this regulatory plan, and that the Fish and Wildlife Conservation Commission regularly reviews all of its rules and identifies the period during which all rules have most recently been reviewed to determine if the rules remain consistent with the Fish and Wildlife Conservation Commission's rulemaking authority and the laws implemented.



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Robert Spottswood, Chairman  
Fish and Wildlife Conservation Commission



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Emily Norton, General Council  
Fish and Wildlife Conservation Commission