

## Notice of Proposed Rule

### **DEPARTMENT OF STATE Division of Historical Resources**

RULE NO.: RULE TITLE:

1A-39.001 Division of Historical Resources Grant Programs & Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines, forms, application procedures, and Grant Award Agreements for the Historic Preservation Grants In Aid Program, including the Small Matching Grant Program and the Special Category Grant Program.

SUMMARY: This amendment will update the forms, applications, and guidelines for historical grant programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon completion of a SERC Checklist, it was determined that this amendment will not have a direct or indirect financial impact on small businesses.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 267.031(1), 267.0617(5) FS.

LAW IMPLEMENTED: 267.0167 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carlos A. Rey, Florida Department of State, 500 S. Bronough St. Tallahassee, FL 32399, Carlos.Rey@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-39.001 Division of Historical Resources Grant Programs & Requirements.

(1) The purpose of this chapter is to establish administrative procedures for all Division of Historical Resources Historic Preservation Grants-in-Aid programs. Each program is governed by guidelines that contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State and subject to availability of funds appropriated by the Legislature.

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

(3) All grant applicants must meet the requirements set forth in the Historic Preservation Grants-in-Aid ~~Guidelines for Small Matching Grants~~ Guidelines and Special Category Grants Guidelines, which are available from the Division of Historical Resources (Division), <http://www.flrules.org/Gateway/reference.asp?No=Ref-08166> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-08167>, effective x/xxxx 4/2017, and are hereby incorporated by reference.

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

(b) Special Category Grant Program. The purpose of this program is to provide funding to assist major local, regional and state-wide efforts to preserve significant historic and archaeological resources, to assist major

archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida. The program does not fund operational support for historic preservation organizations.

(4) The following application forms are available from the Division at <http://www.dos.myflorida.com/historical/grants>, and are hereby incorporated by reference:

(a) Small Matching Grant Application (Form DHR001), effective x/xxxx 5/2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08158>.

(b) Special Category Grant Application (Form DHR002), effective x/xxxx 5/2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08159>.

(5) The following forms are used in the administration of all Historic Preservation Grants-in-Aid and are hereby incorporated by reference and available at <http://www.dos.myflorida.com/historical/grants>:

(a) Progress and Final Report Form (Form DHR003), effective x/xxxx, 5/2017 <http://www.flrules.org/Gateway/reference.asp?No=Ref-08160>.

(b) Preservation Agreement (Form DHR007), effective x/xxxx, 5/2017 <http://www.flrules.org/Gateway/reference.asp?No=Ref-08161>.

(c) Restrictive Covenants (Form DHR008), effective 5/2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08162>.

(d) Grant Award Agreement (Form GAA001), effective x/xxxx 5/2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08163>.

(6) Federal Funding. Federal funds for historic preservation grants-in-aid may be apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act. The use of such federal funds for Small Matching Grants is subject to the policies, procedures, and guidelines set forth by that agency in the June 2007 edition, of the Historic Preservation Fund Grants Manual, herein incorporated by reference, and to any special conditions required by the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. The federal Historic Preservation Fund Grants Manual is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05736>.

(7) Additional Requirements. The following additional requirements apply to the Division's historic preservation grants-in-aid programs:

(a) All evaluations of the historic significance of historical and archaeological sites and properties shall be evaluated on the basis of the Criteria for Evaluation for the National Register of Historic Places, as adopted in 1966, and set forth in 36 CFR 60.4, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05735>, herein incorporated by reference; and,

(b) Historic properties receiving historic preservation grants-in-aid assistance from the Division will be maintained consistent with the Secretary of the Interior's Standards for Rehabilitation, effective 2017 ~~June 2014~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05737>, herein incorporated by reference, in accordance with the terms of either a Preservation Agreement or Restrictive Covenant.

(c) All grant work funded by the Small Matching Grant Program and Special Category Grant Program must conform to the standards, as applicable to the specific project type, contained in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, effective September 29, 1983, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08164>, which are herein incorporated by reference, and include:

1. The Secretary of the Interior's Standards for the Treatment of Historic Properties (revised 2017),
2. The Secretary of the Interior's Standards for Archaeological Documentation,
3. The Secretary of the Interior's Standards for Historical Documentation,
4. The Secretary of the Interior's Standards for Architectural and Engineering Documentation; and,
5. The Secretary of the Interior's Standards for Preservation Planning.

(d) Project oversight of museum exhibit projects funded by the ~~Division Special Category Grant Program~~ must be provided by a historian meeting the Secretary of the Interior's Professional Qualifications Standards for History or Archeology, which are set forth in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation incorporated in paragraph 1A-39.001(7)(c), F.A.C.

(e) The employment of unauthorized aliens by a grantee is considered a violation of Section 274A (a) of the Immigration and Nationality Act (8 U.S.C. §1324a), as amended October 2004, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08165>, herein incorporated by reference. *Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History--New 10-14-09, Amended 4-21-15, 9-2-15, 6-15-16, 6-1-17, ~~x-x-xx~~.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Carlos A. Rey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Detzner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 03/02/2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 2/13/2018