

Grant Guidelines

for 2018-2019 Cultural Facilities



Florida Department of State, Division of Cultural Affairs
Florida Council on Arts and Culture

Grants / Grant Programs / Cultural Facilities

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Introduction

Welcome to the Division of Cultural Affairs Cultural Facilities Program (CF) Guidelines. We're glad you are applying for a Cultural Facilities grant from the Division. These guidelines are incorporated by reference into Rule 1T-1.039, Florida Administrative Code, and they detail the policies and requirements for the application and administration of the Cultural Facilities Program grants.

Purpose of this grant

The Cultural Facilities Program is intended for organizations whose mission is cultural programming in one of the disciplines as defined in Section 265.283(7), *Florida Statutes*. The Cultural Facilities Program coordinates and guides the State of Florida's support and funding of renovation, new construction, or acquisition of cultural facilities.

The applicant's mission must be to directly conduct arts and cultural programming. By program definition, a cultural facility is a building where the programming, production, presentation, exhibition of any of the arts and cultural disciplines are carried out Section 265.283(7), *Florida Statutes*. These disciplines are music, dance, theatre, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, and programs of museums and must comprise at least 85% of facility use. The Program is intended for bricks and mortar construction, renovation, or for acquisition (not any combination of the three). State funding IS NOT to be used for parking facilities, sidewalks, walkways, and trails that are independent projects; landscaping; fabrication or design of exhibits (not permanently affixed to the building); nor commercial projects.

Grant Period

Awarded grant funds must be spent on project expenses incurred during the grant period as defined in your grant award agreement. The grant period is 23 months.

Request Amount

You may request up to \$500,000 for the renovation, acquisition, or construction of a cultural facility. There is no minimum request amount.

Eligibility

All applicants must meet the following requirements. All documentation must be provided by the application deadline. Documentation **will not** be accepted after the submission deadline

1. Must have completed and submitted final reports for any previously awarded Cultural Facilities grants or Fixed Capital Outlay line item grants at the time of application submission
2. Must have the correct **legal status** (public entity governed by either a municipality or county

or not-for-profit, tax-exempt, Florida Corporation)

3. Must have unrestricted use of the land and buildings associated with the project which means you **MUST** be able to file a Restrictive Covenant on the property with the Clerk of Court for ten (10) years or provide a 10 year surety bond. See **Unrestricted Use** of Land and/or Buildings for additional information
4. **Must retain ownership** of all improvements made under the grant (unless the land or buildings are owned by the State of Florida and leased to an eligible applicant)
5. If the property is leased, **the lease agreement must be dated, signed and submitted** at the time of the application submission
6. Must provide documentation of **Total Support and Revenue** for the last completed fiscal year
7. Must have appropriate **matching** funds and documented at submission
8. Must provide **current architectural plans** signed by a licensed architect or engineer clearly indicating scope of work
9. Must have current **support of local officials** (city and county government and community groups) -for this project- documented in writing with the application
10. Applicants **with structures 50 years or older must submit a determination letter from the Division of Historical Resources (DHR) with the application** (For additional information, please contact the Bureau of Historic Preservation (BHP) at 850.245-6366)
11. Must provide documentation supporting at least 85% of facility use is for cultural purposes as it pertains to the organization's mission per Section 265.283(7), *Florida Statutes*
12. Must complete an online application. See the Division website for deadlines and application at: <http://dos.myflorida.com/cultural/grants/grant-programs/cultural-facilities/>

Legal Status

All applicant organizations must:

1. Be a **public entity** governed by either a **municipality or county, or**
2. Have been established as a **not-for-profit, tax-exempt Florida corporation** according to the following definitions:
 1. Be incorporated as an active not-for-profit Florida corporation, pursuant to Chapter 617, *Florida Statutes*. Division staff will verify that the applicant was in "active" status with the Division of Corporations at the time of application
 2. Be designated as a tax-exempt organization as defined in Section 501(c)(3) or 501(c)(4), of the Internal Revenue Code of 1954 and
 3. Be allowed to receive contributions pursuant to the provisions of s. 170 of the Internal Revenue Code of 1954

Documentation of Legal Status

Organizations that are not public entities must provide the organization's IRS determination letter documenting not-for-profit, tax-exempt status with each application. The IRS determination letter must be submitted with the application.

The Division of Cultural Affairs will verify that the applicant is registered with the Division of Corporations as of the application deadline. If the applicant is not registered in Corporations by the application deadline, the application will be ineligible.

For more information on corporate status, visit <http://www.sunbiz.org> or call the Division of Corporations, profit and nonprofit information line at (850) 245-6054.

Number of applications per deadline

Applicants may only submit one (1) Cultural Facilities application per application deadline.

Project Restrictions

The following restrictions refer to the project Scope of work. Applicants may not use state or matching funds for the following:

- Cultural Facilities grants do not fund Historic Preservation
- Projects or facilities restricted to private or exclusive participation, including restriction of access to programs on the basis of sex, race, creed, national origin, disability, age, or marital status
- Projects funded by the Legislature outside of the review of the Florida Council on Arts and Culture or Secretary of State are not eligible to receive grant support for the same Scope of Work from the division of Cultural Affairs within the same fiscal year in which legislative funding is appropriated.
- Design, fabrication, or construction of exhibits not permanently affixed to building
- Commercial property (coffee shops, cafés, and gifts shops are allowable)
- No organization may receive more than \$1.5 million during a 5 state fiscal year period. ("Receive" means measured from July 1 through June 30 of the fiscal year in which grant funds were awarded. This also applies to projects funded by the Legislature outside of the grant application process).

Non-Allowable Expenses

Grant (state and matching) funds may not be spent on the following:

- Expenditures made before the grant period
- General Operating Expenses (GOE). Administrative costs for running the organization (including but not limited to salaries, travel, personnel, office supplies, mortgage or rent, operating overhead or indirect costs, etc.)
- Costs associated with representation, proposal, or grant application preparation
- Costs incurred or obligated outside of the grant period
- Costs for lobbying or attempting to influence federal, state or local legislation, the judicial branch, or any state agency
- Costs associated with bad debts, contingencies (money set aside for possible expenses), fines and penalties, interest, taxes (of any kind), and other financial costs including bank fees and charges and credit card debts
- Costs for travel, private entertainment, food, beverages, plaques, awards, or scholarships
- Re-granting, contributions, and donations
- State funds may not be used for parking facilities, sidewalks, walkways, and trails that are independent projects; landscaping; fabrication or design of exhibits (not permanently affixed to the building); nor commercial projects. However, matching funds may be used for elements that are part of the project

- Also refer to Section 216.348, *Florida Statutes*, Fixed capital outlay grants and aids to certain nonprofit entities

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, which are incorporated by reference and are available online at http://www.myfloridacfo.com/aadir/reference_guide/.

Matching Funds

You must match your request amount with non-state funds. The amount you must provide as match depends on your Total Support and Revenue statement (comprehensive income, revenue and expense) and REDI eligibility. Operating expenses cannot be used as match.

Summary of Match Requirements	Required Match
Last completed FY total support and revenue less than \$1,000,001	1:1
Last completed FY total support and revenue of \$1,000,001 or more with a REDI waiver	1:1
Last completed FY total support and revenue of \$1,000,001 or more without a REDI waiver	2:1

REDI Waiver

The Rural Economic Development Initiative (REDI) recognizes those rural or economically distressed counties or communities designated pursuant to Sections 288.0656 and 288.06561, *Florida Statutes*, as REDI qualified. The REDI program is administered by the Florida Department of Economic Opportunity.

Applicants in a REDI designated area must only provide \$1 of required match for every \$1 requested from the state regardless of their Total Support and Revenue. The Division cannot waive all matching funds.

For more information about REDI, including a list of eligible counties and communities, see the official REDI website at <http://www.floridajobs.org/business-growth-and-partnerships/rural-and-economic-development-initiative/rural-definition>.

Types of Match

Three types of match (must be on hand at the time of the application submission):

- Cash on Hand (Liquid Assets) At Least 25% of total request amount match must be cash-on-hand at the time of the application, documented by bank statements showing restricted funds or city or county resolution*. Cash-on-hand may exceed 25% of the total match, but may never be less than 25% of the total match
- Irrevocable Pledges (No more than 75% of the match) Must be auditable and received by the Grantee by June 30 following the July 1 award year.
- Documented In-Kind Contributions (No more than 50% of the match) In-kind contributions must be itemized at the time of application, and the goods and services received and utilized by

June 30 following the July 1 award year. In-Kind Contributions by the applicant are **not eligible** for match.

Non-profit organizations must have all match complete and confirmed at the time of application.

***Municipalities and counties (public entities)** must submit an executed copy of an approved resolution by a city or county commission with the application package. The resolution must include the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. The resolution **must be dated and signed by the application deadline**. Funding, as indicated by the resolution, must be made available within 90 days of state grant funding notification.

Restrictions on Matching Funds

- Funds that are for General Operating Expenses (i.e. the Un-restricted column on the Statement of Activity page of the organization's audit) will not be acceptable as match
- Revenue from bond issues that have not been passed at the time of application will not be acceptable as match
- Revenue from grants that have not yet been awarded will not be acceptable as match.
- Fundraising costs will not be acceptable as match
- Legal fees or taxes will not be acceptable as match
- Matching funds will be designated only to the Scope of Work presented in this application and may not have been used in previous Division or Department of State grants
- Expenditures made before the grant period
- Interest paid on mortgage. The interest paid on the mortgage is considered to be the "cost of doing business," and may not be used as match
- Building or Land as match:
 - The value of buildings or land not owned by the applicant may not be used as match.
 - Only the purchase price or documented acquisition date value, not current market value, may be used as match
- **Loans may not be used as match.** Only unencumbered equity may be counted as match
- Any State of Florida agency funds may not be used as match for this program

Matching Funds Documentation

Documentation of matching funds **MUST** include bank statement(s) confirming cash on hand or resolution showing funds dedicated to the Scope of Work.

And as applicable:

- Award letters from third parties
- Copies of irrevocable pledges;
- Letters from in-kind contributors demonstrating professional services with market value certified
- A list of Liquid Assets dedicated to the project, or other documents that substantiate funds claimed as match

Unrestricted Use of Land and/or Buildings

You must provide documentation that the Applicant has either Unrestricted Use (ownership or lease) of the building and the land associated with the proposal/project.

- **Ownership.** Legal proof of unrestricted ownership of property and building. Unrestricted means unqualified ownership and power of disposition. Property that does not meet the unrestricted ownership criterion will not be eligible for match. Documentation may include a deed, title, or a copy of a recent property tax statement. Provisional sales contracts, binders, or letters of intent are not acceptable documentation of ownership.
OR
- **Lease for a specific period of time.** The lease must be executed/effective at the time of the application deadline and remain in effect for a length of time of not less than ten (10) years from the date the Grant Award Agreement is fully executed. Only leases in which the lessee is a public entity governed by either a municipality or county, or a not-for-profit entity are eligible for a Cultural Facilities grant.
- **Documentation must include an executed copy of a lease** (see definition of Lease,) and a written explanation of any easements, covenants, or other conditions affecting the use of the site or facility, or both.
- **Ownership of Improvements** Applicants must retain ownership of all improvements made under the grant unless land or buildings or both are owned by the State of Florida and leased to an eligible applicant.

Total Support and Revenue (Statement of Comprehensive Income, Revenue and Expense)

You must provide documentation of your Total Support and Revenue for your last completed fiscal year.

- **Not-for-profit, tax-exempt organizations** provide an audit to substantiate Total Support and Revenue. If you do not have an audit, provide a review or a compilation **signed and certified by the authorizing official**, as documentation of Total Support and Revenue (Send the most recent available)
- **Municipal or county governments (public entities)** — You may submit either an audit or an internally prepared financial statement as documentation of Total Support and Revenue (Upload the most recent available)
- If a City or County government owns the building or land or both and is applying on behalf of a not-for-profit organization, then the financial statements (or audit) of both entities are required

Architectural Plans

All applicants must upload current architectural plans for the facility certified by a licensed architect or engineer (not required for building acquisition).

Historical Review Requirements

Facilities that are 50 years old or older may have historical significance that must be preserved. If your facility meets the criteria, the Bureau of Historic Preservation (BHP) must approve your project plans before submission of your application. Upload a copy of the BHP determination letter at time of the application.

Please note that the review time for projects is approximately thirty days once all required information is received by the Bureau of Historic Preservation office. If you have questions, please contact the Review and Compliance Section at 850.245.6333 or visit BHP web site at <http://dos.myflorida.com/historical/preservation/compliance-and-review/documents-forms/> . DHR approval is required for any facilities that are 50 years of older prior to release of grant funds.

Local Support

All applicants must submit current letters of support from local officials (City and County Government) and community groups who are lending support to this project. Letters should be from individuals who have actually visited the facility (if a renovation project) or participated in programs (if a new facility). **Applicants should avoid form letters; original letters are preferred.** Five or six support letters are sufficient.

Submitting the Application

All application information submitted to the Division is open for public inspection and subject to the Public Records Law (Chapter 119, *Florida Statutes*).

Application Form

The application form must be completed using the Division's online grant application and submitted online by 5:00 pm ET on the application deadline. Deadlines and a link to the application form is posted on the Division's web site. See the Division Website for deadlines and application at <http://dos.myflorida.com/cultural/grants/grant-programs/cultural-facilities/>

Attachments and Support Materials

Submit your attachments and support materials by uploading through the online system. Acceptable file formats are as follows:

- .pdf, .txt, .doc., .docx (documents)
- .jpg, .gif, .png, .tiff, .pdf (images)

The application must include the following:

1. **Matching Funds** Documentation
 1. Bank statements, awards, contracts, for **cash on hand**
 2. Copies of **irrevocable pledges**
 3. Letters from **in-kind contributions**
2. Documentation of **Unrestricted Use** (construction and renovation projects) or **Intent to Sell** (acquisitions)
 1. Deed, title, property tax statement to document **unrestricted use**, OR
 2. Executed copy of lease and written explanation of any easements, covenants, or other conditions to document **unrestricted use**, OR
 3. Description of facility, purchase price and letter of **intent to sell**
3. **Total Support and Revenue** Documentation
 1. Audit, review, or compilation, annual budget (*not-for-profit, tax-exempt applicants only*)

2. Audit or internally prepared financial statement (*public entities applicants only*)
3. Audit of the organization that will be responsible for management of the facility (*public entity applicants only*)
4. Current **Architectural Plans** certified by a licensed architect or engineer
5. **Local Support** Documentation
 1. Up to 6 current letters of support from local officials and community groups
 2. **Bureau of Historic Preservation (BHP) Determination Letter** (for buildings 50 years or older)
6. **Non-profit IRS Letter.** Not-for profit tax exempt applicants must also provide one (1) copy of your IRS 501(c) (3) or 501(c) (4) determination letter.
7. **Mission and Programming Materials** such as season program, box office statement, educational programs that document 85% cultural programming of facility
8. **Support Materials** such as:
 1. Photographs
 2. Flyers, brochures
 3. Newspaper articles
 4. Plans for sustainable design

Review Process (How your application will be reviewed)

1. Division staff will review the applications for eligibility. Eligible applications will then be submitted to the Florida Council on Arts and Culture who serve as the grant review panel.
2. The panel will evaluate each application on the review criteria and assign a score
3. The Florida Council on Arts and Culture approves a list for submission to the Secretary of State
4. The Division forwards a ranked list to the Secretary of State.
5. The Secretary of State approves the ranked list for submission to the Legislature for funding consideration.

Review Criteria and Scoring

Each eligible application will be evaluated on three (3) competitive criteria

Criteria	Application section(s)	Worth
Scope of Work	Scope of Work: Project Description	up to 30 points
Project Budget and Matching Funds	Proposal Budget Detail: Expenses Proposal Budget Detail: Income Matching Funds Statement Project Team	up to 30 points
Need for Project and Project Impact	Need for Project, Operating Forecast Detail and Project Impact	up to 40 points

The total possible number of points the panel can award to an application is 100. The panel's evaluation will be based on the information contained in the application, required attachments and support materials submitted with the application. The panel's individual scores will be averaged to determine a final score for each application.

Applications must receive a minimum average score of 80 or higher to be *recommended* for funding. Applications receiving an average score of 80 or higher will be recommended to the Secretary of State and forwarded to the Florida Legislature for funding consideration.

Applications with a tied average score will be ranked by application number order (lowest to highest).

Florida Council on Arts and Culture Review

The panel chair will submit the recommended funding list, ranked in order of total average score (highest to lowest), to the Florida Council on Arts and Culture at the Council's next official meeting. The Council may amend the panel's recommendations based on new or existing pertinent information about the application or panel proceedings such as:

- Score calculation errors by the Division
- Applicant noncompliance with administrative requirements of previous grants from the Department of State
- Bankruptcy or other fiscal concerns
- Changes in the applicant's staff that would impair implementation of the proposed grant activity
- Typographical errors in the Committee's recommendations

Funding Process (How applications are funded)

The Secretary of State will provide the Legislature with an approved list, ranked in order of total average score, with funding recommendations for all projects that received a total average score of 80 and above. The Legislature may use this list to make funding decisions.

What if a new application is not funded?

If the Legislature does not fund **any** application on the list presented in a given year, the applications on that list are eligible for "rollover" for the following year (only). Applications may only be on the rollover list once. If your application is not funded on the rollover, you must submit a new application.

Why Rollover?

As a rollover, your Application:

- Is guaranteed a place on the next recommended funding list if you submit a Rollover Update
- Will not be re-scored, but will be ranked by the original score on a list that includes new applications
- Will be recommended for the amount of funding that was originally requested

A single list (of both rollover and new applications) ranked in order by average score, highest to lowest, will be submitted to the next session of the Legislature. Rollover application recommendations will be identified as such on the ranked list.

Rollover Update

Applicants wishing to rollover must submit a Rollover Update. The Rollover update should provide

updated information pertinent to the Application since its original submission in the following application sections:

- Scope of Work (Project Description) as recommended by the Council and approved by the Secretary of State
- Project Budgets
- Matching Funds Statement
- Contact information

A specific deadline will be established and posted on the Division's website. When you submit the Rollover Application, Division staff will:

- Verify Basic Eligibility
- Verify that the Project Description in the Rollover Application has not changed from the Project Description in the original application that was recommended by the Council and approved by the Secretary of State
- Verify match percentages and documentation

Removal from the Rollover List

An organization will be removed from the rollover list for the following:

- Failing to submit the updated information by the rollover deadline announced on the Division's website
- Failing to maintain basic eligibility, required match, or undisturbed use of the building or land or both
- Changes in Scope of Work (Project Description) Note: The project that was recommended for funding by the Florida Council on Arts and Culture and approved by the Secretary of State must not change.

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