

STATE AID TO LIBRARIES GRANT

GUIDELINES

Fiscal Year **[insert years]**

State Aid Application

dosgrants.com

Application Deadline: October 1, [insert year]

*Reports and Other Documents Deadline:
December 1, [insert year]*

Florida Department of State
Division of Library and Information Services
R. A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250

Application Submission

Applications must be submitted on or before **October 1, [insert year]**.

Additional documents must be submitted on or before **December 1, [insert year]**.

Applications must be submitted on the DOS Grants System at dosgrants.com.

For Assistance and Information

Contact Grants Staff:

850.245.6620 Voice

850.245.6643 Fax

850.922.4085 TDD

Email: grantsoffice@dos.myflorida.com

These Guidelines are also available electronically at:

<https://dos.myflorida.com/library-archives/library-development/funding/state-aid/guidelines-applications-and-forms/>

and can be made available in alternative formats.

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Certification of Credentials – Single Library Administrative Head (Form DLIS/SA01)

Grant Agreement (Form DLIS/SA02)

Certification of Hours, Free Library Service and Access to Materials (Form DLIS/SA04)

LAW AND RULE

Chapter 257, *Florida Statutes*

Chapter 1B-2.011, *Florida Administrative Code*, Library Grant Programs

STATE AID TO LIBRARIES GUIDELINES

I. PROGRAM GOAL

In recognition of the fact that free professional public library service for all Floridians is an important part of the state's educational infrastructure and greatly enhances and enriches the quality of life in the state, the over-arching goal of the State Aid to Libraries Program is to assist local governments in maintaining and developing such vital services, specifically:

- *Providing equal access to free public library service to all residents of the service areas of participating governments.*
- *Coordinating library service throughout the service area.*
- *Providing consistent plans, programs, policies and procedures in the operation, maintenance and development of library service throughout the service area.*

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. The Division has oversight and management responsibility for implementation of the *Florida Statutes* that mandate the program. The program is funded through annual legislative appropriations within the Division's budget.

State Aid is a continuing state grant authorized by Chapter 257, *Florida Statutes*, for eligible library entities. Three types of grants are available: Operating, Equalization and Multicounty. Grants are awarded through an application process with eligibility and completeness reviews of each application by Division staff.

II. HISTORICAL OVERVIEW

The notion that aid from the state to local governments encourages the development and provision of free public library service has been central to the operation of the Division of Library and Information Services for decades. As early as 1928, when the State Library began lending books to local communities, State Librarian W.T. Cash characterized this effort as designed to "gradually build up sentiment for the establishment of county libraries in the different counties of Florida." A component of Cash's call in 1937 for establishment of financial aid from the state to local libraries was a recognition of the need for standards and criteria for eligibility.

The Library Extension Department was established in 1952. It is the predecessor of the Bureau of Library Development. At the time, State Librarian Dorothy Dodd remarked:

“The ultimate goal of this program is the development of library service in Florida in such a manner that every resident of the state, whether in urban or rural communities, will have ready access to books and other library materials for informational and recreational purposes. To accomplish this, a system of county and regional libraries is envisaged that will combine the ability to serve rural areas with the economy of operation offered larger library units.”

A state aid law was finally enacted in 1961 with the expressed intent that it is the “policy of the state of Florida to aid and encourage the establishment and development of free library service throughout the state, by grants of money to counties maintaining a free library, or free library service.”

The program has been built on strength and larger units of service where tax support can be more broadly distributed. The trend for larger units of service has occurred in the fields of public education, health service delivery and growth management planning and in the profit and nonprofit sectors.

Florida’s State Aid to Libraries Program is analogous to our state’s plan for public education through county school districts. Both are predicated on the public policy to provide access for people in the incorporated areas as well as the unincorporated areas of the state, where approximately 50% of Floridians live. The difference between the two is that the state made county school districts mandatory and provides the majority of financial support for these systems, while county public libraries are discretionary through home rule laws and are largely locally supported.

In recognition of the vast variation in financial resources among Florida counties and regions, revised legislation and rules governing the State Aid to Libraries Grant Program created three changes in 1992:

- Multicounty aid provided an incentive to counties with limited resources to join together to provide cost effective library service.
- The equalization formula was structured to provide an effective supplement to local funds for libraries serving counties with limited local tax resources, especially to those that choose to support their library at exceptionally high levels when compared to local resources and the investment of other counties.
- In recognition of the increasing complexity of local governments and variation among those governments, the introduction of the notion of “cooperative” administrative structure “consolidated” under the State Aid to Libraries Program’s policies provided more flexibility to local governments wishing to provide library service.

In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program. This was done in recognition of the fact

that the provision of state aid to independent municipal libraries is a valuable contribution to the extension of the state’s public library development plan.

In response to the public library community, the State Librarian convened a task force to review the State Aid formula and to propose changes to balance the distribution of funding. Operating Grants were decreasing as State Aid appropriations remained static or decreased. The 2008 Legislature revised the law to balance the proportion of dollars going into Operating and Equalization Grants; to provide a three-year phase-out period for libraries that no longer qualify for Equalization Grants; and to provide increased funding for Multicounty Library Grants from \$250,000 to \$350,000, after the State Aid appropriation was increased.

In response to Hurricane Michael in 2018, the Division modified the funding formula to include a “hold harmless” provision. This provision protects libraries for a three-year period, in counties that were directly affected by a major disaster, from having their State Aid grant fall below the amounts that were received in 2018-19, as long as the most recent State Aid legislative appropriation does not fall below the 2018-19 level.

III. STATE AID TO LIBRARIES GRANTS

Chapter 257, *Florida Statutes*, authorizes three types of grants under the State Aid to Libraries Program: Operating, Equalization and Multicounty.

- **Operating Grants** are made available to any county, municipality, special district or special taxing district that qualifies for the State Aid to Libraries Program. Operating Grants are distributed in the following way:
 1. Grants are made available to counties, municipalities, special districts or special taxing districts providing library service that meets the basic eligibility requirements in Section V.
 2. Operating Grants provide a match of up to 25 cents on each dollar of local funds expended centrally for the operation and maintenance of the library during the second preceding fiscal year. For example, fiscal year 2018-19 grant calculations are based on local expenditures for the operation and maintenance of libraries during the fiscal year ending September 30, 2017.
 3. For the first two years of a newly-established library, the Operating Grant matches only local funds that are appropriated to be expended centrally for the operation and maintenance of the library.
 4. Grants are prorated among eligible libraries if the appropriation by the Legislature does not fully fund the State Aid to Libraries Grant Program.

- **Equalization Grants** are made available to counties that qualify for an Operating Grant and have limited local tax resources.
 1. Equalization Grants are made available to counties providing library service that meets the eligibility requirements in Section V and that meet four additional criteria based on calculations made by the Division. Those criteria are outlined in Section 257.18(1), *Florida Statutes*.
 2. Equalization Grants are calculated on the local funds expended centrally for the operation and maintenance of the library during the second preceding year, adjusted using an equalization factor based on the relationship of the county's taxable value to the average of the taxable value for all Florida counties. That factor is used to adjust the value of the local expenditures for library service in calculating the equalization formula.
 - (a) The Equalization Grants provide a match of 25 cents on the dollar for the adjusted local expenditures for the second preceding fiscal year.
 - (b) For counties that have provided the mill equivalent in local library support during the second preceding year higher than the statewide average for the mill equivalent in local library support for all counties, the Equalization Grant provides a match of 50 cents on the adjusted dollar for local expenditures the second preceding year.
 3. If a county fails to meet the eligibility criteria for an Equalization Grant in any one year, the county will be notified that its Equalization Grant funding will be phased out over a three-year period as outlined in Section 257.18(2)(a)-(d), *Florida Statutes*.
 4. A county may not receive an Equalization Grant that is equal to more than 10 percent of the total amount required to fund Equalization Grants to all eligible counties.
 5. Equalization Grants may not exceed 15 percent of the amount appropriated for Operating, Multicounty and Equalization Grants or \$8,877,057, whichever is greater. Any reductions in Equalization Grants necessary to meet this requirement must be applied to all Equalization Grants on a prorated basis, including grants subject to the 10 percent cap or grants in the phase-out period.
 6. If the total appropriation for Operating, Multicounty and Equalization Grants is less than \$31,999,233, grants are then prorated among eligible libraries.

- **Multicounty Library Grants** are available to provide additional support to counties that qualify for Operating Grants and choose to join together to provide library service to their residents. Multicounty Library Grants shall be used to support multicounty services and are distributed in the following way:
 1. Multicounty Library Grants are made available to those libraries that meet the eligibility requirements for Operating Grants and that meet the following criteria:
 - (a) The library has been designated as the single library administrative unit by more than one county.
 - (b) The counties served have a combined population of 50,000 or more, and the library serves two or more counties, at least one of which qualifies for an Equalization Grant.
 2. Multicounty Library Grants have two components:
 - (a) A match on local expenditures. Grants match up to \$1 million in local funds expended centrally by the library for its operation and maintenance during the second preceding fiscal year using the formula outlined in Section 257.172(1)(a)-(e), *Florida Statutes*.
 - (b) In addition to the portion of the grant that matches local expenditures, a multicounty library is eligible to receive a base grant. The base grants are outlined in Section 257.172(2), *Florida Statutes*.
 3. Multicounty Library Grants are fully funded each year.

If a library is in a county that has been directly affected by a major disaster, a hold harmless provision will be in effect for a three-year period in which their State Aid grant cannot fall below the amounts that were received in 2018-19, as long as the most recent State Aid legislative appropriation does not fall below the 2018-19 level.

The program is an incentive program, designed to encourage local governments to provide library service to their residents and to provide funding to support that library service. Grant formulas are based largely on local funds invested in library service. The original intent was based on the concept that the more local money spent on library services, the higher the grant amounts earned under the State Aid to Libraries Grant Program. If a county or municipality reduces its expenditures for library service, the grant amounts will decrease proportionately two years later.

State Aid to Libraries grant amounts are calculated in the following order: Multicounty Library Grants, Equalization Grants and Operating Grants.

DEFINITIONS

Annual plan of service means a document adopted or approved by the library's governing body and submitted as part of the application for State Aid to Libraries grants. It includes the goals, objectives and activities that will be supported for the application year.

Audit means the annual financial audit of the organization for that year, carried out in accordance with the requirements of Section 215.97, *Florida Statutes*, the Florida Single Audit Act, or Section 218.39, *Florida Statutes*, and generally accepted accounting principles, conducted within nine months of the close of the organization's fiscal year. The audit must be submitted using the DOS Grants System at dosgrants.com.

Catalog of State Financial Assistance (CSFA) is a statewide compendium of state projects that provide financial assistance to nonstate entities. As the basic reference source for state projects, the primary purpose of the Catalog is to assist users with obtaining general information on state projects and identifying state projects that meet specific objectives. State projects are cataloged by agency and are assigned a Catalog of State Financial Assistance (CSFA) number for easy referencing.

The State Aid to Libraries Grant Program CSFA number is 45.030.

Consolidated library means a public library operated by a governing body designated by one or more participating local governments to directly administer, through a single administrative head, all the services provided by the library, with individual library outlets operated as branches of the library.

Deliverable means the quantifiable goods or services that must be provided in order to receive payment. Each deliverable must be connected with one or more activities identified and described in the Scope of Work. Deliverables, along with the Scope of Work, are included in the grant agreement.

Department means the Florida Department of State.

Division means the Division of Library and Information Services of the Florida Department of State.

Eligible political subdivision means the entity that is eligible as defined in Section 257.17, *Florida Statutes*, to be designated by a county or municipality as the single library administrative unit for free public library service.

Financial consequences means the consequences that will be applied if the grant recipient fails to perform all tasks outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement. Financial consequences are tied to deliverables and each payment. Per Section 287.058, *Florida Statutes*, the Division is required to specify a reduction in grant funding that will be applied if the recipient fails to perform all tasks outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement.

Florida Accountability Contract Tracking System (FACTS) is the State of Florida's centralized online contract reporting system. All information pertaining to the grant agreement will be available on the FACTS system and viewable by the public. This includes the grant agreement, payment information, deliverables, performance metrics, grant award and audit information. FACTS is online at facts.fldfs.com.

Governing body means an administrative board or the board, commission, council, or officers of a county, a special tax district, a special district, a municipality, or a nonprofit corporation or association that administers or coordinates the library services and program. This involves policy-making, planning, budgeting, employing the single administrative head of the library and entering into contracts on behalf of the library.

Interlocal agreement means a contract between local governmental units, which is the basis for the joint exercise of power as permitted under Section 163.01, *Florida Statutes*.

Joint planning, for purposes of the State Aid to Libraries Grant Program, means that all public libraries within the county that receive Operating Grants participate in joint planning for the coordination of library services to residents. The joint planning requirement only applies to a county and the independent municipal libraries within the same county applying for State Aid.

Legal service area means the geographical area for which the library is established to offer services and from which (or on behalf of which) the library derives income, plus any area served under contract.

Library means the entire program of free library services and resources provided for the residents of the legal service area.

Library outlet means a single point of access to free library service, whether housed in a permanent or temporary structure. A library serving a specific geographic area may consist of one or more library outlets.

Local funds means funds, exclusive of any state and federal funds, expended centrally through the library's budget for the operation and maintenance of the library.

Long-range plan means the document that is adopted or approved by the library's governing body outlining the library's operation and development over a three- to five-year period.

Noncompliance means the grant recipient is not following Florida statutes, rules, the terms of the grant agreement, Florida Department of State policies and guidance, local policies or other applicable laws. For the consequences that result from noncompliance, see Section X., Noncompliance Status.

Participating local governments means the county or municipal governments that operate or support a public library and participate in a county, municipal or multicounty library through interlocal or other agreements. A local government is not the governing body for the single library administrative unit unless it has been so designated through

interlocal agreements or other legal action, as required in Section 257.17, *Florida Statutes*, and these guidelines.

Performance measures provide the criteria for evaluating the successful completion of each deliverable.

Performance metrics describe the documentation to be used to prove the deliverable has been met.

Performance standards describe the acceptable level of services to be performed or products to be delivered.

Public library cooperative means a program of public library services and resources operated or coordinated by a governing body designated by one or more participating local governments. The governing body administers or coordinates, through a single administrative head, the common services for libraries operated by those participating local governments that have agreed through interlocal or other agreements to provide library service across their combined legal service areas. The single administrative head must be employed full time by either the cooperative's governing body or a participating local government. Interlocal or other agreements identify the authority of the governing body and the participating local governments and the libraries each supports. Residents of the combined legal service area have equal free access to all services provided by the libraries of all the participating local governments.

Reciprocal borrowing, for purposes of the State Aid to Libraries Grant Program, means that all public libraries within a county that receive Operating Grants extend borrowing privileges without charge to residents of each other's service areas. Borrowing privileges must apply to all materials in a fixed physical format available to be borrowed by residents of the library service area receiving an Operating Grant. Interlibrary loan does not meet this requirement. The reciprocal borrowing requirement only applies to a county and the independent municipal libraries within the same county that are applying for State Aid.

Scope of Work is a description of the specific work to be performed under the grant agreement in order to complete the project.

Single administrative head means the individual who is employed full time by the single library administrative unit and is responsible for managing or coordinating the library.

Single library administrative unit means an eligible political subdivision under Section 257.17, *Florida Statutes*, designated by a county or municipality to be responsible for managing or coordinating free library service to its residents.

IV. ELIGIBILITY

A library shall meet the following requirements in order to be eligible to receive a State Aid to Libraries Grant:

- A. A county or municipality shall designate one of the following eligible political subdivisions as the single library administrative unit:
 - 1. A county that establishes or maintains a library or that gives or receives free library service by contract with a municipality, nonprofit library corporation or association within such county.
 - 2. A county that joins with one or more counties to establish or maintain a library or that contracts with another county, a special district, special taxing district, or one or more municipalities in another county to receive free library service.
 - 3. A special district or a special taxing district, that establishes or maintains a library and provides free library service.
 - 4. A municipality that establishes or maintains a library or that gives or receives free library service by contract with a nonprofit library corporation or association within the municipality.
- B. Once an eligible political subdivision has been designated by a county or municipality as the single library administrative unit, that eligible political subdivision shall designate a governing body to provide service. That governing body shall be one of the following:
 - 1. The governing body of the county or another county.
 - 2. A legally established administrative board established by the eligible political subdivision for the purpose of governing the library.
 - 3. The governing body of a special district or special taxing district.
 - 4. The board of a nonprofit library corporation or association.
 - 5. A municipality.
- C. When two or more participating local governments join to establish a library, contracts or interlocal agreements outline the decision-making power given to the library's governing body and the power retained by the participating local government. Consolidated library and public library cooperative are the two types of library governance that can be established through those agreements.

Interlocal or other agreements for a public library cooperative shall clearly outline:

1. How the single administrative head will be selected or designated as required by Section 257.17(2)(a), *Florida Statutes*, for the public library cooperative and the powers, duties and responsibilities of that position.
 2. The role that each participating local government and its library shall have in the development and implementation of the long-range plan.
 3. The way in which funds will be paid to the public library cooperative from participating local governments to support activities carried out by the public library cooperative on behalf of the participating local governments.
 4. Agreement by all participating local governments to spend funds in accordance with the public library cooperative's long-range plan, annual plan of service, and budget for those funds a public library cooperative will report on a State Aid application as having been expended centrally, whether such funds are maintained and expended at the local level, or by the public library cooperative's governing body.
- D.** The library shall have a single administrative head employed full time by the library's governing body, with authority to manage or coordinate the operations of the library.
1. The library's governing body shall adopt a position description for the single library administrative head.
 2. The single administrative head shall have completed a library education program accredited by the American Library Association and shall have had at least two years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week.
 3. The single administrative head is responsible for the overall management or coordination of the library within the framework established by interlocal or other agreements, plans, policies and budgets. Responsibility for managing or coordinating the following activities may not be delegated through interlocal or other agreements:
 - (a) Development of a single long-range plan for all library outlets.
 - (b) Development of a single annual plan of service.
 - (c) Development of a budget.
 - (d) Implementation of the long-range plan, an annual plan of service and the budget.
 - (e) Preparation of reports on behalf of the library.

- E.** The library shall expend its funds centrally. To meet the requirement for central expenditure:
1. Requirements for activities of the single administrative head listed in Section V, Subsection D.3 shall be met.
 2. All State Aid to Libraries Grants in a consolidated county or municipal library and a single county public library cooperative shall be expended by the library's single administrative head.
 3. If the library is a multicounty public library cooperative, Operating and Equalization Grants may be expended by the individual county awarded these grants. Multicounty Library Grants shall be maintained and expended by the library's single administrative head.
 4. Funds from local sources shall be expended in one of the following ways:
 - (a) Under the control of the library's single administrative head.
 - (b) By participating local governments, with authority for such expenditure delegated by the library's governing body through an interlocal or other agreement.
 5. All local funds, including donations, shall be expended through the library's budget in order to qualify as local expenditures for State Aid Grants. Only these local funds may be used in the calculations of the grants.
- F.** All public libraries within a county that receive Operating Grants shall extend borrowing privileges without charge to residents of each other's service areas. Borrowing privileges must apply to all materials in a fixed physical format that are available to be borrowed by residents of the library service area receiving an Operating Grant. Agreements for interlibrary loan do not meet this requirement. The reciprocal borrowing requirement only applies to a county and the independent municipal libraries within the same county that are applying for State Aid.
- G.** The library shall provide free library service. At a minimum, free library service requires that a library lend library materials that are made available for circulation free of charge and provide reference and information services free of charge.
- H.** All public libraries within a county that receive Operating Grants shall participate in joint planning for the coordination of library services to residents.
- I.** The library shall provide access to materials, information and services for all residents of the area served.
- J.** At least one library, branch library or member library shall be open 40 hours or more each week.

- K.** The library shall have a long-range plan, annual plan of service and an annual budget.
- L.** The designated governing body of a library that has established public library service for the first time during the two previous years shall report in the State Aid application the total amount of local funds appropriated for the operation and maintenance of the library in the year for which the application is made and shall certify that such amount will be:
 - 1. Expended centrally.
 - 2. Expended on operation and maintenance of a library and not for the purchase or construction of a library building or library quarters.
 - 3. Appropriated for expenditures through the library's budget.
 - 4. Expended in accordance with the accounting control procedures provided for in any interlocal or other agreements, the library's long-range plan, Chapter 257, *Florida Statutes*, and the State Aid to Libraries Grant Guidelines.
- M.** The eligible political subdivision must not be in noncompliance status with any previously awarded Department of State grant.
- N.** The eligible political subdivision must not owe the Department funds at the time of application in connection with a previous grant received from any division of the Department of State, for which the organization has been notified of the Department's determination that a refund of grant funds is required.

V. APPLICATION

- A.** The State Aid to Libraries Guidelines packet will be made available no later than August 1 of each year.
- B.** Applications must be submitted electronically on the DOS Grants System at dosgrants.com.

Applications must be submitted by the organization director or a person whom the director has designated with the authority to submit an application.
- C.** For recipients of grants under the State Aid to Libraries Program for the two previous fiscal years, the application will certify the local funds expended centrally under a single administrative head for the operation and maintenance of the library by the eligible political subdivision or its designee during the second preceding fiscal year.
- D.** For eligible applicants that are in the first two years of providing public library service, the application will certify the local funds appropriated to be expended centrally under a single administrative head for the operation and maintenance of the

library by the eligible political subdivision or its designee during the fiscal year in which the library will receive the grant.

- E. In order to be eligible to receive a State Aid to Libraries Grant, an applicant shall have a current copy of the following documents on file with the Division on or before the indicated deadlines.
- F. As applicable, documents used to meet application requirements are rolled over from the previous year. The applicant can indicate that there are no changes to documents on file, or they can update or replace documents if changes are needed.

By October 1 of each year, submit the following:

1. **Applicant Information.** This section provides general information about the applicant, including contact information, type of library and whether the library is in its first two years of operation.
2. **Expenditure or Appropriation Report.** The Expenditure or Appropriation Report provides details on library expenditures or appropriations by funding source. The report assists both local library personnel and Division staff in verifying the accuracy of the funds a library reports as expenditures or appropriations qualifying for match under Chapter 257, *Florida Statutes*. The total amount listed in the Local funds column is the amount used to calculate the State Aid grant amounts.

Expenditure or Appropriation Categories:

The definitions used below are to assist in completing the Expenditure or Appropriation Report and are not mandatory. The source of the definitions is the *Uniform Accounting System Manual 2022 Edition for Florida Local Governments Effective Beginning Fiscal Year 2021-22* (as of August 2022) prepared by the State of Florida, Department of Financial Services, Bureau of Financial Reporting.

10 Personnel Services – Expense for salaries, wages and related employee benefits provided for all persons employed by the reporting entity whether on full-time, part-time, temporary or seasonal basis; represents the total of all expenditures for libraries in sub-object classifications 11 through 29 as defined in the *Uniform Accounting System Manual*.

30 Operating Expenses – Expenditures for goods and services which primarily benefit the current period and are not defined as personal services or capital outlays; includes all expenditures for libraries in sub-object classifications 31 through 59 as defined in the *Uniform Accounting System Manual*.

60 Capital Outlay – Outlays for the acquisition of or addition to fixed assets; includes all expenditures for libraries in sub-object classifications 61 through 68 as defined in the *Uniform Accounting System Manual*.

NOTE: *Funds for the purchase or construction of a library building or library quarters may not be reported as having been expended for the operation and maintenance of a library.*

Other – Any other operating expenditure categories in the library budget.

Funding or Revenue Sources:

Report expenditures or appropriations by these sources of revenue:

Local – County or municipal funds appropriated by local governments for expenditure by the library; also includes fines, fees, donations and any other funds from local sources expended through the library’s budget.

State – State Aid to Libraries Grant funds and any other state funds expended by the library.

Federal – Funds provided under the Library Services and Technology Act and any other federal funds expended by the library.

Other – Any other revenue from non-local sources expended for or by the library but not expended through the library’s budget.

- 3. Certification.** With their signatures, the person who manages the library’s finances and the single library administrative head indicate they have reviewed and approved the amounts reported on the Expenditure Report and this Certification.

The certification should be downloaded from the DOS Grants System at dosgrants.com after the Expenditure Report has been completed. Downloading the certification will automatically fill in required information that is needed before signatures are obtained.

- 4. Designation of the Single Library Administrative Unit.** Provide documents verifying designation of the single library administrative unit by the county or municipality of an eligible political subdivision.
- 5. Designation of a Governing Body.** Provide documents verifying designation of a governing body to administer free library service to residents of an eligible political subdivision.
- 6. Interlocal Agreements or Contracts to Establish the Library.** Include all interlocal agreements or contracts among participating local governments if two or more participating local governments join to establish a consolidated library or public library cooperative. Also include agreements with nongovernmental

entities that form the basis for the provision of free library service and outline the decision-making power given to the library's governing body and the power retained by the participating local government.

- 7. Verification of Governing Body Authority.** Provide documents that verify the governing body of the library has the authority to set policy, adopt plans, adopt budgets, employ the single administrative head and enter into contracts on behalf of the library.
- 8. Position Description of the Single Administrative Head.** Provide a current position description of the library's single administrative head that has been adopted or approved by the library's governing body.
- 9. Certification of Credentials – Single Administrative Head.** This form (Form DLIS/SA01), incorporated by reference, certifies that the library's single library administrative head is employed full time by the single administrative unit; has completed a library education program accredited by the American Library Association; has at least two years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week; is responsible for developing a single long-range plan for all library outlets, a single annual plan of service and a budget; and is responsible for implementing the long-range plan, annual plan of service and budget as well as preparing reports on behalf of the library. The Certification is included with the State Aid to Libraries Grant Guidelines packet and is available at <https://dos.myflorida.com/library-archives/library-development/funding/state-aid/guidelines-applications-and-forms/>. It can also be downloaded from the DOS Grants System at dosgrants.com.
- 10. Schedule of Library Hours.** The schedule should document that at least one library outlet or member library is open to the public 40 hours or more each week.
- 11. Long-Range Plan.** A long-range plan adopted or approved by the library's governing body, outlining the library's operation and development over a three- to five-year period.
- 12. Interlocal Agreements for Library Service.** If applicable, provide any interlocal agreements among libraries that outline service to residents in a county, municipality or public library cooperative other than those in place to establish the library.
- 13. Verification of Reciprocal Borrowing.** Provide library lending policies verifying that the library is providing reciprocal borrowing to residents of all political subdivisions within the county that receive Operating Grants. Borrowing privileges must apply to all materials in a fixed physical format that are eligible to be borrowed by residents of the political subdivision applying for the Operating Grant. Interlibrary loan does not meet this requirement. This requirement **only**

applies to a county and the independent municipal libraries within the same county that are applying for State Aid.

14. Verification of Joint Planning. Provide documents verifying that the library *has* engaged in joint planning for the coordination of library services within the county that receives Operating Grants. The document must list all libraries participating in joint planning and outline areas of cooperation and activities to be implemented among the county and the independent municipal libraries in the same county. This requirement **only** applies to a county and the independent municipal libraries within the same county that are applying for State Aid.

15. Grant Agreement. The grant agreement (Form DLIS/SA02), incorporated by reference, is the applicant's official contract with the Department of State.

The grant agreement should be downloaded from the DOS Grants System at dosgrants.com. Downloading the agreement will automatically fill in required information that is needed before signatures are obtained.

Attachment B referenced in the grant agreement, "Fiscal Year [insert year] State Aid to Libraries Final Grants," will be added to the grant agreement before it is signed by the Department after the final grant amounts have been calculated in December.

- Obtain the original signature of an authorized official.
- Obtain an original signature of the clerk of the circuit court or the chief financial officer of the governing entity as witness to the signature of the authorized official, and enter the date below their signature.
- The agreement becomes effective when it is signed and dated by an authorized official of the Florida Department of State.
- One copy of the agreement with original signatures will be returned after it has been dated and signed by an authorized official of the Florida Department of State.

16. Certification of Hours, Free Library Service and Access to Materials. This certification (Form DLIS/SA04), incorporated by reference, provides certification from the applicant that the library:

- Provides free library service, including loaning materials available for circulation free of charge and providing reference and information services free of charge.
- Provides access to materials, information and services for all residents of the area served.

- Has at least one library, branch library or member library open 40 hours or more each week (excluding holidays or emergencies; between Sunday through Saturday, on a schedule determined by the library system).

The certification should be downloaded from the DOS Grants System at dosgrants.com. Downloading the certification will automatically fill in required information that is needed before signatures are obtained.

17. Electronic Payments. A Vendor Direct Deposit form should be completed annually and submitted **directly** to the Department of Financial Services so that your organization can receive grant funds via electronic funds transfer (EFT). If your organization has already submitted a form to DFS since January of the current calendar year, this form does not need to be resubmitted. This form is available at https://www.myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/vendors/vendor-relations/dfs-a1-26e-direct-deposit-vendors.pdf?sfvrsn=eff728cf_16. **Do not submit the form with the application, it must be submitted directly to the Department of Financial Services as specified on the form.**

By December 1 of each year, submit the following documents:

- 1. Current Annual Plan of Service.** The annual plan of service must be adopted or approved by the library's governing body. It should include the goals, objectives and activities that will be supported for the application year.
- 2. Budget for the Current Year.** The budget must be adopted or approved by the library's governing body.

For public library cooperatives, there shall be a single budget for library service to the residents of the service area of all participating local governments. The budget shall:

- (a) Reflect the library's long-range plan.
- (b) Be developed by the single library administrative head, with the participating local governments and their libraries.
- (c) Be adopted or approved by the public library cooperative organization's governing body.
- (d) Be a single line item format for the public library cooperative and include funds that will meet the criteria for expending funds centrally that have been budgeted for expenditure by participating local governments.

The budget shall include funds from participating local governments (both those appropriated by the local government and those appropriated by the public library cooperative), aid received from state and federal governments, and other revenue received to provide library service.

3. Summary Financial Report. The information provided on this form is used to prepare reports to the Legislature and the people of Florida and to provide information for state and local budget purposes. The form is used to:

- Provide an estimate of local funds expended centrally for the operation and maintenance of the applicant library or county during the year that ended September 30. That amount is used to prepare updated estimates for State Aid to Libraries Grant estimates for the upcoming year.
- Provide an estimate of local funds to be expended centrally for the operation and maintenance of the library for the current year.
- Provide information on the use of State Aid to Libraries Grant funds by recipient libraries and on how the funds benefit Florida residents.

For each year that prior year grant funds are expended, a separate Part C report must be submitted until all of the grant funds for that grant period are expended. Each year's grant funds must be reported separately.

4. Annual Statistical Report Form for Public Libraries. This form (Form DLIS/SA03), incorporated by reference, solicits data on library activity during the previous fiscal year. The data are used for federal, state and local reporting and comparison purposes. Libraries must submit the form at fl.countingopinions.com. If a library is unable to file the report electronically, a paper version can be requested from the Division for completion and submission. All libraries are given a library identification number and password to access the form electronically.

VI. APPLICATION REVIEW

A. All applications will be reviewed for eligibility and completeness. In reviewing applications, the Division shall determine:

1. Eligibility of the library under the requirements in Section V.
2. Eligibility of funds reported as having been expended centrally in the second preceding fiscal year or appropriated for the application year for the operation and maintenance of the library.
3. Compliance of the application and all required accompanying documents with Chapter 257, *Florida Statutes*, and the guidelines for the State Aid to Libraries Grant Program.

B. The Division shall notify applicants of any application deficiencies. Applicants will have 30 days after the notification date to complete and correct deficiencies. Failure to correct identified deficiencies within the 30-day period shall automatically make the application

ineligible. All corrections shall be submitted on the DOS Grants System at dosgrants.com on or before the last day of the correction period specified by the Division.

VII. GRANT AWARD

- A. The Division will certify the grant amounts to the Chief Financial Officer and will complete an evaluation and review of applications submitted by October 1 and December 1. The grant agreement will be signed by an authorized official in the Florida Department of State and returned to qualified libraries upon completion of the review and resolution of any questions or problems.

The Division shall review and verify the amount of local expenditures submitted by a political subdivision as a part of their application. After these amounts have been verified, the grants will be calculated based on statute and the legislative appropriation.

State Aid to Libraries grant amounts are calculated in the following order: Multicounty Library Grants, Equalization Grants and Operating Grants. The formula for calculating Equalization Grants is provided in *Florida Statutes*. The following information provides additional clarification.

Equalization Grants

Determining Eligibility:

1. Of the 34 counties with the lowest adjusted value of a mill, determine if a county's operating millage is equal to or above the statewide average. If the operating millage is not equal to or above the statewide average, then the county's per capita income must be equal to or below the statewide average per capita income.
2. The county must also have been eligible for an Equalization Grant each year since 2007-2008.

If a county fails to meet the eligibility criteria, their Equalization Grant funding will be phased out over a three-year period. Grant amounts for counties in the phase-out period may be reduced based on one or more of the following factors: (1) the maximum grant amount a county may receive; (2) pro rata reductions based on the amount of funding that may go to Equalization Grants; or (3) pro rata reductions based on the amount of funding available.

For eligible counties, the Equalization Grant amount is calculated in the following manner:

1. Determine the ratio of the county's level of assessment, which is the individual county's level of assessment divided by the statewide average.

2. Determine the adjusted value of a mill, which is the county's taxable value divided by the ratio of the county's level of assessment.
3. Determine the adjusted mill equivalent, which is the amount of local expenditures of a county divided by the adjusted value of a mill.
4. Determine the level of effort, which is the adjusted mill equivalent divided by the statewide average. If the level of effort is greater than or equal to 1, the grant is equal to 50 cents on the dollar. If the level of effort is less than 1, the grant is equal to 25 cents on the dollar.
5. Determine the equalization factor, which is the statewide average of the adjusted value of mill minus the adjusted value of mill, then divided by the statewide average of the adjusted value of mill.
6. The grant amount is calculated by taking the local expenditures, dividing by the cents eligible, and then multiplying this amount by the equalization factor plus 1.

Grant amounts for both eligible and ineligible counties are then adjusted so that no county receives an Equalization Grant equal to more than 10 percent of the total amount required to fund Equalization Grants to all eligible counties.

The total amount needed to fund Equalization Grants may not exceed 15 percent of the amount appropriated for Operating, Multicounty and Equalization Grants or \$8,877,057, whichever is higher. Any reductions needed to meet this requirement are applied to all Equalization Grants on a prorated basis.

If the total amount appropriated for Operating, Multicounty and Equalization Grants is less than \$31,999,233, Equalization Grants are reduced on a prorated basis. The pro rata is based on the percentage that total appropriation is less than \$31,999,233.

Multicounty Grants

Multicounty Grants are calculated based on two components: a base grant and a match on local expenditures.

Base grant: A multicounty with two participating counties receives a base grant of \$50,000. A multicounty with three or more participating counties receives a base grant of \$250,000. The \$250,000 base grant will increase to \$350,000 when the appropriation increases to at least three percent more than the 2007-2008 appropriation of \$31,999,233.

Matching grant: The matching grant is based on the local expenditures of the participating counties, up to \$1 million, and the matching grant amount. The matching grant amount is determined based on the number of participating counties.

The grant is calculated by multiplying the local expenditures by the matching grant amount.

Multicounty Grants are fully funded each year.

Operating Grants

Operating Grants are calculated by prorating the funds remaining after the Equalization and Multicounty Grant funds have been determined to the amount that a political subdivision has fully qualified for at 25 cents per local dollar expended.

As a result of a major disaster declaration, if a county is designated as eligible for both Individual Assistance and Public Assistance, as determined by FEMA, all entitled libraries in these counties will have their grant amounts protected at the 2018-19 funding level.

- Funding at this protected level will be available for a maximum period of three years following the disaster declaration.
 - If a library's certified local expenditures causes their grant to fall below their 2018-19 grant amount, their grant will remain at the 2018-19 grant amount.
 - If a library's certified local expenditures causes their grant to be above their 2018-19 grant amount, this protection will not apply.
 - The protection will apply to Operating, Equalization and Multicounty grants.
 - During the three-year period, if the total appropriation for State Aid falls below the 2018-19 funding level of \$20,304,072, this protection will not apply for that year; i.e., the funding protection could apply for only one or two of the three years depending on the annually legislated funding levels.
- B.** When all eligible applications are determined by the Division to be sufficient and complete, the Division will award the grant award amounts based on the appropriation of funds from the Legislature.
- C.** Grant funds will be distributed in one payment. The payment will be requested by the Division after the grant agreement has been signed by an authorized official in the Florida Department of State. All payments will be made by June 30.

VIII. USE OF GRANT FUNDS

State Aid to Libraries Grant funds shall be expended in the following way:

- A.** Centrally, as defined in Section V, Subsection E;
- B.** For the operation and maintenance of the library and not for the purchase or construction of a library building or library quarters.

The grant period is October 1, [insert year] through June 30, [insert year], which is the end of the state fiscal year in which grant funds are available. The Grantee shall obligate or expend grant funds only during the length of the grant period.

Expenditures must be in compliance with the state guidelines for allowable project costs as outlined in the Department of Financial Services' Reference Guide for State Expenditures (as of October 2022), incorporated by reference, which are available online at myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2.

IX. NONCOMPLIANCE

Any grant recipient that is not following Florida statutes or rules, the terms of the grant agreement, Florida Department of State (DOS) policies and guidance, local policies or other applicable law, or that has not submitted required reports or satisfied other administrative requirements for other Division of Library and Information Services grants or grants from any other DOS Division will be in noncompliance status and subject to the DOS Grants Compliance Procedure. DOS Divisions include the Division of Arts and Culture, the Division of Elections, the Division of Historical Resources and the Division of Library and Information Services. Grant compliance issues must be resolved before a grant award agreement may be executed and before grant payments for any DOS grant may be released.

X. RECORD RETENTION

Financial records, supporting documents, statistical records and all other records including electronic storage media pertinent to the project shall be retained for a period of five (5) fiscal years after the close-out of the grant and release of the audit. If any litigation or audit is initiated or claim made before the expiration of the five-year period, the records shall be retained until five (5) fiscal years after the litigation, audit or claim has been resolved.

CHAPTER 257, *FLORIDA STATUTES* PUBLIC LIBRARIES AND STATE ARCHIVES

This section includes the pertinent sections of Chapter 257, *Florida Statutes*, that apply to the State Aid to Libraries Grant Program.

257.14 Division of Library and Information Services; rules. – The Division of Library and Information Services may adopt rules pursuant to ss. 120.56(1) and 120.54 to implement the provisions of this chapter.

257.15 Division of Library and Information Services; standards. – The Division of Library and Information Services shall establish reasonable and pertinent operating standards under which libraries will be eligible to receive state moneys.

257.16 Reports. – Any library receiving grants under ss. 257.14-257.25 shall file with the Division of Library and Information Services on or before December 1 of each year a financial report on its operations and furnish the division with such other information as the division may require.

257.17 Operating grants. – A political subdivision that has been designated by a county or municipality as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:

(1) Eligible political subdivisions include:

- (a) A county that establishes or maintains a library or that gives or receives free library service by contract with a municipality or nonprofit library corporation or association within such county;
- (b) A county that joins with one or more counties to establish or maintain a library or contracts with another county, a special district, a special tax district, or one or more municipalities in another county to receive free library service;
- (c) A special district or special tax district that establishes or maintains a library and provides free library service; or
- (d) A municipality that establishes or maintains a library or that gives or receives free library service by contract with a nonprofit library corporation or association within the municipality.

(2) The library established or maintained by such political subdivision shall:

- (a) Be operated under a single administrative head who is an employee of the single library administrative unit and who has completed a library education program accredited by the American Library Association. The single administrative head shall have at least two years of full-time paid professional experience, after completing the library education

program, in a public library that is open to the public for a minimum of 40 hours per week.

- (b) Expend its funds centrally.
 - (c) Provide reciprocal borrowing, and other library services pursuant to interlocal agreement, to residents of all political subdivisions with the county which receive operating grants from the state.
 - (d) Have at least one library or branch library open for 40 or more hours per week.
 - (e) Have a long-range plan, an annual plan of service, and an annual budget.
 - (f) Engage in joint planning for coordination of library services within the county or counties that receive operating grants from the state.
- (3) Any political subdivision establishing public library service for the first time shall submit a certified copy of its appropriation for library service, and its eligibility to receive an operating grant shall be based upon such appropriation.

257.171 Multicounty libraries. – Units of local government, as defined in s. 165.031(1), may establish a multicounty library. The Division of Library and Information Services may establish operating standards and rules under which a multicounty library is eligible to receive state moneys. For a multicounty library, a local government may pay moneys in advance in lump sum from its public funds for the provision of library services only.

257.172 Multicounty library grants. –

- (1) The administrative unit of a multicounty library which serves a population of 50,000 or more and serves two or more counties, at least one of which qualifies for an equalization grant is eligible for an annual grant from the state. The grant funds are to be used for the support and extension of library service in participating counties. The grant must be computed by the division on a state-matching basis up to \$1 million in local expenditures by all participating counties for operation and maintenance of a library during the second preceding year. The administrative unit of a multicounty library with:
- (a) Two participating counties is eligible for a grant equal to 5 cents on each local dollar of expenditure.
 - (b) Three participating counties is eligible for a grant equal to 10 cents on each local dollar of expenditure.
 - (c) Four participating counties is eligible for a grant equal to 15 cents on each local dollar of expenditure.
 - (d) Five participating counties is eligible for a grant equal to 20 cents on each local dollar of expenditure.
 - (e) Six or more participating counties is eligible for a grant equal to 25 cents on each local dollar of expenditure.

- (2) In addition, to support multicounty library service, the administrative unit of a multicounty library with:
 - (a) Two participating counties is eligible to receive a base grant of \$50,000, effective July 1, 2008.
 - (b) Three or more participating counties is eligible to receive a base grant of a minimum of \$250,000. Such amount shall be increased to \$350,000 when the appropriation from state funds for operating, multicounty, and equalization grants is at least three percent more than the appropriation from state funds for those grants for fiscal year 2007-2008.
- (3) For the purposes of this section, s. 257.21 does not apply.

257.18 Equalization grants. –

- (1) Any county qualifying for an operating grant is eligible to receive an equalization grant if it meets the following criteria:
 - (a) The county was eligible for an equalization grant in fiscal year 2007-2008.
 - (b) The value of one mill adjusted to reflect the average statewide level of assessment is below the median amount for all counties in the state.
 - (c) The county operating millage subject to the 10-mill cap is equal to or above the average for all counties. If the county does not meet this millage requirement, the per capita income for the county must be equal to or below the average for all counties.
 - (d) The county has been eligible for an equalization grant each fiscal year since fiscal year 2007-2008.
- (2) If a county fails to meet the eligibility criteria for an equalization grant in any one year, the county shall be notified that its equalization grant funding will be phased out over a three-year period as follows:
 - (a) In the first year, the county shall receive the grant amount for which it qualified the previous year.
 - (b) In the second year, the county shall receive two-thirds of the grant amount it received under paragraph (a).
 - (c) In the third year, the county shall receive one-third of the grant amount it received under paragraph (a).
 - (d) In subsequent years, the county shall not be eligible to receive an equalization grant.
- (3) An equalization grant to an eligible county is calculated in the following manner:
 - (a) The equalization factor is computed by subtracting the value of one mill adjusted to reflect the average statewide level of assessment for each county from the average adjusted value of one mill for all counties and then dividing that amount by the average adjusted value of one mill for all counties.
 - (b) An equalization grant is computed by multiplying the equalization factor times the total local funds expended for library support by that county during the second preceding year and adding that amount to the actual total local funds expended for library support by that county during the second preceding year. The result is the adjusted value for the local

funds expended for library service. The amount of the equalization grant is equal to 25 cents of the adjusted value of local funds expended for library service.

- (c) When the adjusted mill equivalent of actual local funds expended for library support by the county during the second preceding year is above the statewide average adjusted mill equivalent of actual local funds expended by all counties receiving operating grants, the amount of the equalization grant is equal to 50 cents of the adjusted value of local funds expended for library service.
- (4) A county may not receive an equalization grant that is equal to more than 10 percent of the total amount required to fund equalization grants to all eligible counties.
- (5) The Division of Library and Information Services shall calculate equalization grants based on the amount of local funds expended for library service the second preceding year as certified by the appropriate county officials and information on the level of assessment of property in each county, the taxable value of property in each county, the county operating millage subject to the 10-mill cap, and the per capita income as reported by the agency authorized by law.
- (6) Equalization grants may not exceed 15 percent of the amount appropriated for operating, multicounty, and equalization grants or \$8,877,057, whichever is greater. Any reductions in equalization grants necessary to meet this requirement must be applied to all equalization grants on a prorated basis. This includes grants subject to the 10-percent cap or grants in the phase-out period. If the total appropriation for operating, multicounty, and equalization grants is less than \$31,999,233, s. 257.21 applies.

257.195 Revenue shortfalls; procedures. – In the event of revenue shortfalls which necessitate budget reductions during any fiscal year, the total appropriation for library grants from state sources shall have the same ratable reduction as that applied to the operating funds of the Division of Library and Information Services or such reduction shall be at the discretion of the Secretary of State.

257.21 Maximum grants allowable. – Any reduction in grants because of insufficient funds shall be prorated on the basis of maximum grants allowable.

257.22 Division of Library and Information Services; allocation of funds. – Any moneys that may be appropriated for use by a county, a municipality, a special district, or a special tax district for the maintenance of a library or library service shall be administered and allocated by the Division of Library and Information Services in the manner prescribed by law. On or before December 1 of each year, the division shall certify to the Chief Financial Officer the amount to be paid to each county, municipality, special district, or special tax district.

257.23 Applicant for grant. – The board of county commissioners of any county, the chief executive officer of a municipality, or the governing body of a special district or special tax district desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefore to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. The application shall be signed by the chair of the board of county commissioners and attested by the clerk of the circuit court or the appropriate officer in a charter county, by the chief executive officer of a municipality and attested by the clerk of the

municipality, or by the chair of the governing body and attested by the chief financial officer of a special district or a special tax district. The county, municipality, special district, or special tax district shall agree to observe the standards established by the division as authorized in s. 257.15. On or before December 1 each year, the applicant shall certify the annual tax income and the rate of tax or the annual appropriation for the free library or free library service, and shall furnish such other pertinent information as the division may require.

257.24 Use of funds. – State funds allocated to libraries shall be expended only for library purposes in the manner prescribed by the Division of Library and Information Services. Such funds shall not be expended for the purchase or construction of a library building or library quarters, except such funds specifically appropriated for construction purposes as provided in this chapter.

257.25 Free library service. – Free library service shall constitute as a minimum the free lending of library materials that are made available for circulation and the free provision of reference and information services.

**STATE AID TO LIBRARIES GRANT
AGREEMENT BETWEEN
THE STATE OF FLORIDA, DEPARTMENT OF STATE
AND
[Governing Body] for and on behalf of [grantee]**

This Agreement is by and between the State of Florida, Department of State, Division of Library and Information Services, hereinafter referred to as the "Division," and the [Governing Body] for and on behalf of [grantee], hereinafter referred to as the "Grantee."

The Grantee has submitted an application and has met all eligibility requirements and has been awarded a State Aid to Libraries Grant (CSFA 45.030) by the Division in the amount specified on the "Fiscal Year [insert year] State Aid to Libraries Final Grants" document (which is incorporated as part of this Agreement and entitled Attachment B). The Division has the authority to administer this grant in accordance with Section 257, *Florida Statutes*. By reference, the application and any approved revisions are hereby made a part of this agreement.

In consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. **Grant Purpose.** This grant shall be used exclusively for the "State Aid to Libraries Grant," the public purpose for which these funds were appropriated.
 - a) The Grantee shall perform the following **Scope of Work**
[insert Scope of Work]
 - b) The Grantee agrees to provide the following **Deliverables** related to the Scope of Work for payments to be awarded.
[insert payment method, deliverables and performance measures]
 - c) Grant funds shall be used for the operation and maintenance of the library. The allowable budget categories are: Personnel Services (salaries, wages, and related employee benefits provided for all persons employed by the reporting entity whether on full-time, part-time, temporary or seasonal basis); Operating Expenses (expenditures for goods and services which primarily benefit the current period and are not defined as personal services or capital outlays); Non-Fixed Capital Outlay (outlays for the acquisition of or addition to fixed assets); and Other (other operating expenditure categories in the library budget).
2. **Length of Agreement.** This Agreement covers the period of October 1, [insert year] through June 30, [insert year], unless terminated in accordance with the provisions of Section 28 of this Agreement. This period begins with the start of the Grantee's second preceding fiscal year ([insert dates]) and concludes with the end of the State of Florida's current fiscal year ([insert dates]).

3. **Expenditure of Grant Funds.** Grant funds will be used to reimburse a portion of local funds expended by the Grantee during their second preceding fiscal year ([insert dates]) for the operation and maintenance of a library and shall not exceed the amount specified in Attachment B.
4. **Contract Administration.** The parties are legally bound by the requirements of this agreement. Each party's contract manager, named below, will be responsible for monitoring its performance under this Agreement and will be the official contact for each party. Any notice(s) or other communications regarding this agreement shall be directed to or delivered to the other party's contract manager by utilizing the information below. Any change in the contact information below should be submitted in writing to the contract manager within 10 days of the change.

For the Division of Library and Information Services:

[name], [title]

Florida Department of State
R.A. Gray Building
Mail Station # 9D
500 South Bronough Street
Tallahassee, Florida 32399-0250
Phone:
Facsimile:
Email:

For the Grantee:

[name], [title]

[organization]

[address]

[city], Florida [zip]

Phone:
Facsimile:
Email:

5. **Grant Payments.** The total grant award shall not exceed the amount specified on the “Fiscal Year [insert dates] State Aid to Libraries Final Grants” document (Attachment B), which shall be paid by the Division in consideration for the Grantee’s minimum performance as set forth by the terms and conditions of this Agreement. [Insert Payment method and schedule.]
6. **Electronic Payments.** The Grantee can choose to use electronic funds transfer (EFT) to receive grant payments. All grantees wishing to receive their award through EFT must submit a Vendor Direct Deposit Authorization Form (form number DFS-AI-26E, rev 3/2022), incorporated by reference, to the Florida Department of Financial Services. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts. To download this form visit myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/vendors/vendor-relations/dfs-a1-

[26e-direct-deposit-vendors.pdf?sfvrsn=eff728cf_16](#). The form also includes tools and information that allow you to check on payments.

- 7. Florida Substitute Form W-9.** A completed Substitute Form W-9 is required from any entity that receives a payment from the State of Florida that may be subject to 1099 reporting. The Department of Financial Services (DFS) must have the correct Taxpayer Identification Number (TIN) and other related information in order to report accurate tax information to the Internal Revenue Service (IRS). To register or access a Florida Substitute Form W-9 visit flvendor.myfloridacfo.com. **A copy of the Grantee’s Florida Substitute Form W-9 must be submitted by the Grantee to the Division with the executed Agreement.**
- 8. Financial Consequences.** The Department shall apply the following financial consequences for failure to perform the minimum level of services required by this Agreement in accordance with Sections 215.971 and 287.058, *Florida Statutes*:

[Insert Financial Consequences]

- 9. Credit Line(s) to Acknowledge Grant Funding.** The Division requires public acknowledgement of State Aid to Libraries Grant funding for activities and publications supported by grant funds. Any announcements, information, press releases, publications, brochures, videos, webpages, programs, etc. created as part of a State Aid to Libraries Grant project must include an acknowledgment that State Aid to Libraries Grant funds were used to create them.

Use the following text:

“This project has been funded under the provisions of the State Aid to Libraries Grant program, which is administered by the Florida Department of State’s Division of Library and Information Services.”

- 10. Grant Expenditures.** The Grantee agrees to expend all grant funds received under this agreement solely for the purposes for which they were authorized and appropriated. Expenditures shall be in compliance with the state guidelines for allowable project costs as outlined in the Department of Financial Services’ Reference Guide for State Expenditures (as of October 2022), incorporated by reference, which are available online at myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2.

Grant funds may not be used for the purchase or construction of a library building or library quarters.

- 11. Travel Expenses.** The Grantee must pay any travel expenses, from grant or local matching funds, in accordance to the provisions of Section 112.061, *Florida Statutes*.

- 12. Unobligated and Unearned Funds and Allowable Costs.** In accordance with Section 215.971, *Florida Statutes*, the Grantee shall refund to the State of Florida any balance of unobligated funds which has been advanced or paid to the Grantee. In addition, funds paid in excess of the amount to which the recipient is entitled under the terms and conditions of the agreement must be refunded to the state agency. Further, the recipient may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period. Expenditures of state financial assistance must be in compliance with the laws, rules and regulations applicable to expenditures of State funds as outlined in the Department of Financial Service's Reference Guide for State Expenditures (as of October 2022) myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2, incorporated by reference.
- 13. Repayment.** All refunds or repayments to be made to the Department under this agreement are to be made payable to the order of "Department of State" and mailed directly to the following address: Florida Department of State, Attention: [name], Division of Library and Information Services, 500 South Bronough Street, Mail Station #9D, Tallahassee, Florida 32399. In accordance with Section 215.34(2), *Florida Statutes*, if a check or other draft is returned to the Department for collection, Recipient shall pay to the Department a service fee of \$15.00 or five percent (5%) of the face amount of the returned check or draft, whichever is greater.
- 14. Single Audit Act.** Each Grantee, other than a Grantee that is a State agency, shall submit to an audit pursuant to Section 215.97, *Florida Statutes*. See Attachment A for additional information regarding this requirement. If a Grantee is not required by law to conduct an audit in accordance with the Florida Single Audit Act because it did not expend at least \$750,000 in state financial assistance, it must submit a Financial Report on its operations pursuant to Section 218.39, *Florida Statutes*, within nine months of the close of its fiscal year. Audits must be submitted on the DOS Grants System at dosgrants.com.
- 15. Retention of Grant Records.** Financial records, supporting documents, statistical records and all other records, including electronic storage media pertinent to the Project, shall be retained for a period of five (5) fiscal years after the closeout of the grant and release of the audit. If any litigation or audit is initiated or claim made before the expiration of the five-year period, the records shall be retained for five fiscal years after the litigation, audit or claim has been resolved.
- 16. Obligation to Provide State Access to Grant Records.** The Grantee must make all grant records of expenditures, copies of reports, books, and related documentation available to the Division or a duly authorized representative of the State of Florida for inspection at reasonable times for the purpose of making audits, examinations, excerpts and transcripts.
- 17. Obligation to Provide Public Access to Grant Records.** The Division reserves the right to unilaterally cancel this Agreement in the event that the Grantee refuses public access to all documents or other materials made or received by the Grantee that are subject to the provisions of Chapter 119, *Florida Statutes*, known as the *Florida Public Records Act*. The

Grantee must immediately contact the Division's Contract Manager for assistance if it receives a public records request related to this Agreement.

18. Noncompliance. Any Grantee that is not following Florida statutes or rules, the terms of the grant agreement, Florida Department of State (DOS) policies and guidance, local policies, or other applicable law or that has not submitted required reports or satisfied other administrative requirements for other Division of Library and Information Services grants or grants from any other DOS Division will be in noncompliance status and subject to the DOS Grants Compliance Procedure. DOS Divisions include the Division of Arts and Culture, the Division of Elections, the Division of Historical Resources and the Division of Library and Information Services. Grant compliance issues must be resolved before a grant award agreement may be executed and before grant payments for any DOS grant may be released.

19. Accounting Requirements. The Grantee must maintain an accounting system that provides a complete record of the use of all grant funds as follows:

- a) The accounting system must be able to specifically identify and provide audit trails that trace the receipt, maintenance and expenditure of state funds.
- b) Accounting records must adequately identify the sources and application of funds for all grant activities and must classify and identify grant funds by using the same budget categories that were approved in the grant application. If the Grantee's accounting system accumulates data in a different format than the one in the grant application, subsidiary records must document and reconcile the amounts shown in the Grantee's accounting records to those amounts reported to the Division.
- c) An interest-bearing checking account or accounts in a state or federally chartered institution may be used for revenues and expenses described in the Scope of Work and detailed in the Estimated Project Budget.
- d) The name of the account(s) must include the grant award number.
- e) The Grantee's accounting records must have effective control over and accountability for all funds, property and other assets.
- f) Accounting records must be supported by source documentation and be in sufficient detail to allow for a proper pre-audit and post-audit (such as invoices, bills and canceled checks).

20. Availability of State Funds. The State of Florida's performance and obligation to pay under this Agreement are contingent upon an annual appropriation by the Florida Legislature. In the event that the state funds upon which this Agreement is dependent are withdrawn, this Agreement will be automatically terminated, and the Division shall have no further liability to the Grantee beyond those amounts already expended prior to the termination date. Such termination will not affect the responsibility of the Grantee under this Agreement as to those

funds previously distributed. In the event of a state revenue shortfall, the total grant may be reduced accordingly.

- 21. Lobbying.** The Grantee will not use any grant funds for lobbying the state legislature, the state judicial branch or any state agency.
- 22. Independent Contractor Status of Grantee.** The Grantee, if not a state agency, agrees that its officers, agents and employees, in performance of this Agreement, shall act in the capacity of independent contractors and not as officers, agents or employees of the state. The Grantee is not entitled to accrue any benefits of state employment, including retirement benefits and any other rights or privileges connected with employment by the State of Florida.
- 23. Grantee's Subcontractors.** The Grantee shall be responsible for all work performed and all expenses incurred in connection with this Agreement. The Grantee may subcontract, as necessary, to perform the services and to provide commodities required by this Agreement. The Division shall not be liable to any subcontractor(s) for any expenses or liabilities incurred under the Grantee's subcontract(s), and the Grantee shall be solely liable to its subcontractor(s) for all expenses and liabilities incurred under its subcontract(s). The Grantee must take the necessary steps to ensure that each of its subcontractors will be deemed to be independent contractors and will not be considered or permitted to be agents, servants, joint venturers or partners of the Division.
- 24. Liability.** The Division will not assume any liability for the acts, omissions to act or negligence of the Grantee, its agents, servants or employees; nor may the Grantee exclude liability for its own acts, omissions to act or negligence to the Division.
 - a) The Grantee shall be responsible for claims of any nature, including but not limited to injury, death and property damage arising out of activities related to this Agreement by the Grantee, its agents, servants, employees and subcontractors. The Grantee shall indemnify and hold the Division harmless from any and all claims of any nature and shall investigate all such claims at its own expense. If the Grantee is governed by Section 768.28, *Florida Statutes*, it shall only be obligated in accordance with this Section.
 - b) Neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity or increases the limits of its liability by entering into this Agreement.
 - c) The Division shall not be liable for attorney fees, interest, late charges or service fees, or cost of collection related to this Agreement.
 - d) The Grantee shall be responsible for all work performed and all expenses incurred in connection with the project. The Grantee may subcontract as necessary to perform the services set forth in this Agreement, including entering into subcontracts with vendors for services and commodities, provided that such subcontract has been approved in writing by the Department prior to its execution and provided that it is understood by the Grantee that the Department shall not be liable to the subcontractor for any expenses or liabilities

incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

- 25. Strict Compliance with Laws.** The Grantee shall perform all acts required by this Agreement in strict conformity with all applicable laws and regulations of the local, state and federal law. For consequences of noncompliance, see Section 18, Noncompliance.
- 26. No Discrimination.** The Grantee may not discriminate against any employee employed under this Agreement or against any applicant for employment because of race, color, religion, gender, national origin, age, handicap, pregnancy or marital status. The Grantee shall insert a similar provision in all of its subcontracts for services under this Agreement.
- 27. Breach of Agreement.** The Division shall demand the return of grant funds already received, shall withhold subsequent payments and/or shall terminate this agreement if the Grantee improperly expends and manages grant funds; fails to prepare, preserve or surrender records required by this Agreement; or otherwise violates this Agreement.
- 28. Termination of Agreement.** The Division will terminate or end this Agreement if the Grantee fails to fulfill its obligations herein. In such event, the Division will provide the Grantee a notice of its violation by letter and shall give the Grantee fifteen (15) calendar days from the date of receipt to cure its violation. If the violation is not cured within the stated period, the Division shall terminate this Agreement. The notice of violation letter shall be delivered to the Grantee's Contract Manager, personally, or mailed to his/her specified address by a method that provides proof of receipt. In the event that the Division terminates this Agreement, the Grantee shall be compensated for any work completed in accordance with this Agreement prior to the notification of termination if the Division deems this reasonable under the circumstances. Grant funds previously advanced and not expended on work completed in accordance with this Agreement shall be returned to the Division, with interest, within thirty (30) days after termination of this Agreement. The Division does not waive any of its rights to additional damages if grant funds are returned under this Section.
- 29. Preservation of Remedies.** No delay or omission to exercise any right, power or remedy accruing to either party upon breach or violation by either party under this Agreement shall impair any such right, power or remedy of either party; nor shall such delay or omission be construed as a waiver of any such breach or default or any similar breach or default.
- 30. Non-Assignment of Agreement.** The Grantee may not assign, sublicense or otherwise transfer its rights, duties or obligations under this Agreement without the prior written consent of the Division, which shall not unreasonably be withheld. The agreement transferee must demonstrate compliance with the requirements of the project. If the Division approves a transfer of the Grantee's obligations, the Grantee shall remain liable for all work performed and all expenses incurred in connection with this Agreement. In the event the Legislature transfers the rights, duties and obligations of the Division to another governmental entity, pursuant to Section 20.06, *Florida Statutes*, or otherwise, the rights, duties and obligations under this Agreement shall be transferred to the succeeding governmental agency as if it was the original party to this Agreement.

31. Required Procurement Procedures for Obtaining Goods and Services. The Grantee shall provide maximum open competition when procuring goods and services related to the grant-assisted project in accordance with Section 287.057, *Florida Statutes*.

- a) Procurement of Goods and Services Not Exceeding \$35,000. The Grantee must use the applicable procurement method described below:
 1. Purchases Up to \$2,500: Procurement of goods and services where individual purchases do not exceed \$2,500 do not require competition and may be conducted at the Grantee's discretion.
 2. Purchases or Contract Amounts Between \$2,500 and \$35,000: Goods and services costing between \$2,500 and \$35,000 require informal competition and may be procured by purchase order, acceptance of vendor proposals or other appropriate procurement document.
- b) Procurement of Goods and Services Exceeding \$35,000. Goods and services costing over \$35,000 may be procured by either Formal Invitation to Bid, Request for Proposals or Invitation to Negotiate and may be procured by purchase order, acceptance of vendor proposals or other appropriate procurement document.

32. Conflicts of Interest. The Grantee hereby certifies that it is cognizant of the prohibition of conflicts of interest described in Sections 112.311 through 112.326, *Florida Statutes*, and affirms that it will not enter into or maintain a business or other relationship with any employee of the Department of State that would violate those provisions. The Grantee further agrees to seek authorization from the General Counsel for the Department of State prior to entering into any business or other relationship with a Department of State Employee to avoid a potential violation of those statutes.

33. Binding of Successors. This Agreement shall bind the successors, assigns and legal representatives of the Grantee and of any legal entity that succeeds to the obligations of the Division of Library and Information Services.

34. Employment of Unauthorized Aliens. The employment of unauthorized aliens by the Grantee is considered a violation of Section 274A (a) of the Immigration and Nationality Act (8 USC 1324(a) (as of April 2019)), incorporated by reference. If the Grantee knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement.

35. Severability. If any term or provision of the Agreement is found to be illegal and unenforceable, the remainder will remain in full force and effect, and such term or provision shall be deemed stricken.

36. Americans with Disabilities Act. All programs and facilities related to this Agreement must meet the standards of Sections 553.501-553.513, *Florida Statutes*, and the Americans with Disabilities Act of 1990 (ada.gov (as of April 2019)), incorporated by reference).

37. Governing Law. This Agreement shall be construed, performed and enforced in all respects in accordance with the laws and rules of Florida. Venue or location for any legal action arising under this Agreement will be in Leon County, Florida.

38. Entire Agreement. The entire Agreement of the parties consists of the following documents:

- a) This Agreement
- b) Florida Single Audit Act Requirements (Attachment A)
- c) Fiscal Year [insert dates] State Aid to Libraries Final Grants (Attachment B)

The Grantee hereby certifies that they have read this entire Agreement and will comply with all of its requirements.

Grantee:

By: _____
Chair of Governing Body or
Chief Executive Officer

Typed name and title

Date

Clerk or Chief Financial Officer

Typed name and title

Date

Department of State:

By: _____

[insert name and title]

Date

Witness

Date

ATTACHMENT A

FLORIDA SINGLE AUDIT ACT REQUIREMENTS

[Most current DFS memo, Florida Single Audit Act Requirements and Exhibit]

ATTACHMENT B

[Fiscal Year **insert dates** State Aid to Libraries Final Grants]

Florida Administrative Code

1B-2.011 Library Grant Programs.

[add in current rule]