

SPECIAL CATEGORY GRANTS

GUIDELINES

**Florida Department of State
Division of Historical Resources
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Tallahassee, Florida 32399-0250**

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I. OVERVIEW

The Department of State, Division of Historical Resources, provides state funds for historic preservation. The purpose of this program is to provide funding to assist major local, regional and state-wide efforts to preserve significant historic and archaeological resources, to assist major archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida. This program does not fund operational support for historic preservation organizations. The Legislature determines the amount appropriated annually for the program. These Guidelines specify program policies and procedures.

II. GRANT FUNDING

1. The Division grants state funds to assist historic preservation activities authorized by Section 267.0617, F.S.
2. State funds consist of funds which have been appropriated by the Florida Legislature, made available from dedicated sources, or contributed from any other public or private source.
3. State-funded Acquisition and 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.

III. PROGRAM INFORMATION

1. Special Category Grants may provide a maximum grant award amount of \$500,000 and a minimum of \$50,000.
2. Special Category Grant project types
 - a) Acquisition of a single Historic Property or archaeological site, or group of Historic Properties or archaeological sites, in which all the resources have the same owner;
 - b) Development activities geared at preservation of properties regularly open to the public, including: restoration, rehabilitation, reconstruction, and site-specific planning required for these activities. Development activities on religious properties are limited to structural integrity work and exterior work;
 - c) Archaeological projects, including: research and field investigation tied to large area surveys or excavation, analysis and publication of findings, and collection research at established federal, state or public institutions; and
 - d) Museum exhibit projects for Florida history museums, including: research of exhibit content, exhibit design, fabrication and installation.

3. Limitation on application submission

- a) An Applicant Organization shall submit no more than one (1) Special Category grant application under a single application deadline for a particular application cycle. State agencies, county or city governments, or universities may submit single applications from more than one division or department under a single application cycle provided that those divisions or departments are separate and distinct budgetary units and provided that applications do not address the same facility, project or site.
- b) Applicant Organizations may have no more than one (1) previously awarded grant from the Division (Special Category or Small Matching) open at the time of application. Applications from Applicant Organizations with more than one open grant from the Division will not be accepted. Open grants include: Any previously submitted applications that are awaiting funding from the Florida Legislature; any applications that have been appropriated funding by the Florida Legislature but have not yet executed a Grant Award Agreement; and any funded grant that has not completed its Scope of Work or is still in its Grant Period.

IV. 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 Scope of Work of the executed Grant Award Agreement;
2. Costs of goods and services not procured in accordance with procurement procedures set forth in the Grant Award Agreement;
3. Expenses incurred or obligated prior to or after the Grant Period;
4. Expenditures for work not consistent with the applicable historic preservation standards as outlined in the Secretary of the Interior's Guidelines, <http://www.nps.gov/tps/standards.htm> and http://www.nps.gov/history/local-law/arch_stnds_0.htm or applicable industry standards;
5. Furniture and Equipment. (a) Expenditures for furniture and equipment such as features not physically attached to a structure, including but not limited to: desks, tables, chairs, area rugs, window treatments, computers, kitchen appliances, portable lighting fixtures, and components of portable sound or projection systems, unless specific prior approval has been granted by the Division. (b) If special equipment is required for completion of the Project and said equipment is included in the Scope of Work for the Project as an eligible grant expense, it shall be rented for the grant term; unless it can be shown that acquiring the equipment is cheaper than renting the equipment and approval has been provided by the Division. 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;
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 Grant Award Agreement;
9. Indirect costs including but not limited to Grantee overhead, management expenses, general operating costs and other costs that are not readily identifiable as expenditures for the materials and services required to complete the work identified in the Scope of Work in the 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;
10. 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.;
11. 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, pregnancy, handicap, or marital status;
12. Project administrative expenditures such as expenditures that are directly attributable to management of the grant-assisted Project and meeting the reporting and associated requirements of the Grant Award Agreement, whether grant expenditures or match contributions, which in aggregate exceed 5% of the grant award amount;
13. Grantee operational support (i.e., organization salaries not related to grant activities; travel expenditures; or supplies);
14. Vehicular circulation (drives) 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 Scope of Work);
16. Capital improvements to non-historic properties (Exception: pre-approved items of work 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. Travel expenditures, including those of personnel responsible for items of work approved by the Division, administrative personnel, contracted or subcontracted employees, either for purposes of work on-site or research off-site.

V. MATCH CONTRIBUTIONS

1. Award Amount and Match Requirements: All Special Category Grant awards require a match of either \$50,000 or 50% of the requested grant amount, whichever is greater, unless exempted as follows:
 - a) Match requirement shall be reduced by the Division to 10% of the requested grant amount for applications for projects within rural communities or counties, as designated by the Rural Economic Development Initiative (REDI) 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 or county at the time of application. A list of REDI qualified counties and municipal governments is available from Department of Economic Opportunity at <http://floridajobs.org>.
2. For the purposes of this program, allowable match contributions must relate directly to the Scope of Work and may be a cash match, 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%.
3. 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.
4. Municipalities and counties must submit a copy of the approved resolution or a letter signed by the duly authorized representative of the local government, which includes the dollar amount dedicated to the Project.
5. 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 Organization.
6. Non-profit Organizations must document all match contributions in writing. Match commitment letters must be signed by the duly authorized representative of the Applicant Organization.
7. The full amount of the cash match contribution must be cash-on-hand and dedicated to the Project as documented by a commitment letter signed by the duly authorized representative of the Applicant Organization. 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.
8. Written pledges committed to be paid by a donor over a defined time frame before or during the Grant Period, with a donor's signature, will be accepted as contributions to the required match. Anonymous pledges shall not be accepted as match contributions.

9. The value of donated property will be accepted as a contribution to the required match, with the following conditions:
 - a) The donated property must be the Historic Property or archaeological site that is the subject of the project for which grant funds are requested.
 - b) Donation of the property must take place during the Grant Period.
 - c) 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 appraisal prepared by a Florida State Certified General Real Estate Appraiser.
 - d) Legal fees and other costs associated with the donation are not eligible match contributions.
10. 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.
11. 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 above; and
 - f) Other grant funds from the Department of State or resources contributing to match requirements for other Department of State grant awards.

VI. APPLICATION PROCEDURES

1. 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. For museum projects, Applicant Organizations must be a governmental or non-profit Florida history museum established permanently in Florida, promoting and encouraging knowledge and appreciation of Florida history through the collection, presentation, exhibition, and interpretation of artifacts and other historical items related to Florida. The mission of the museum must relate directly to the history of Florida.
 - b) Have ownership of the property for which grant funding is requested or have the written 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. 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, and be in compliance with all permits issued to the Applicant Organization by the Bureau of Archaeological Research.
 - d) Agree to and be able to match the requested grant amount or portion thereof as required by the Division.
 - e) Submit a completed application, unless specifically directed to do otherwise for special historic preservation funding appropriated by the Florida Legislature or made available by the federal government or any agency thereof.
 - f) Agree to comply with all legal and financial requirements as set forth in these Guidelines.
2. Online Applications. Special Category Grants applications are available on the Department grants online system at <http://www.dosgrants.com>. A completed application and all required and applicable supporting material must be submitted by the deadline as specified in their instructions.
3. Attachments. Every application must include the required and applicable attachments via the grants online system at the time of application submission. The list of attachments to be submitted, as applicable to project type, is as follows:
- a) Documentation of Confirmed Match: An Applicant Organization shall provide current documentation of all match and this must meet the minimum match requirements, as outlined in Section V. At a minimum, 25% of the match must be evidenced to be in the form of cash.
 - b) Letters of Support, Endorsement, or Resolutions: The Applicant Organization shall provide a list that includes the following information for each letter of support, endorsement or resolution included in the application: name of author, type of communication (letter, petition, resolution, etc.) and organization represented (if applicable). All letters shall be included as part of this attachment. Letters at hand must scanned together and uploaded as a single file as part of this attachment. Additional letters may be submitted directly to the Division one month prior to the public meetings where the Florida Historical Commission will review and score applications.
 - c) Representative Photographs: All Applicant Organizations shall provide digital images as specified in the application instructions. For Acquisition and Development projects, minimum requirements include current photographs of all exterior elevations, principal interior spaces, and significant architectural features, if available, also provide historic photographs of the property. For archaeological excavation projects, photographs should include general views of the site, visible archaeological features, and sample of artifacts recovered from previous work, as applicable.

- d) Architectural Drawings (for Development and Museum projects only): If completed, the Applicant Organization shall include architectural project schematics or construction documents in this attachment.
- e) Representative Image: A single representative image of the property or project to be used in the application review meeting shall be submitted by the Applicant Organization. For historic buildings, this should be a photograph showing the main elevation of the resource. For historic structures or archaeological sites, this should be a photograph that serves to represent it. For museum exhibit projects, the image should convey the theme or purpose of the proposed project.
- f) Updated Florida Master Site File Form (for all site-specific projects): An Applicant Organization shall submit updated site forms (as incorporated in Rule 1A-46.001, F.A.C.), unless these are projected to be the specific product of the proposed project. For assistance in meeting this requirement, contact the Florida Master Site File at 850.245.6440, or visit the Florida Master Site File website at: <http://dos.myflorida.com/historical/preservation/master-site-file/>.
- g) Appraisal and Purchase Documents (for Acquisition projects only): In this attachment the Applicant Organization must include an appraisal(s), purchase agreement, title/owner search, certified land survey, and archaeological survey report, if applicable. For Acquisition projects the maximum grant share shall not exceed the value of the property as determined by a complete 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 the average of the two appraisals. Only the purchase of the Historic Property or archaeological site is eligible for grant funding. All closing costs are the responsibility of the Grantee. In addition to the supporting documents required for all applications, the application must include the following:
 - a. A copy of the complete appraisal prepared by a Florida State Certified General Real Estate Appraiser. Two appraisals are required if the first appraisal exceeds \$500,000;
 - 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 substantiating the significance of the archaeological site proposed for acquisition.
- h) Exhibit Supporting Documents (for museum exhibit projects only): The Application Organization shall include curriculum vitae for all key project research and exhibit development personnel, if known. In the same manner, if objects are to be loaned from other institutions or individuals for exhibit, letters of confirmation from lending institutions must be provided. If the exhibit is designed to travel, this attachment must include letters of commitment from participating institutions.
- i) Archaeological Supporting Documents (for archaeological projects only): If available, previous archaeological site reports or surveys of the property that are the subject of the proposed archaeological excavation project should be submitted in this attachment. Curricula vitae for the principal investigator shall also be provided and that of other key personnel, if known.

- j) Documentation of Non-profit Status (for Non-profit Organizations only): In-state corporate entities must provide documentation of their active status as a Florida non-profit corporation with the Division of Corporations, Florida Department of State, which can be obtained at: <http://www.sunbiz.org> by searching the corporate name. Out-of-state corporate entities must include documentation from the Internal Revenue Service confirming that they are exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code.
 - k) Documentation of Threat: An Applicant Organization should use this attachment to explain and document immediate threats to the property or historical resource that is the subject of the proposed project. This may include threats to the property, site, or information to be featured in the exhibit.
 - l) Local Protection (for site specific projects only): Provide copies of any documents that provide local protection of the project site, if any currently exist. This may include: local protection ordinances, preservation or conservation agreements, protective or restrictive covenants, or maintenance agreements.
 - m) Owner Concurrence letter (for site specific projects only): Each Applicant Organization shall provide a letter that documents that the Applicant Organization has the permission of the owner of record (if the Property Owner is not the applicant) to conduct the proposed project on the owner's property and that the owner is in concurrence with this application for grant funding. Note that, for other than Acquisition or archaeological excavation projects, the owner must be a Non-profit Organization or agency of government.
 - n) Optional Attachments: An Applicant Organization may use this attachment to present materials not specifically requested by the Division that support the application.
4. Other Government Funding. Should an Applicant Organization receive legislative or federal funding outside the review of the Florida Historical Commission 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 or federal funding is made available.
 5. Application Deadlines. To be considered for funding, online applications and all required attachments must be submitted by the deadline specified in the grant solicitation notice for the given grant cycle.

VII. APPLICATION REVIEW

1. Applications will be accepted only via the Department grants online system during the established submission period.
2. Determination of ineligibility.
 - a) Applications submitted in ways other than the Department grants online system or after the established submission deadline will be deemed ineligible.
 - b) Grants staff will perform a completeness review of each application received by the established submission deadline. Incomplete applications are those for which responses have not been provided for all required application questions, or applications lacking the correct information

requested as required supporting materials (i.e., attachments). If an application is found to be incomplete, the Applicant Organization will be notified of the identified completeness deficiencies and will be given an opportunity by a certain deadline, to submit to the Division the 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 and the Applicant Organization will be notified using the contact information provided in the application.

- c) Ineligible applications also include those from Applicant Organizations that do not meet the eligibility requirements, applications whose purpose is inconsistent with the Special Category project types or the purpose of this program, applications requesting funding amounts inconsistent with the minimum and maximum award amounts, applications that do not meet the required match requirement or those claiming the REDI match reduction but who are not eligible for such match reduction. These applications will be declared ineligible and the Applicant Organization will be notified in writing using the contact information provided in the application.
- d) Applications from Applicant Organizations included in the noncompliance list for the previous six months will be declared ineligible and the Applicant Organization will be notified in writing using the contact information provided in the application.

3. Technical review of all eligible applications.

- a) Division staff will conduct a technical review of eligible applications. If necessary, a request for clarification will be sent with a certain response deadline. Such request will be made in writing to the Applicant Organization using the contact information provided in the application. These requests are not for additional information, but to clarify the information already submitted in the application. Responses received after the established deadline will not be accepted.
- b) Clarifications will become an official part of the application.

4. The Division shall make available online electronic copies of the applications (along with their attachments and clarifications) to the Florida Historical Commission in sufficient time for its members to review all applications prior to the Florida Historical Commission convening in a public meeting for the purpose of considering the applications for funding.

5. The Division shall also make available a staff report on each application that provides an assessment of the information provided in the grant application. The staff report will include:

- a) A synopsis of the proposed Scope of Work;
- b) An assessment of compliance of the proposed project with any applicable Preservation Standards;
- c) Any clarification requested from an Applicant Organization and received by the specified deadline;
- d) An assessment of the proposed Scope of Work and its appropriateness in regards to the resource, personnel, and timeframe;

- e) An assessment of the proposed estimated budget including eligibility of claimed match contributions, 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 related to non-allowable costs, 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; and
 - f) Other information regarding the Applicant Organization and its compliance with previous Division grants, if relevant.
6. At any time prior to the Special Category review and ranking public meetings, and Applicant Organization may opt to remove an application from further consideration for funding. Those applications will be labeled withdrawn and will not be discussed in the public meetings.
7. Florida Historical Commission review of applications.
- a) Applications that have not been determined ineligible by the Division and have not been withdrawn by the Applicant Organization shall be reviewed by the members of the Florida Historical Commission. The members shall evaluate each application based on the following ten criteria

Criteria related to the site or the proposed Project:

- 1) Historic significance, meaning the relative importance of the property or site in connection with prehistory or historical events, developments or personalities. This may also refer to the relative importance of the information that forms the basis of the proposed exhibit.
- 2) Endangerment, meaning existing or potential threats of loss or damage to the property, site, or information, as consequence of issues such as inaction, impending 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. This may also refer to the appropriateness of the proposed project in relation to the resource, collections, or information that forms the basis of the proposed exhibit.

Criteria related to the Applicant Organization:

- 4) Administrative capability, as demonstrated in the application, 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.
- 5) Financial resources adequate to meet grant match requirements and, as applicable, to carry project costs as necessary pending receipt of disbursements of grant funds.

- 6) Availability of professional and technical services required to carry out the proposed project.

Criteria related to public benefit:

- 7) Compatibility with statewide historic preservation priorities established by the Division in the solicitation notice. 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 Division.
- 8) Educational potential or demonstration of 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.
- 9) Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private sector interest and investment in historic preservation projects.
- 10) Public use or other public good resulting from the proposed project..

- b) At a public meeting, the Florida Historical Commission shall score each eligible application reviewed for each of the aforementioned criteria. For each criteria the minimum score is zero and maximum score ten. As per the results of their review, discussion in the public meeting, and scoring, the Commission members shall recommend, for each application, funding levels and any revisions of Scope of Work necessary to ensure compliance with these Guidelines.
- c) After all Florida Historical Commission members have finalized scoring of all applications, the Commissioners' scores will be averaged to create a priority ranking list. This ranking list will include all applications reviewed during the public meetings.
- d) Applications that receive a total average score of 70 or below will be eliminated from further review and will not be recommended for funding.
- e) The recommendations of the Florida Historical Commission 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 list of all applications and the Florida Historical Commission's recommended overall funding level.

8. The Division shall prepare a final priority list of all applications with an associated level of funding for each, as approved by the Secretary of State. The Secretary may approve the list as submitted by the Florida Historical Commission or may amend it. The approved list will be posted on the Division's web page.
9. Funding for state Special Category Grants is contingent on an annual appropriation by the Florida Legislature.
10. Grant funds shall be awarded in accordance with the final ranking list 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 these Guidelines.

11. 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 the Division will proceed as follows:
 - a) The 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 Director shall allocate remaining additional funds to new grant awards in rank order at the recommended funding level for projects reviewed and scored 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.
12. If additional grant funds become available during the grant year, the Director shall increase grant awards or award new grants for applications reviewed by the Florida Historical Commission during the normal review processes, or establish a special process for awarding such additional funds.

VIII. GRANT AWARD AGREEMENT

1. All grant awards which have been approved in accordance with these Guidelines and authorized by the Legislature shall be formalized through a Grant Award Agreement by which the Grantee enters into a contract with the State of Florida for the transparent management of grant funds. The Grant Award Agreement is specific to the type of project being assisted.
2. Project work may not be initiated prior to the Effective Date of the Grant Award Agreement, unless:
 - a) The Division may authorize initiation of project work prior to the Effective Date of the 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.
 - b) The Grantee must request such authorization in writing and must document the imminent threat to the property by submission of a letter or report from a certified structural engineer, vessel engineer, or geomorphologist, as applicable, clearly describing the conditions constituting the threat and proposed corrective measures.
 - c) 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 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.

- d) Division authorization for initiation of project work prior to the Effective Date of the 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 Organization's risk.
- e) Division authorization does not entail disbursement of any payment prior to the Effective Date of the Grant Award Agreement. Grantee shall use matching funds to carry out approved work prior to the Effective Date.

3. 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 as outlined in the Grant Award Agreement, the Grantee shall execute all required contracts for all or part of the work to be accomplished with grant funds. Projects for which no encumbrance is accomplished by the established deadline may be cancelled by the Division and the grant funds may be reallocated in accordance with these Guidelines.
- 2) Exception: The encumbrance period for a Special Category Grant project can 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 partial 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 as outlined in the Grant Award Agreement.
- 3) For projects not involving contract services (e.g., archaeological projects conducted by universities, or projects conducted by staff within State Parks), the Grantee and the Division shall consult on a case-by-case basis to develop an acceptable encumbrance schedule.

b) Expenditure Period:

- 1) Grant funds and required match resources must be expended as outlined in the Grant Award Agreement and properly documented as required by the Division.
- 2) 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 Grant Award Agreement.
- 3) The Division may extend the expenditure period by not more than 180 days provided that the Grantee requests the extension in writing; documents that all grant funds and match contributions are encumbered; and 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.

- c) 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 Grant Award Agreement.

IX. REPORTING REQUIREMENTS

1. As required by the Grant Award Agreement, Grantees shall submit periodic progress reports to the Division. A progress report describes the progress of the project during the last reporting period including:
 - a) The progress and status of each Scope of Work activity;
 - b) The progress and status of the deliverables;
 - c) Status of executing subcontractors and encumbrance of funds; and
 - d) Any variations from project timeline, budget, and deliverables, with a description of reasons for variance.
2. Progress reports shall also include photographs describing the current status of project work as related to the 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 Scope of Work.
3. The Grantee shall submit a final progress report within thirty (30) days following the Expiration Date of the grant.
4. The Grantee shall provide information to the Division 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 the Grantee shall be reported by grants staff to the Department's Office of Inspector General.

X. 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 Restrictive Covenants 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 is available on the Division's web site <http://www.dos.myflorida.com/historical/grants/> and at the Department grants online system <http://www.dosgrants.com>.
2. The Restrictive Covenant shall include the following provisions:
 - a) The Restrictive Covenants shall run with the title of the property, shall encumber the property and shall be binding upon the Grantee and the Property Owner(s), if different, and their successors in interest for ten (10) years from the date of the recordation of the Restrictive Covenants for projects involving improvements to Real Property and for twenty (20) years for acquisition projects.

- b) The Grantee and Property Owner(s) shall permit the Division to inspect the property at all reasonable times to determine whether the Grantee and Property Owner(s) are in compliance with the terms of the Restrictive Covenants.
- c) The Grantee and Property 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 Property 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.
- e) The Restrictive Covenants shall contain the following amortization schedule of the repayment of grant funds, should the Grantee or Property Owner(s) or their successors in interest violate the Restrictive Covenants.
 - 1) Amortization Schedule for projects involving improvements to Real Property:
If the violation occurs within the first five (5) years of the effective date of these covenants, the Department shall be entitled to return of the entire grant amount. If the violation occurs after the first five (5) years, the Department shall be entitled to return of the entire grant amount, less 10% for each year past the first five (5).
 - 2) Amortization Schedule for acquisition projects:
If the violation occurs within the first ten (10) years of the effective date of these covenants, the Department shall be entitled to return of the entire grant amount. If the violation occurs after the first ten (10) years, the Department shall be entitled to return of the entire grant amount, less 5% for each year past the first ten (10).
- f) Other provisions as agreed upon by the Division and the Grantee.

XI. PRESERVATION AGREEMENT

1. For Special Category Grant projects involving properties other than Real Property (e.g., an aircraft, locomotive, trolley, or marine vessel), the Grantee shall execute and notarize a Preservation Agreement. The Document shall be executed and notarized prior to the release of any grant funds. The Preservation Agreement for these types of projects shall require the Grantee and the Property Owner(s) to follow the terms of ten (10) years for Special Category Grant projects. The Preservation Agreement form is incorporated by reference and is available on the Division's web site <http://www.dos.myflorida.com/historical/grants/> and at the Department grants online system <http://www.dosgrants.com>.
2. The Preservation Agreement shall include the following provisions:
 - a) The Grantee shall 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) The Grantee agrees that no visual or structural alterations will be made to the property without prior written permission of the Division.
- c) 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 contain requirements for the repayment of grant funds, should the Grantee or Property Owners or their successors in interest violate the Preservation Agreement.
- e) Other provisions as agreed upon by the Division and the Grantee.

XII. DEFINITIONS

- A. “Acquisition” means fee simple purchase of Real Property.
- B. “Applicant Organization” means 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.
- C. “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.
- D. “Director” means the Director of the Division of Historical Resources.
- E. “Division” means the Division of Historical Resources of the Florida Department of State. The Division’s mailing address is 500 South Bronough Street, Tallahassee, Florida 32399-0250. Its telephone number is 850.245.6333.
- F. “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 the Guidelines.
- G. “Encumbrance” means commitment of grant funds and match by binding contract.
- H. “Expenditure” means the outlay of cash or the amount due and owing after receipt of goods or services included in the Scope of Work.
- I. “Expiration Date” means the date by which all grant funds and match must be expended.
- J. “Florida Historical Commission” means the 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.
- K. “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.

- L. “Florida Single Audit Act” means the uniform state audit requirements for state financial assistance provided by state agencies to non-state entities as codified in Section 215.97, F.S.
- M. “Grant Award Agreement” means the legal instrument which binds the Grantee and the Division of Historical Resources to the terms, conditions, and limitations of the Division’s grants programs.
- N. “Grantee” means the organization or governmental entity to which a grant is awarded, which has entered into a Grant Award Agreement with the Division of Historical Resources and which is responsible and accountable both for the use of the funds provided and for the performance of the grant-assisted project.
- O. “Grant Period” means the period between Effective Date and Expiration Date of the Grant Award Agreement during which time expenditure of all grant funds and all contributions to match must be made.
- P. “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.
- Q. “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.
- R. “In-kind Contribution” means a non-monetary contribution of equipment, services, or labor provided by the Grantee and consistent with the Scope of Work and must be essential to the implementation of the project.
- S. “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 Scope of Work and must be essential to the implementation of the project.
- T. “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. The list of Properties on the National Register of Historic Places in Florida is available from the Division.
- U. “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. For Non-profit Organizations outside of Florida, the Non-profit

organization must be registered under 501(c)(3) by the U.S. Department of the Treasury, Internal Revenue Service.

- V. “Planning” means research, testing, analysis and design required for implementation of a Development, archaeological excavation or museum exhibit project.
- a) Planning for a 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.
- W. “Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a 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.
- X. “Preservation Agreement” means the notarized legal instrument by which a Grantee and Property Owner commit to maintenance and preservation of the historic integrity of a property other than Real Property improved with Special Category grant assistance. This legal instrument is applicable only to those Acquisition and 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 Preservation Agreement must be executed and submitted to the Division prior to any release of grant funding.
- Y. “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 the requirements of Chapter 1A-46, F.A. C.
 - f) The National Park Service and Division standards referenced in paragraphs (a) through (e) above are available from the Division.
- Z. “Project” means the undertaking that encompasses a set of tasks or activities defined by the Scope of Work and budget included in the grant application and formalized in the 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.
- AA. “Project Budget” means the budget and project description included in the 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.
- BB. “Property Owner” means the owner(s) of land or building(s) or both, and of all improvements made with grant funds.
- CC. “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).
- DD. “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.
- EE. “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.
- FF. “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.
- GG. “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.

- HH. “Restrictive Covenant” means the legal instrument by which a Grantee and Property Owner commit to maintenance and preservation of the historic integrity of a property acquired or 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 from the date on which the instrument is recorded. The Restrictive Covenants must be recorded and submitted to the Division for projects involving Real Property prior to any release of Special Category Grant funding.
- II. “Scope of Work” means the work specified in the Grant Award Agreement, or in an approved amendment thereto, as being authorized for expenditure of grant funds and for contribution to the required match.
- JJ. “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, which are incorporated by reference, <http://www.nps.gov/nr/regulations.htm#604>