

**CHAPTER 1A-39**  
**Historic Preservation Grant Programs**

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**1A-39.001 Division of Historical Resources Grant Programs.**

The purpose of this chapter is to establish administrative procedures for all Division of Historical Resources (Division) grant programs conducted pursuant to Section 267.0617, F.S., and shall apply to all applications received for grant assistance and all grant awards made following the date of adoption. Grants awarded prior to the effective date of this rule shall continue to be subject to the provisions of Chapter 1A-35, F.A.C.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

**1A-39.002 Definitions.**

The following words and terms shall have the following meanings:

- (1) “Acquisition” means fee simple purchase of real property.
- (2) “Acquisition & Development” means a project involving the purchase and/or improvement (restoration, rehabilitation, preservation or reconstruction) of a historic building, structure, site or object.
- (3) “Applicant” means an eligible applicant as defined in subsection 1A-39.007(5), F.A.C.
- (4) “Approved Scope of Work” means the work specified in Section I of the Historic Preservation Grant Award Agreement, or in a fully executed amendment thereto, as being authorized for expenditure of grant funds and for contribution to the required match. Expenditures for work not included in the Approved Scope of Work are not eligible for grant funding or contribution to match.
- (5) “Bureau” means the Bureau of Historic Preservation within the Division of Historical Resources of the Department of State. The Bureau’s mailing address is 500 South Bronough Street, Tallahassee, Florida 32399-0250. Its telephone number is (850) 245-6333, and its web address is [www.flheritage.com](http://www.flheritage.com).
- (6) “Certified Local Government” means a historic preservation program established by county or municipal ordinance that is certified by the Secretary of the Interior pursuant to 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act of 1966, as amended.
- (7) “Development” means architectural and other planning and construction required to facilitate the preservation, rehabilitation or restoration of a historic property, or the reconstruction of such property that no longer exists.
- (8) “Division” means the Division of Historical Resources of the Florida Department of State.
- (9) “Effective Date” means July 1 of the state fiscal year in which requested grant funding is appropriated by the Florida Legislature. Neither grant funds nor match contributions may be expended before this date except as allowed in subsection 1A-39.009(3), F.A.C.
- (10) “Encumbrance” means commitment of grant funds and match by binding contract.
- (11) “Expenditure” means the outlay of cash or the amount due and owing after receipt of goods or services included in the Approved Scope of Work.
- (12) “Expiration Date” means the date by which all grant funds and match must be expended.

(13) "Florida Historical Commission" means the eleven (11)-member advisory body created pursuant to Section 267.0612, F.S., to assist the director of the Division of Historical Resources in carrying out the purposes, duties, and responsibilities of the division.

(14) "Florida Master Site File" means the list maintained by the Division of Historical Resources, of all recorded historical and archaeological sites and properties in the State of Florida.

(15) "Florida Single Audit Act" means the uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities as codified in Section 215.97, F.S. (see subsection 1A-39.010(4), F.A.C.).

(16) "Furniture and Equipment" means features not physically attached to a structure, including but not limited to: desks, tables, chairs, area rugs, computers, kitchen appliances, portable lighting fixtures, and components of portable sound or projection systems.

(17) "Grantee" means the organization or governmental entity to which a grant is awarded, which has entered into a binding agreement (Historic Preservation Grant Award Agreement) with the Division of Historical Resources, Florida Department of State, and which is responsible and accountable both for the use of the funds provided and for the performance of the grant-assisted project.

(18) "Grant Period" means the period between "effective date" and "expiration date" of the Historic Preservation Grant Award Agreement during which time expenditure of all grant funds and all contributions to match must be made.

(19) "Historic District" means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(20) "Historic Markers" means Official Florida Historic Markers as defined by subsection 1A-48.002(3) F.A.C.

(21) "Historic Preservation Grant Award Agreement" means the legal instrument which binds the Grantee and the Division of Historical Resources, Florida Department of State, to the terms, conditions, and limitations of the Division's grants programs.

(22) "Historic Property" means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of Florida. (Reference: Section 267.021(3), F.S.).

(23) "Indirect Costs" means grantee overhead, management expenses, general operating costs and other costs (excluding contractor's overhead and profit, which are considered direct project costs) that are not readily identifiable as expenditures for the materials and services required to complete the work identified in the Approved Scope of Work in Section I of the Historic Preservation Grant Award Agreement. Examples of indirect costs include: rent/mortgage, utilities, janitorial services, insurance, accounting, non-grant related administrative and clerical staffing, and fundraising activities.

(24) "In-kind Contribution" means a non-monetary contribution of equipment, services, or labor provided by the grantee to meet match requirements. Items and services must be such that there would normally be a charge for them and must be essential to the implementation of the project and can be documented as to value.

(25) "Match" means cash, in-kind contributions or donated materials, which must be made by the grantee in order to receive the grant award. All match contributions, whether cash, in-kind contributions, or donated materials, must be consistent with the Approved Scope of Work and must be essential to the implementation of the project.

(26) "National Register of Historic Places" means the list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture, authorized by the National Historic Preservation Act of 1966, as amended through 2000, and administered by the U.S. Department of the Interior, National Park Service. Copies are available from the Bureau.

(27) "Non-profit Organization" means a corporate entity which is registered pursuant to Chapter 617, F.S., as a Florida non-profit corporation with the Division of Corporations, Florida Department of State. Grantees other than government entities must maintain active non-profit status with the Division of Corporations during the grant period. Exception: To qualify as a "non-profit organization," organizations from outside of Florida must have been determined by the U.S. Department of the Treasury, Internal Revenue Service, to be exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

(28) "Planning" means research, testing, analysis and design required for implementation of an Acquisition & Development, Archaeological Excavation or Museum Exhibit project.

(a) Planning for an Acquisition & Development project may include: historical research, development of a Historic Structures Report, condition assessment, survey, hazardous materials survey and abatement plan, rehabilitation feasibility study, and construction documents (plans and specifications).

(b) Planning for an Archaeological Excavation project may include research, predictive modeling and remote sensing applications, as necessary for development of a research design for the project.

(c) Planning for a Museum Exhibit project may include historical research, conceptual and design documents and specifications.

(29) "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work (including accessibility and life safety requirements) to make properties functional is appropriate within a preservation project.

(30) "Preservation Agreement" means the notarized legal instrument by which a Grant Recipient and Owner commit to maintenance and preservation of the historic integrity of a historic property improved with Small Matching Grant assistance or a property other than real property improved with Special Category grant assistance. This legal instrument is applicable only to those Acquisition & Development projects for which recordation of Restrictive Covenants is not possible or required. Properties other than real property include but are not limited to: locomotives, railcars, marine vessels, aircraft and other movable objects. The term of the Preservation Agreement for Special Category grants is ten (10) years from the date of execution. The term of the Preservation Agreement for a Small Matching Grant Acquisition & Development project is five (5) years. The Preservation Agreement must be executed and submitted to the Department prior to any release of grant funding.

(31) "Preservation Standards" means the following standards promulgated by the National Park Service, United States Department of the Interior and the Division for the types of projects indicated:

(a) For projects involving individual historic buildings, the Secretary of the Interior's Standards for the Treatment of Historic Properties;

(b) For projects involving archaeological investigation, the Secretary of the Interior's Standards for Archaeological Documentation;

(c) For projects involving historical research, the Secretary of the Interior's Standards for Historical Documentation;

(d) For projects involving documentation of a historic structure, the Secretary of the Interior's Standards for Architectural and Engineering Documentation; and

(e) For survey projects, in addition to the Secretary of the Interior's Standards for Preservation Planning, the Florida Master Site File Guidelines for Users, Photo Submission Policy and How to Package Documents checklist.

(f) The National Park Service and Division standards referenced in paragraphs (a) through (e) above are available from the Bureau.

(32) "Project" means the undertaking that encompasses a set of tasks or activities defined by the scope of work and budget included in the Small Matching Historic Preservation Grant Application or Special Category Historic Preservation Grant Application and formalized in the Historic Preservation Grant Award Agreement. The project must begin on the grant effective date and end on or before the grant expiration date. A project may be a part of a larger effort undertaken in a series of distinct phases, which may have begun before the grant period and which may extend beyond the grant period.

(33) "Project Administrative Expenditures" means those expenditures directly attributable to management and oversight of the grant-assisted Project and meeting the reporting and associated requirements of the Historic Preservation Grant Award Agreement.

(34) "Project Budget" means the budget and project description included in the Small Matching Historic Preservation Grant Application or Special Category Historic Preservation Grant Application. The project budget must succinctly describe all major elements of project work, the estimated cost of each and clearly allocate requested grant funding and match contributions to each.

(35) "Project Manager" means the designated representative of the Grantee who is authorized to serve as liaison with the Department for all administrative requirements set forth in the Historic Preservation Grant Award Agreement.

(36) "Project Schedule" means the detailed timeline showing beginning and ending dates for all key elements of the Approved Scope of Work and all other major activities associated with project completion (e.g., draft report or construction document reviews, bidding, contract negotiation, and local permitting reviews).

(37) "Property Owner" means the owner(s) of land or building(s) or both, and of all improvements made with grant funds.

(38) “Real Property” means all land, structures, firmly attached and integrated equipment (e.g., light fixtures or a well pump), and anything growing on the land, as opposed to personal property (movable assets).

(39) “Reconstruction” means depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location and for which there is sufficient documentation available to accurately replicate the property.

(40) “Rehabilitation” means making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

(41) “Religious Property” means any real property and associated improvements owned by a religious institution (examples include churches, schools, meeting halls and parish houses) and any real property, regardless of ownership, that is used as a place of worship.

(42) “Restoration” means accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(43) “Restrictive Covenants” means the legal instrument by which a Grant Recipient and Owner commit to maintenance and preservation of the historic integrity of a property improved with Special Category grant assistance. This legal instrument is recorded at the appropriate county clerk’s office in the county in which the property is located and is binding on the current and subsequent owners for a term of ten (10) years from the date on which the instrument is recorded. The Restrictive Covenants must be recorded and submitted to the Department for projects involving real property prior to any release of Special Category Grant funding.

(44) “Review Panels” means ad hoc groups appointed by the Secretary of State to review, rank and recommend funding levels for Small Matching Historic Preservation Grant Applications. Panel members may include architects, engineers, historians, architectural historians, archaeologists, educators and museum professionals with experience in historic preservation, as well as citizens with demonstrated interest and experience in historic preservation.

(45) “Stabilization” means applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present. Also see “Preservation” in subsection (29) above.

(46) “Survey” means the act or process of determining the location and identification of historical and archaeological sites and properties. An aspect of identification is evaluation, meaning determination of the historical significance or values represented by historical and archaeological sites and properties which have been located and otherwise described. For the purpose of this grant program, historic significance is evaluated on the basis of the Criteria for Evaluation for the National Register of Historic Places as set forth in 36 CFR 60.4, as revised July 1, 2008, which are incorporated by reference and are available from the Bureau.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

### **1A-39.003 Grant Funding.**

#### Source of Grant Funds.

(1) The Division of Historical Resources (Division) grants both state and federal funds to assist historic preservation activities authorized by Section 267.0617, F.S.

(2) Federal funds for historic preservation grants-in-aid are apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act. No Acquisition & Development projects for religious properties may be funded with these federal funds.

(3) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants-in-aid is subject to the policies, procedures, and guidelines set forth by that agency in Chapters 8 (Subgrants, Contracts and Third Party Agreements), 9 (Certified Local Governments), and 17 (Procurement Standards) of the July 2007 edition of the Historic Preservation Fund Grants Manual, incorporated by reference, and to any special conditions required by the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. Examples of special conditions include ending dates by which all costs charged against a federal grant must be incurred and any prohibitions against the use of federal grant funds for lobbying activities. The federal Historic Preservation Fund Grants Manual is available online at <http://www.nps.gov/history/hps/hpg/downloads/June2007HPFManual.pdf>.

(4) Should the Division receive federal funding for Acquisition & Development grant activities, federal regulations require that

properties be listed in the National Register of Historic Places or listed as contributing to the significance of a historic district listed in the National Register of Historic Places to be eligible for such funding.

(5) State funds consist of funds which have been appropriated by the Florida Legislature, made available from dedicated sources, donated pursuant to Section 550.0351(2), F.S., or contributed from any other public or private source, except those federal funds for grants-in-aid received from the U.S. Department of the Interior, pursuant to the National Historic Preservation Act.

(6) State-funded Acquisition & Development activities for religious properties shall be limited to exterior work and only such interior work as is essential to the preservation of basic structural integrity.

(7) At least 80% of each donation made pursuant to Section 550.0351(2), F.S., shall be available for allocation to eligible projects within a 50-mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

### **1A-39.004 Grant Programs.**

Grant funds for historic preservation activities are awarded through two grant programs, the Small Matching Grant program and the Special Category Grant program, each with distinct program requirements and separate annual application cycles.

(1) Small Matching Grant Program. The purpose of this program is to provide funding to assist local, regional and state-wide efforts to preserve significant historic structures and archaeological sites, and promote knowledge and appreciation of the history of Florida. This program does not fund operational support for historic preservation organizations.

(a) Small Matching Grant project categories include:

1. Acquisition & Development projects:

a. Acquisition of historic properties or archaeological sites;

b. Development activities including: restoration, rehabilitation, preservation and reconstruction, and site-specific planning for these activities; and recordation of historic and archaeological properties threatened with damage or destruction;

2. Protection & Education projects:

a. Community Education projects aimed at increasing public understanding and awareness of the importance of historic and archaeological resources and their preservation, in general and for specific sites and properties;

b. Survey & Planning projects, which identify and evaluate cultural resources and which contribute to processes and programs to protect those resources; and preparation of long-range historic preservation and management plans for historic and archaeological properties;

c. Main Street projects include those providing technical support to the statewide Florida Main Street Program and a one-time start-up grant to newly designated Florida Main Street communities pursuant to Chapter 1A-36, F.A.C.;

d. Marker projects assist with the acquisition of state markers for which texts have been approved by the State Historic Marker Council;

e. Preparation of National Register nomination proposals for individual historic properties or archaeological sites, historic or archaeological districts, or thematic or multiple resource groups;

f. Statewide Special Projects, which address one or more statewide historic preservation needs identified by the Division. Applications for these projects are solicited by the Division within the regular grant cycle announcement; and

g. Florida Certified Local Governments (CLGs) (see subsection 1A-39.002(6), F.A.C.) are eligible to compete for a minimum of 10% of the annual federal Historic Preservation Fund apportionment received by the Division from the National Park Service. These CLG grants are awarded for Community Education, Survey & Planning, Marker and National Register nomination projects.

(b) Award Amount and Match Requirements. Except for projects providing technical support to the statewide Florida Main Street Program and Statewide Special Projects, the maximum award amount for the Small Matching Grant program is \$50,000. All Small Matching Grant awards require an equal match unless exempted as follows:

1. Match requirements shall be waived by the Division for projects providing technical support to the statewide Florida Main Street Program and for Statewide Special Projects.

2. Rural Economic Development Initiative (REDI) Communities – For Small Matching Grants, the match requirement will be waived for applications for projects within communities designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. Exceptions to this waiver allowance are funding requests for acquisition of historic properties or purchase of historic markers, both of which must meet the full match requirement. The community in which the project site is located must be a

designated REDI community at the time of application. A list of REDI qualified counties and municipal governments is available from the Governor's Office of Tourism Trade and Economic Development.

(c) An applicant from the same organization shall submit no more than one (1) application under a single application deadline in any Small Matching Grant category. State, county or city governments, or universities may submit single applications from more than one division or department during any grant cycle provided that those divisions or departments are separate and distinct budgetary units and providing that applications do not address the same facility, project or site.

(2) Special Category Grant Program. The purpose of this program is to provide funding to assist major local, regional and state-wide efforts to preserve significant historic structures and archaeological sites, to assist major archaeological excavations, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida. For the purpose of this program, the term "major" means projects with grant funding needs in excess of \$50,000. This program does not fund operational support for historic preservation organizations.

(a) Special Category Grant project categories include:

1. Acquisition of historic properties or archaeological sites;  
2. Development activities, including: restoration, rehabilitation, preservation, and reconstruction, and site-specific planning required for these activities;

3. Archaeological excavation projects, including: research, field investigation, testing, analysis and publication of findings; and

4. Museum exhibit projects for Florida history museums, including: research, exhibit design, fabrication and installation.

(b) Award Amount and Match Requirements.

1. The applicant shall request no more than \$350,000 in a single application. The minimum grant request amount for the Special Category Grant Program is \$50,000.

2. The match requirement for the Special Category Grant Program shall be the greater of \$50,000 or 50% of the requested grant amount unless as reduced in subparagraph 3. below.

3. Rural Economic Development Initiative (REDI) Communities. For Special Category Grants, the match requirement shall be reduced to 10% of the requested grant amount for projects within rural communities designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. The community in which the project site is located must be a REDI community at the time of application. A list of REDI qualified counties and municipal governments is available from the Governor's Office of Tourism Trade and Economic Development.

(c) An applicant from the same organization shall submit no more than one (1) Special Category Historic Preservation Grant Application under a single application deadline. State, county or city governments, or universities may submit single applications from more than one division or department during any grant cycle provided that those divisions or departments are separate and distinct budgetary units and providing that applications do not address the same facility, project or site.

(d) Grantees may have no more than one (1) previously awarded Special Category Grant open at the time of application. Applications from applicants with more than one open Special Category Grant shall be declared ineligible by staff and such applications shall be returned to the applicant with a written explanation.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

### **1A-39.005 Non-Allowable Costs.**

The following categories of expenditures are non-allowable for expenditure of grant funds and as contributions to required match:

(1) Expenditures for work not included in the Approved Scope of Work;

(2) Costs of goods and services not procured in accordance with procurement procedures set forth in the Historic Preservation Grant Award Agreement;

(3) Expenses incurred or obligated prior to or after the grant period;

(4) Expenditures for work not consistent with the applicable preservation standards (see subsection 1A-39.002(31), F.A.C.);

(5) Expenditures for Furniture and Equipment, unless specifically authorized as a part of a grant project;

(6) Expenses associated with lobbying or attempting to influence federal, state, or local legislation, the judicial branch, or any state agency;

(7) Private entertainment, food, beverages, plaques, awards, or gifts;

(8) Costs or value of donations or in-kind contributions not documented in accordance with the provisions of the Historic Preservation Grant Award Agreement;

(9) Indirect costs, except indirect costs for Statewide Special Projects and grants providing technical assistance to the statewide Florida Main Street Program, which shall be considered on a case-by-case basis but shall not exceed 20% of the grant award amount;

(10) Project Administrative Expenditures, whether grant expenditures or match contributions, which in aggregate exceed 10% of the grant award amount;

(11) Costs for projects having as their primary purpose the fulfillment of federal or state historic preservation regulatory requirements, specifically, costs of consultation and mitigation measures required under Section 106 of the *National Historic Preservation Act of 1966*, as amended through 2006, or under Section 267.031, F.S.;

(12) Projects which are restricted to private or exclusive participation, which shall include restricting access on the basis of sex, race, color, religion, national origin, disability, age, handicap, or marital status;

(13) Grantee operational support (i.e., organization salaries, travel, supplies) (Note: project-specific travel costs shall be allowed if requested in the application, included in the Project Budget and clearly demonstrated by the applicant to be essential to completion of the proposed project);

(14) Vehicular circulation and parking (Exception: provision of code-required handicapped parking pad);

(15) Sidewalks, landscape features, planting, irrigation systems and site lighting (Exception: sidewalk required to link code-required handicapped parking pad to the accessible entry, planting required to halt erosion, and limited site lighting required for security, if included in the Approved Scope of Work);

(16) Capital improvements to non-historic properties (except as approved for Museum Exhibit projects);

(17) Capital improvements to the interior of religious properties (Exception: repairs to primary elements of the structural system. Examples include: foundation repairs, repairs to columns, load bearing wall framing, roof framing, masonry repairs, and window and exterior door repairs);

(18) Code-required accessibility improvements for religious properties;

(19) Insurance costs (Exception: costs for builder's risk, workers compensation and contractor's liability insurance); and

(20) Purchase of equipment (other than equipment incorporated as capital improvements into a historic building during restoration or rehabilitation, and equipment required for a museum exhibit). If special equipment is required for completion of the Project and said equipment is included in the Approved Scope of Work for the Project as an eligible grant expense, it shall be rented for the grant term. If the value of special equipment is to be used as a match contribution, the value of the match contribution shall be limited to the cost of rental for the grant period at the market rate for such rental in the region.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

#### **1A-39.006 Match Contributions.**

(1) For the purposes of this program, allowable match contributions must relate directly to the Approved Scope of Work and may include cash, the value of in-kind services, and donated property and materials directly involved in project work. The required match must include a minimum cash contribution of 25%.

(a) In-kind services must be valued at the current Florida minimum wage unless the donor is performing services for which he or she is regularly employed at a higher prevailing wage, in which case, their value may include salary and benefits. Donated materials must be valued at the actual cost or fair market value and must be documented as such.

(b) The full amount of the cash match contribution must be cash-on-hand and dedicated to the project as documented by resolution or documented board action. Availability of cash match contributions must be documented by a bank statement or letter from the grantee's financial institution. For the purpose of this program, cash-on-hand includes funds identified in executed award letters or contracts from third parties, provided that those funds are expressly for the project for which the grant application is submitted.

(c) Written Pledges committed to be paid by a donor over a defined time frame (e.g., two (2) \$1,000.00 cash payments, the first to be made on January 31, 2010 and the second on January 31, 2011), with a donor's signature will be accepted as contributions to the required match. Anonymous pledges shall not be accepted as match contributions.

(d) The value of donated property will be accepted as a contribution to the required match, with the following conditions:

1. The donated property must be the historic property or archaeological site that is the subject of the project for which grant funds are requested.

2. Donation of the property must take place during the grant period.

3. Only the value of the historic building and its footprint or the portion of the property occupied by the archaeological site is eligible for contribution to the required match. This value must be based on a complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser.

4. Legal fees and other costs associated with the donation are not eligible match contributions.

(e) All match contributions must be documented as prescribed in the application. Match contributions that are not so documented will be disallowed, potentially resulting in a determination of application ineligibility or in reduction of the amount of grant award.

(2) Non-allowable match contributions include:

(a) Funding requested but not yet approved through local or state government appropriation processes;

(b) Anticipated proceeds from fundraising activities;

(c) Expenditures made prior to or after the Grant Period;

(d) Grant funding from other sources applied for but not yet awarded;

(e) Cash pledges not meeting the requirements in paragraph 1A-39.006(1)(c), F.A.C.;

(f) Other grant funds from the Department of State or resources contributing to match requirements for other Department of State grant awards;

(3) Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the required support material, which includes the dollar amount dedicated to the project and the date the funds will be available. Resolutions that have not been approved by the application deadline shall not be used as match documentation.

(4) State agencies and universities must document all match contributions in writing. Match commitment letters must be signed by the duly authorized representative of the applicant agency.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

#### **1A-39.007 Application Procedures.**

(1) The Division shall be responsible for the administration of all grant applications, procedures, and awards. Applicants shall meet all program deadlines as posted on the Division's website. Posted deadlines will appear at least sixty (60) days in advance of the deadline. Deadline dates are also available by contacting the Bureau at the address or telephone numbers indicated in subsection 1A-39.002(5), F.A.C.

(2) At least seven (7) days prior to each grant solicitation period, the Division shall publish in the Florida Administrative Weekly notification of the impending grant application period. This notification shall include the address of the online site where a solicitation letter describing any Statewide Special Projects or technical assistance projects for the Florida Main Street Program to be considered for funding is posted, where applications may be found, and where a mailing address and telephone number may be found through which additional information and assistance may be obtained.

(3) Florida Historical Commission and Review Panel meetings shall be noticed in the Florida Administrative Weekly and on the Division's website. Application review meetings shall be conducted in accordance with procedures outlined in this chapter and in Sections 112.313, 112.3143, 120.525 and 267.0617, F.S.

(4) Program guidelines shall be posted on the Division's website and shall contain information on eligibility requirements, application review procedures, evaluation criteria, disbursement of funds, and grant administration procedures.

(5) Applicant Eligibility. To be eligible to apply to the Division for grant funding, an applicant organization must:

(a) Be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or a non-profit organization.

(b) Have ownership of the property for which grant funding is requested or have the concurrence of the property owner. Except for projects involving property acquisition or site-specific archaeological investigation, the owner must be a public entity governed by either a municipality, county, or a non-profit organization as defined in subsection 1A-39.002(27), F.A.C. For the purposes of this program, an eligible applicant may lease state-owned land or building(s) or both.

(c) Have satisfied the administrative requirements of previous grants received from the Division or other Divisions of the Department of State, including grants that may be open at the time of application.

(d) Agree to and be able to match the requested grant amount or portion thereof as required by the specific grant program.

(e) Submit a completed application. Except as allowed in paragraph 1A-39.007(8)(c), F.A.C., applications shall be submitted to the Division online with specified supporting documents submitted by mail or express delivery service (unless applicants are specifically directed to do otherwise for special historic preservation funding appropriated by the Florida Legislature or made

available by the federal government), and

(f) Agree to comply with all legal and financial requirements as set forth in this chapter and the grant program guidelines.

(6) For Acquisition & Development grant assistance, projects must be limited to a single site, or group of sites in which all the properties have the same owner(s).

(7) Should an entity receive legislative funding outside the review of the Florida Historical Commission, Review Panel or Secretary of State, that entity shall not be eligible to receive historic preservation grant assistance from the Division for the same project within the same fiscal year in which the legislative funding is made available.

(8) Applications for historic preservation grant assistance shall be made on the appropriate historic preservation grant application form:

(a) Small Matching Historic Preservation Grant Application (DOS Form HR3E0410705SM, effective October 14, 2009, incorporated by reference).

(b) Special Category Historic Preservation Grant Application (DOS Form HR3E0410705SC, effective October 14, 2009, incorporated by reference).

(c) Online applications and instructions are available at the Division's web site. A copy of the application and all applicable supporting materials must be submitted to the attention of the Bureau by mail or express delivery service as specified in the instructions. If a prospective applicant does not have access to the internet, paper copies of the application may be obtained from the Bureau by writing to the address indicated in subsection 1A-39.002(5), F.A.C.

(d) For Acquisition projects:

1. In addition to the supporting documents referenced above, the application must include the following:

a. A copy of the complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser. Two appraisals are required if the first appraisal exceeds \$500,000.00;

b. A copy of a title search;

c. A copy of an executed option or purchase agreement;

d. A copy of the certified land survey; and

e. If applicable, a copy of the archaeological survey report justifying the archaeological site Acquisition project.

2. The maximum grant share for an Acquisition project shall not exceed 50% of the value of the property as determined by a complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser. If the appraisal exceeds \$500,000, a second appraisal must be obtained. In such case, the grant award shall not exceed 50% of the average of the two appraisals.

3. Only the purchase of the historic property or archaeological site is eligible for grant funding. All closing costs are the responsibility of the Grantee organization.

(9) Application Deadlines. There are two funding cycles annually; one for Special Category Grant funds, and one for state and federal Small Matching Grant funds. Applicants must submit separate applications for each cycle.

(a) To be considered for funding, online applications must be submitted by 12:00 midnight, on the deadline specified in the grant solicitation notice for the given grant cycle. Paper applications and required supporting materials must be received in the Division offices on or before 5:00 p.m., on the deadline specified in the grant solicitation letter for the given grant cycle, or be clearly postmarked or show evidence of submission to an express mail service on or before the online application deadline.

(b) In addition to the annual Special Category and Small Matching Grant cycles, the Division may also conduct special grant cycles should additional grant funds become available.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

### **1A-39.008 Application Review.**

(1) Upon receipt of grant applications, the Division shall review and evaluate each application for completeness and eligibility according to the funding cycle and application deadline for which it is intended. Each complete and eligible application shall be assigned an identification number.

(2) Late, Incomplete and Ineligible Applications.

(a) If the online application is submitted after the established deadline or if the required supporting materials are postmarked or submitted to an express parcel service after the established deadline, the application will be declared ineligible by Division staff and will be returned to the applicant with a written explanation.

(b) Grants staff will perform a completeness review of each application received by the established submission deadline. If an application is found to be incomplete, the applicant will be notified in writing of the identified completeness deficiencies and will be given an opportunity, by a date certain deadline, to submit to the Division information and documentation necessary to render the application complete. If the identified completeness deficiencies are not corrected by the established deadline, the application will be declared ineligible by Division staff and will be returned to the sender with a written explanation of the Division's finding of ineligibility. Incomplete applications are those for which responses have not been provided for all required application questions, or applications lacking required supporting materials (as so indicated in the Application Checklist included with the application) such as documentation of match availability, and current photographs of the resource(s) involved in the project.

(c) Ineligible applications also include those from applicants that do not meet the eligibility requirements in subsection 1A-39.007(5), F.A.C., applications requesting funding amounts inconsistent with the maximum award amounts in paragraph 1A-39.004(1)(b), F.A.C. for Small Matching Grants or paragraph 1A-39.004(2)(b), F.A.C., for Special Category Grants, or those from applicants claiming the REDI match waiver or reduction provided by subparagraphs 1A-39.004(1)(b)2. and 1A-39.004(2)(b)3., F.A.C., but who are not eligible for such waiver or match reduction.

(3) All complete and eligible applications shall be reviewed by the Division professional staff for sufficiency and conformance with the evaluation criteria in subsection 1A-39.008(8), F.A.C.

(4) After initial staff technical review, if clarification is required, staff will request necessary additional information and establish a deadline for submission of that information by the applicant. Such request may be made of the applicant by letter, facsimile, e-mail, or by telephone, based on contact information provided in the application. Additional information received after the established deadline will not be accepted.

(5) The Division shall send copies of the applications and submitted supporting materials to each member of the Historical Commission or the Review Panel or make these materials available online in sufficient time for members to review all applications prior to the Commission or Panel convening in a public meeting for the purpose of considering the applications for funding.

(6) The Division shall also provide the following information to the Historical Commission or the Review Panels, as applicable, during or prior to the public meeting at which applications are considered:

- (a) An opinion as to whether or not the project is appropriate for the type of grant assistance requested in the application;
- (b) An assessment of compliance of the proposed project with applicable preservation standards;
- (c) Any additional information or clarification requested from an applicant and received within the specified timeframe;
- (d) An assessment of the eligibility of claimed match contributions and the project budget, with recommendations for any grant funding level adjustments that may be justified by the findings of the staff technical review. Examples of the need for such adjustment would be a recommendation to delete work not consistent with the applicable preservation standards or to reduce the grant award in an amount commensurate with inadequately documented or non-allowable match contributions.

(e) Information regarding the applicant's administrative performance for open or previous Department grants. This information shall be considered in evaluating administrative capability and in development of funding recommendations. Among factors to be considered are:

1. Timeliness of Progress and Expenditure Report submissions;
2. Adequacy of expenditure documentation;
3. Compliance with interest reporting or payment requirements;
4. Compliance of previous project or project phases with applicable preservation standards;
5. Compliance with draft contract and product review submission requirements; and
6. Time required for project completion.

(f) For Florida Certified Local Government (CLG) applicants competing for the federal funding described in sub-subparagraph 1A-39.004(1)(a)2.g., F.A.C., information regarding the applicant's compliance with CLG reporting requirements will be provided.

(7) The Historical Commission and the Review Panels shall annually convene separate public meetings, either in person or by teleconference, to consider applications for federal or state Small Matching Grant assistance, and Special Category Grant assistance, within 150 days of the relevant application deadline.

- (a) Applications for Small Matching Grant assistance shall be reviewed by a Review Panel.

(b) Applications for Special Category Grant assistance shall be reviewed by the members of the Historical Commission.

(c) The Division shall publish a notification of the time and place of the meeting and where a copy of the agenda may be obtained in the Florida Administrative Weekly at least seven (7) days prior to the Historical Commission or Review Panel meeting.

(8) The Historical Commission and the Review Panels shall evaluate each application based on the criteria relating to the site involved, the prospective grantee, and the anticipated public benefit, as follows:

(a) Criteria related to the site:

1. Historic significance, meaning the relative importance of the site in connection with prehistory or historical events, developments or personalities.

2. Endangerment, meaning existing or potential threats of loss or damage through demolition, deterioration or encroaching development.

3. Appropriateness of the historic preservation treatment proposed in relation to the preservation of the historic appearance and character of the site and the protection to be provided against existing or potential threats.

(b) Criteria related to the grantee:

1. Administrative capability, including personnel, facilities and organization adequate to complete the project and meet the administrative requirements of the grant. Applicant administrative performance for previous or open grants awarded by the Division or other divisions of the Department of State shall be considered.

2. Financial resources adequate to meet grant match requirements and, as applicable, to carry project costs as necessary pending receipt of reimbursements from grant funds.

3. Availability of professional and technical services required to carry out the project work.

(c) Criteria related to public benefit:

1. Compatibility with statewide historic preservation priorities established by the Division, which include but are not limited to: equitable geographic and demographic distribution of available grant funds. These priorities are subject to change depending on regional or statewide concerns (e.g., disasters such as fire, flooding or hurricane damage). Further information about these priorities is available from the Bureau.

2. Educational potential or demonstration value for enhancing the public awareness of Florida history, Florida historic sites and properties, the objectives of historic preservation, and the application of historic preservation methods, materials and standards.

3. Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private sector interest and investment in historic preservation projects.

4. Public use or other public good resulting from the project.

(9) Overmatch (contribution of match resources in excess of the match requirements indicated in paragraph 1A-39.004(1)(b), subsection 1A-39.004(2) and paragraph 1A-39.004(2)(b), F.A.C.) shall result in no special consideration or advantage in application ranking; however, the applicant shall be required to document the availability of funding sufficient to complete the project if completion requires more than the sum of the required match and the requested grant funding.

(10) The Historical Commission and the Review Panels shall each develop priority listings of all project applications reviewed by ranking each project relative to the others and shall recommend funding levels and any appropriate special conditions for each individual project. An example of a special condition is a requirement that the grantee must ensure that masonry repairs are undertaken in accordance with the guidance contained in National Park Service Preservation Brief No. 2: Repointing Mortar Joints in Historic Buildings, available from the Bureau.

(11) For the purpose of establishing priority listings and recommending funding levels within the Small Matching Grant program, two (2) Review Panels shall consider applications in two general categories, Acquisition & Development and Protection & Education. Applications within the Protection & Education category shall be considered by groups in the following sub-categories: Survey & Planning, Community Education, Main Street, Historical Markers, National Register Nominations, and Statewide Special Projects. The Review Panels shall rank individual projects within each sub-category, also recommending funding levels for each individual project.

(12) The recommendations of the Historical Commission and the Review Panels shall be submitted by the Division to the Secretary of State for review and approval. At a minimum, the written recommendations shall include a ranking of all proposed projects, however categorized, and the recommended funding level for each proposed project.

(13) The Division shall prepare a final priority listing of all project applications with an associated level of funding for each project, as approved by the Secretary, and shall notify all applicants in writing of the final decision on the priority order and the

recommended funding level for their respective applications.

(14) Funding for state Small Matching Grants and Special Category Grants is contingent on an annual appropriation by the Florida Legislature.

(15) Grant funds shall be awarded in accordance with the final priority listing of the applications considered for grant assistance in a given funding cycle, unless otherwise provided by the Legislature. Funds shall not be provided for projects which were not applied for, reviewed and recommended in accordance with procedures outlined in this chapter.

(16) If reallocation of grant funds becomes necessary due to completion of a project at less than anticipated cost or project cancellation during the grant period for either a federal-funded or state-funded grant project:

(a) The Division Director shall increase the grant award amount for projects funded in the same grant cycle that received only a portion of the recommended funding amount; and

(b) If the funds available for reallocation exceed the amount needed to accomplish the objective of paragraph (a) above, after funding the projects in paragraph (a), the Division Director shall allocate remaining additional funds to new grant awards in rank order at the recommended funding level for projects reviewed and ranked in the same grant cycle but not funded because of insufficient funding.

(c) Any funds remaining in any grant allocation as a result of completion of a project at less than anticipated cost or project cancellation that are not reallocated in accordance with paragraph (a) or (b) above, shall revert to the funding source from which the grant funds were appropriated.

(17) If additional grant funds become available during the grant year for either federal-funded or state-funded grants, the Director shall increase grant awards or award new grants for applications reviewed by the Historical Commission or Review Panel during the normal review processes as in subsection 1A-39.008(1), F.A.C., or establish a special process for awarding such additional funds.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

#### **1A-39.009 Grant Award Agreement.**

(1) All grant awards which have been approved in accordance with subsection 1A-39.008(15), F.A.C., shall be formalized through a Historic Preservation Grant Award Agreement by which the grantee enters into a contract with the State of Florida for the management of grant funds. The grant award agreement is specific to the type of project being assisted. Each of the following four types of grant award agreements is incorporated by reference and is available on the Division's web site:

(a) Special Category Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASC, effective October 14, 2009. This agreement shall be used for all Special Category Grant awards.

(b) Small Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASM, effective October 14, 2009. This agreement shall be used for all Acquisition & Development, Survey & Planning, Community Education, and National Register Nomination projects for which a match is required.

(c) Non-Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAANM, effective October 14, 2009. This agreement shall be used for all Statewide Special Projects and technical assistance projects for the Florida Main Street Program that have been solicited by the Division to meet statewide historic preservation needs, as well as all Acquisition & Development, Survey & Planning, Community Education, National Register Nomination projects for which the match requirement has been waived.

(d) Abbreviated Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAAAB, effective October 14, 2009. This agreement shall be used for all local Main Street and Historic Marker projects.

(2) The project work may not be initiated prior to the effective date of the Historic Preservation Grant Award Agreement, except as allowed in subsection 1A-39.009(3), F.A.C.

(3) The Division shall authorize initiation of project work prior to the effective date of the Historic Preservation Grant Award Agreement if loss of the property would likely otherwise occur. Such authorization must be secured prior to the initiation of work and shall apply only to work to be undertaken during the period after the project has been recommended to the Legislature for funding by the Secretary of State and before legislative appropriation of grant funds. The grantee must request such authorization in writing and must document the imminent threat to the property by submission of a letter report from a Florida registered structural engineer clearly describing the conditions constituting the threat and proposed corrective measures. The Division shall review the

documentation provided by the grantee and make a determination regarding justification for requested authorization. The written determination of the Division shall be final. Any authorization granted for work initiated prior to the effective date of the Historic Preservation Grant Award Agreement shall apply only to that work addressing the conditions contributing to the identified threat to the property. All proposed corrective measures shall meet applicable preservation standards. Division authorization for initiation of project work prior to the effective date of the Historic Preservation Grant Award Agreement shall impose no liability on the Division if anticipated grant funds are not appropriated by the legislature. All such work shall be undertaken solely at the applicant's risk.

(4) Grant Encumbrance Period and Expenditure Period:

(a) Encumbrance Period for Projects Requiring Contractual Services:

1. During the encumbrance period, but not later than the end date of the encumbrance period, the grantee shall execute all required contracts for all work to be accomplished with grant funds. Projects for which encumbrance is not accomplished by the established deadline may be cancelled by the Division and the grant funds may be reallocated in accordance with subsection 1A-39.008(16), F.A.C.

2. For the purpose of the Special Category Grant program, the encumbrance deadline is June 30 of the state fiscal year in which grant funds are appropriated by the Legislature.

3. For the purpose of the Small Matching Grant program (including: matching Acquisition & Development, Survey & Planning, Community Education, and National Register Nomination projects; non-matching Acquisition & Development, Survey & Planning, Community Education, National Register Nomination projects; and Main Street and Historic Marker projects), grant funds must be encumbered by November 1 of the state fiscal year in which the grant funds are appropriated by the Legislature.

4. Exception: The encumbrance period for a Special Category Grant project shall be extended by written approval of the Division if requested in writing as indicated below and if the Grantee demonstrates to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by the end of the requested extended encumbrance period. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Division no later than May 31 of the state fiscal year in which the grant funds are appropriated by the Legislature. For Special Category Grant projects, the maximum extension of the encumbrance period shall be 180 days.

5. Exception: A one-time thirty (30) day extension of the encumbrance period for Small Matching Grant projects shall be granted by the Division if requested in writing as indicated below and if the Grantee demonstrates to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by December 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Division no later than October 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. No further extension of the encumbrance period shall be granted.

6. Small Matching Grant projects for which full encumbrance of grant funding and the required match is not accomplished by the extended encumbrance deadline shall be terminated by the Division. In such cases, all grant funds not expended in accordance with the provisions of the Historic Preservation Grant Award Agreement by the extended encumbrance period end date will be reallocated in accordance with subsection 1A-39.008(16), F.A.C.

(b) For projects not involving contract services (e.g., archaeological or other research projects conducted by universities, projects conducted by staff within State Parks, or small development projects involving repairs undertaken by volunteers), the grantee and the Division shall consult on a case-by-case basis to develop an acceptable encumbrance schedule.

(c) The Division will not release more than 25% of the total grant amount until an executed contract with an architect, contractor, consultant or vendor has been submitted by the grantee and approved by the Division. Acquisition grants that were awarded for the purchase of real property are exempt from this provision. The Division shall maintain a copy of all such executed contracts in the grant files.

(d) Expenditure Period.

1. For Special Category Grant projects, grant funds and required match resources must be expended by June 30 of the fiscal year following the fiscal year in which grant funds were appropriated by the Legislature.

2. For Small Matching Grant projects, grant funds must be expended by June 30 of the fiscal year in which grant funds were appropriated by the Legislature.

3. Grant funds shall not be used for project expenditures that are incurred after the expenditure period end date, which is the termination date of the Historic Preservation Grant Award Agreement.

4. For Special Category Grant projects, the Division shall extend the expenditure period by not more than 180 days provided that the grantee requests the extension in writing and:

- a. Documents that all grant funds and match contributions are encumbered; and
- b. Demonstrates to the satisfaction of the Division that project work is progressing at a rate such that completion is achievable within the extended expenditure period.

5. For Small Matching Grant Projects, a one-time thirty (30) day extension shall be granted by the Division if requested in writing by the Grantee and if the Grantee demonstrates to the satisfaction of the Division that project work is progressing at a rate such that completion is achievable within the extended grant period.

6. For Special Category and Small Matching Grant projects, the grantee's written request for extension shall be submitted to the Division no later than thirty (30) days prior to the termination date of the Historic Preservation Grant Award Agreement.

(5) Grant Funding Disbursement.

(a) Grantees may elect either Advance Disbursement or Reimbursement of grant funds in the Historic Preservation Grant Award Agreement. Once this election is made, it shall not be amended.

(b) All grantee payment requests must be submitted to the Division on the Payment Request Form provided by the Division (DOS Form HR3E1208PRF, effective October 14, 2009), incorporated by reference and available on the Division web site).

(c) Grant payments are contingent upon completion by the grantee of specific performance measures as prescribed in the Historic Preservation Grant Award Agreement.

(d) Reimbursement for expenditures shall be based on documentation provided in the Project Progress and Expenditure Reports described in Rule 1A-39.010, F.A.C.

(e) Release of grant funds for Advance Disbursement projects shall be as specified in the Historic Preservation Grant Award Agreement, subject to release of state appropriation to the Division. The release schedule may be adjusted by the Division with prior notice to the Grantee.

(f) The Final Payment (10% of the grant award amount) shall be retained by the Division until receipt, review and approval of the Final Project Progress and Expenditure Report described in paragraphs 1A-39.010(1)(b) and (2)(c), F.A.C., documenting full expenditure of all grant funds and required match contributions. For the purpose of this provision, "expenditure" shall mean that all goods and services have been delivered, invoiced, and approved by the Division. While proof of payment is not required for request of the 10% retainage amount, such proof of payment must be submitted to the Division within thirty (30) days after the date of issuance of the state warrant for the final grant payment.

(g) The Department shall reduce total grant funding for the Project in direct proportion to match contributions not met by the end of the Grant Period. This reduction shall be calculated by dividing the actual match amount by the required match amount indicated in the Historic Grant Award Agreement and multiplying the product by the grant award amount indicated in the Historic Grant Award Agreement.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

### **1A-39.010 Reporting Requirements.**

(1) Special Category Grant Project Reporting Requirements.

(a) Special Category Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERSC, effective October 14, 2009), incorporated by reference and available on the Division's web site, covering six (6) month reporting intervals shall be submitted until the project is complete. For the purpose of this program, a project is considered complete when all grant funding and required match resources have been expended, and all corresponding project work has been reviewed and approved by the Division. Reports are due thirty (30) days following the end date of each reporting interval. The first Project Progress and Expenditure Report is due on January 31 of the state fiscal year in which the grant was awarded.

(b) A Final Special Category Grant Project Progress and Expenditure Report, contained in DOS Form HR3E1208PERSC, and photographs of completed project work or copies of final grant products shall be submitted within thirty (30) days following the expenditure of all grant and match funding, and contribution of all in-kind services, and donated materials included in the match documented in the grant application for the project, which is incorporated by reference in the Historic Preservation Grant Award Agreement.

(2) Small Matching Grant Project Reporting Requirements.

(a) For each type of Small Matching Grant Project, a Project Progress and Expenditure Report shall be submitted at three-month reporting intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant funds and required match resources have been expended, and all project work or final grant-assisted products have been reviewed and approved by the Division. Reports are due thirty (30) days following the end date of each reporting interval. The first Project Progress and Expenditure Report is due on October 31 of the state fiscal year in which the grant was awarded.

(b) The following Project Progress and Expenditure Report forms, incorporated by reference and available on the Division's web site, shall be used for the corresponding Small Matching Grant project type:

1. Acquisition & Development Project Progress and Expenditure Report (DOS Form HR3E1208PERSMAD, effective October 14, 2009);

2. Survey and Planning/Community Education Project Progress and Expenditure Reports (DOS Form HR3E1208PERSMSPCE, effective October 14, 2009) (for Survey & Planning, Community Education and National Register nomination projects for which a match is required);

3. Non-Matching Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERNM, effective October 14, 2009) (for special solicited projects and REDI waiver projects);

4. Abbreviated Historic Preservation Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERAB, effective October 14, 2009) (for Historical Marker and Main Street projects); and

5. Certified Local Government Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERCLG, effective October 14, 2009).

(c) Final Project Progress and Expenditure Reports for each type of Small Matching Grant (contained in each of the Project Progress and Expenditure Report forms listed in subparagraph 2. above) shall be submitted within thirty (30) days following the expiration date but not later than July 31 of the year following the state fiscal year in which the grant was awarded. Final Project Progress and Expenditure Reports shall include photographs of completed project work or copies of final grant products.

(3) All Project Progress and Expenditure Reports shall include the following:

(a) A written description of the work completed;

(b) Financial documentation showing the expenditure of grant funds and match resources including: a detail listing check number, amount of check, date of check, name of payee, a description of the expenditure, and copies of invoices and cancelled checks, copies of the paid invoices for all cash purchases, or alternative expenditure documentation as approved in writing by the Division.

(c) For all Acquisition & Development projects, photographs describing the current status of project work as related to the Approved Scope of Work. All photographs shall be captioned with property name, date of photograph, and description of feature and work described. Photographs shall be clear and sufficient to describe all completed elements of the Approved Scope of Work.

(4) All Project Progress and Expenditure Reports require completion of a grantee assessment to assist in identifying non-state entity grantees that are required to comply with the Florida Single Audit Act, Sections 215.97(2)(a) and 215.97(8)(a), F.S. Information provided by this grantee assessment shall be reported by grants staff to the Department's Office of Inspector General in accordance with the established procedures of that office.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

### **1A-39.011 Restrictive Covenants.**

(1) For Special Category Grant projects involving acquisition of or improvement to real property, the grantee and the property owner(s) shall execute and file a Restrictive Covenants, DOS Form HR3E1208RC, effective October 14, 2009, with the Clerk of the Circuit Court in the county where the property is located, prior to release of the grant funds. This Restrictive Covenants form, incorporated by reference, is available on the Division's web site.

(2) The restrictive covenant shall include the following provisions:

(a) The Restrictive Covenants, incorporated herein by reference, shall run with the title of the property, shall encumber the property and shall be binding upon the grantee and the owner(s), if different, and the successors in interest for ten (10) years from the date of the recordation of the Restrictive Covenants.

(b) The grantee and owner(s) shall permit the Division to inspect the property at all reasonable times to determine whether the grantee and owner(s) are in compliance with the terms of the Restrictive Covenants.

(c) The grantee and owner(s) shall maintain the property in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(d) The grantee and owner(s) agree that no modifications will be made to the property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Division's Bureau of Historic Preservation.

(e) The Restrictive Covenants shall also contain an amortization schedule of the repayment of grant funds, should the grantee or owner(s) or their successors in interest violate the Restrictive Covenants.

(f) Other provisions as agreed upon by the Division and the grantee.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*

### **1A-39.012 Preservation Agreement.**

(1) For Special Category and Small Matching Grant projects involving properties other than real property (e.g., an aircraft, locomotive or marine vessel), Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASC, effective October 14, 2009, incorporated herein by reference and available on the Division's web site, shall be required prior to the release of grant funds. Through this Preservation Agreement, the grantee and the property owner(s) shall commit to the following for a term of ten (10) years for Special Category Grant projects and five (5) years for Small Matching Grant projects:

(a) To assume the cost of the continued maintenance and repair of the property so as to preserve the architectural or historical integrity of the same.

(b) That no visual or structural alterations will be made to the property without prior written permission of the Division.

(c) That the Division, its agents and designees shall have the right to inspect the property at all reasonable times in order to ascertain whether or not the conditions of this agreement are being observed.

(d) The Preservation Agreement shall also contain an amortization schedule for the repayment of grant funds, should the grantee or owners or their successors in interest violate the Preservation Agreement.

(e) Other provisions as agreed upon by the Division and the grantee.

(2) For Small Matching Grant projects involving acquisition of or improvement to a historic property, Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASM, effective October 14, 2009, incorporated herein by reference and available on the Division's web site, shall be required prior to the release of grant funds. Through this Preservation Agreement, the grantee and the property owner(s) shall commit to the provisions indicated in subsection 1A-39.012(1), F.A.C. for a term of five (5) years.

*Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New 10-14-09.*