



SECTION 28. LEISURE SERVICES DEPARTMENT

28.10 BOATING IMPROVEMENT PROGRAM

A. PURPOSE. To establish the Seminole County Boating Improvement Program (“BIP”)

B. VESSEL REGISTRATION FEES

(1) In accordance with Section 328.72(15), Florida Statutes, vessel registration fees are collected by the Florida Department of Highway Safety and Motor Vehicles (“FDHSMV”) and deposited in the Marine Resources Conservation Trust Fund for distribution to counties.

(2) Seminole County (“County”) shall receive vessel registration fees from all vessels registered in Seminole County. Vessel registration fees collected during the preceding fiscal year shall be forwarded to the County by FDHSMV each July. The County shall deposit said fees into an account designated for the BIP which shall be monitored by the County’s Leisure Services Department (“Department”).

C. ADMINISTRATION

(1) The Seminole County Board of County Commissioners (“Board”) may utilize BIP funds for eligible County projects or, at its sole discretion, may authorize the use of BIP funds by municipal governments within the County for eligible municipal projects. The authorization for the use of BIP funds by municipal governments within the County shall not exceed one-half of the County’s annual allocation with at least one-half being reserved for County projects. If there are no applications submitted that meet the requirements of the BIP, funds will revert back for use on County projects. The BIP shall be administered by the Board, through the Department, with review and recommendations by the County’s Parks and Preservation Advisory Committee (“Advisory Committee”). The Department is authorized to develop procedures and forms as may be required to implement the program. Projects will be prioritized and recommended to the Board by the Advisory Committee.

(2) The Boating Improvement Program Funds are generated through registration fees associated directly to motorized vessels and therefore the eligible funds must be used for public access and improvements directly associated to waterbodies for public use of motorized vessels.

(3) In order to allocate project funding for County or municipal projects, the Department shall include in its annual budget request said projects and shall submit same for approval by the Board. For Board approved County projects requiring additional funding or a change in scope, the Department shall prepare the necessary documentation including the proposed changes for approval by the Board.

(4) BIP funds may be used as the local cash matching requirement for the Florida Recreation Development Assistance Program, the Land and Water Conservation Fund Program, the Florida Inland Navigation District Waterways Assistance Program, or such other grant programs requiring a local cash match,



provided that the BIP funds are used for eligible project elements inasmuch and to the extent as the aforementioned grant programs allow for such utilization.

(5) Project Design and Construction.

(a) All projects shall be designed and constructed in accordance with applicable Federal, State and local laws, rules, regulations, and codes.

(b) The design or construction of any boat launching facility shall not be located so as to pose a threat to other boating or recreational, activities on the water body it serves.

(c) All Federal, State and local permits, easements, consents, or other similar authorizations for a project shall be obtained prior to commencement of design and construction of the project.

(d) Project construction expenses eligible for BIP funding include payments to vendors for purchase of materials, equipment, rental of equipment, services, or lump sum labor contracts.

(6) The Board may approve a project with an estimated cost exceeding the amount of available BIP funds. In such cases, the amount of the project cost exceeding available BIP funds may be eligible for reimbursement from the allocation for the next fiscal year. However, any project so approved shall be subject to the continued funding in accordance with Section 328.72(15), Florida Statutes. The Board does not guarantee or pledge payment of the balance in such cases and is not liable for any future reimbursement or pledge should funds not become available.

(7) Any unspent BIP funds allocated to a specific project shall be returned to the appropriate account for future use on County projects. Further, BIP funds not allocated in any fiscal year shall be carried forward for use in subsequent years.

(8) The County shall maintain and keep records of all projects receiving BIP funds. Completed projects shall be included in the County's single audit report which shall be forwarded annually, if required, to the FDEP. Upon completion of a project, a municipality must submit a project completion statement to the Department on a form approved by the Department. Upon completion of a County project the Department shall file a project completion statement in the project file. For municipal projects, the municipality shall provide required materials as delineated in the required project close out documentation form.

(9) Any project developed with assistance from BIP funding shall be for the use and benefit of the general public. Upon completion of a project, the County or a municipality shall dedicate said project for public recreational use in perpetuity by recording a Notice of Limitation of Use including said dedication in the Public Records of Seminole County. The County and the municipalities utilizing BIP funds for design or construction of an eligible project shall be responsible for ensuring the operation and maintenance of said project for a period of 25 years from the date of completion of the project.



(10) Projects funded in whole or in part by BIP funds shall be administered and made available to the general public on a non discriminatory basis regardless of residency, race, color, religion, sex, national origin, age, handicap, or marital status. If a fee is charged, it must be the same for all users.

(11) A permanent identification sign or plaque which credits the BIP as a source of project funding is required to be erected at all completed projects where sign placement is feasible.

D. BIP FUNDING FOR MUNICIPAL PROJECTS

(1) Any Seminole County municipality may submit applications for eligible projects meeting the requirements of the program. The municipality must have resources available and accept the maintenance of the project. No more than two simultaneous open projects will be permitted or considered for funding for any single municipality. A municipality requesting BIP funds must submit a project application to the Department. All project applications shall be reviewed and evaluated by the Department with regard to eligibility of the proposed project, completeness of the application, funding availability, the municipality's compliance with previous project agreements, and County and/or Department priorities.

(2) Subsequent to review and comment by the Department, said municipality may request that a project application be submitted to the Advisory Committee for prioritization and recommendation to the Board for consideration. If a project application is approved by the Board, the County Attorney's Office shall prepare a project agreement for execution by the parties.

(3) A project agreement is the required funding mechanism to allocate BIP funding to a municipality for an eligible project.

(4) Unless otherwise specified in a project agreement, project funding shall be only for those costs incurred subsequent to the execution of the project agreement by the Board.

(5) The County shall disburse BIP funding to a municipality only on a reimbursement basis and shall require completion of the project in accordance with the terms and conditions as set forth in the project agreement. No funds will be paid in advance. Reimbursement for municipal projects shall be requested on Project Reimbursement forms as applicable.

(6) A quarterly status report for each project shall be submitted by the municipality on a project status report form provided by the Department.

(7) Should a municipality desire to propose any changes to a project agreement including, but not limited to, changes in scope or funding of a project, said proposed changes must be submitted in writing to the Department along with a statement of justification for same. All changes to a project agreement shall be made by means of a written amendment to a project agreement approved in the same manner as the underlying project agreement.



(8) The Department shall have the right to terminate a project agreement and demand refund of BIP funds (plus interest at the maximum rate authorized in the Florida Statutes) for non compliance with the terms of this Resolution or the project agreement. Failure of a municipality to comply with the provisions of this Resolution or a project agreement may result in the Board declaring the municipality ineligible for participation in the BIP until a time certain and/or under certain conditions as designated.

(9) A municipality desiring to terminate a project agreement shall refund to the County all BIP funds plus interest accrued thereupon prior to County executing said termination.

E. PROJECTS ELIGIBLE FOR BIP FUNDING

(1) BIP funds shall be used for those projects which improve recreational boating for the public in accordance with Section 328.72(15), Florida Statutes, for the purpose of providing recreational channel marking and public launching facilities and other boating—related activities, for removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with Section 327.53, Florida Statutes, and for manatee and marine mammal protection and recovery.

(2) BIP funds may be used for those costs associated with acquisition, design, construction, and completion of an eligible project including, but not limited to, the expansion, renovation, repair or installation of the following:

- (a) Launching facilities;
- (b) Recreational channel lights and markers;
- (c) Waterway and related signs and buoys for safety, regulation or information;
- (d) Docking and mooring facilities;
- (e) Access roads and parking for boating facilities;
- (f) Channel dredging;
- (g) Boating related support facilities and utilities such as restrooms, lighting, picnic pavilions, landscaping, water, sewer, and electrical;
- (h) Artificial fishing reefs in State waters (design, construction, transportation, installation, marking, research, and monitoring); and
- (i) Bulk head, rip-rap, and seawall construction.

(3) Expenses that are ineligible are tools, equipment, boats, motors, official law enforcement and safety equipment, as well as materials not used exclusively for a project.



- F. AUTHORITY.** Resolution 98-R-244 adopted November 10, 1998
Resolution 2007-R-42 adopted March 13, 2007
Resolution 2009-R-8 adopted January 13, 2009
Resolution 2012-R-107 adopted June 12, 2012
Resolution 2017-R-110 adopted July 25, 2017