FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

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BELLEAIR TOWN HALL

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March 26, 2014

Mr. J.P. Murphy
Assistant to the Town Manager
Town of Belleair
901 Ponce de Leon Boulevard
Belleair, Florida 33756

Dear Mr. Murphy,

Thank you for your interest in participating in the Florida Certified Local Government (CLG) Program. I am pleased to say that your CLG application for the Town of Belleair meets state and federal CLG program guidelines and, pending final determination from the National Park Service, the town will be designated a Florida Certified Local Government. Congratulations!

Enclosed are two copies of the CLG Agreement which will formalize the town's participation in the program. Please review the agreement carefully to avoid any misunderstandings of the limitations, conditions, requirements and provisions it contains. Then:

1. Please have the mayor of your town sign both copies of the agreement,
2. Return both copies to our office for final execution. **Do not enter a certification date in the first paragraph.** We will enter the effective date of certification, which is the date the National Park Service approves the agreement, and return one fully executed copy of the agreement for retention in your program files.

Thank you again for your interest in the Florida Certified Local Government Program. I am looking forward to working with you.

Sincerely,

Michael Zimny
Certified Local Government Coordinator

Enclosure

DIVISION OF HISTORICAL RESOURCES

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6300 • Facsimile: 850.245.6436 • www.flheritage.com
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CERTIFIED LOCAL GOVERNMENT AGREEMENT

This Agreement by and between the State of Florida, Department of State, Division of Historical Resources (Department), and the Town of Belleair (Town), relative to the Certified Local Government Program (Program) is entered into this _____ day of _____, 2014.

The protection and preservation of resources of historical, architectural, and archaeological value are public purposes and are essential to the health, safety and economic, educational, cultural and general welfare of the public.

This Agreement is for the purpose of implementing the Program in the Town so the local government can participate more fully in the federal historic preservation program.

Under the Code of Federal Regulations, Title 36, Part 61, "Procedures for Approved State and Local Government Historic Preservation Programs," it is the responsibility of the Department, serving as the State Historic Preservation Office, to administer the Program in Florida and to enter into this Agreement.

The Florida Certified Local Government Guidelines (Guidelines), which are attached and are made a part of this Agreement, prescribe the minimum requirements established for the Program.

The Town has made application to the Department for participation in the Program. The application has been evaluated by the Department and, on the basis of that evaluation, has verified that the Town meets all federal requirements for certification as a Certified Local Government.

Therefore, the Town is hereby certified for participation in the Program.

The Department and the Town hereby agree as follows:

1. The Department shall provide the following general services:

    a. Provide access to the Florida Master Site File to assist the Town in maintaining a local inventory of historic resources.

    b. Designate a staff member to handle communication between the Town, the Department and the National Park Service.

    c. Offer training at the initiation of the Program for the Town Historic Preservation Board and staff supporting the local Program.

2. The Department shall perform the following services as specified in the Guidelines:

    a. Provide technical assistance regarding changes to or improvement of local landmark legislation.

    b. Provide technical assistance in the development of a system for survey and inventory activity including, but not limited to: site identification, site evaluation, survey method, and record keeping.

    c. As long as federal law requires, reserve at least 10% of the state's annual Federal Historic Preservation Fund Grant for award to Certified Local Governments on a competitive basis and notify Florida Certified Local Governments of the availability of these funds as per Section C.3.a. of the Guidelines.

d. Receive and process applications from Florida Certified Local Governments for matching grants-in-aid from the 10% set aside funds as specified in Section C.3.b.-h of the Guidelines. Solicitation, selection, award and administration of such grants shall be in accordance with Chapter 267, Florida Statutes, Chapter 1A-35, Florida Administrative Code, and all applicable federal laws and regulations.

e. Notify the Town of and adhere to specified time frames for all National Register activities affecting properties within its jurisdiction as specified in Section C.4 of the Guidelines.

f. Per Section C.2. of the Guidelines, monitor the Town's performance and make every effort to assist the Town in complying with the requirements of the Program. Monitoring includes review of grant fund allocations, review of annual reports, and other reviews as necessary and appropriate.

g. Provide an evaluation of the local program upon completion of review of the annual report. Methods to enhance local program effectiveness shall be identified.

h. Initiate and pursue the recertification process when appropriate as per Section C.2.i.-m of the Guidelines.

3. The Town shall generally follow a public policy of protecting, preserving, and planning for the protection and preservation of resources of historical, architectural, and archaeological value within its jurisdiction. It shall perform the following duties in accordance with and as specified in the Guidelines:

a. Enforce appropriate state or local legislation for the designation and protection of historic properties as per Section B.1 of the Guidelines.

b. Establish, by local law, a Historic Preservation Review Commission (Commission) composed of professional and lay members, as per Section B.2 of the Guidelines.

c. Develop and maintain a system for the survey and inventory of historic properties as per Section B.3 of the Guidelines.

d. Provide for public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register, per Section B.4. of the Guidelines.

e. Perform other responsibilities delegated to it in Section B.5 of the Guidelines.

f. Establish a formal procedure by ordinance, or by appropriate administrative action, whereby all proposed National Register nominations are reviewed by the Commission in accordance with Section C.4 of the Guidelines.

g. Submit an annual report of Certified Local Government activities and other such information pursuant to Sections C.2.(e) and (f) of the Guidelines.

h. Permit periodic reviews of Certified Local Government activities and documents by the State Historic Preservation Office, with at least 30 days advance notice, per Section C.2.c of the Guidelines.

4. This instrument embodies the whole Agreement of the parties. There are no provisions, terms, conditions, or obligations, other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. No change or addition to this Agreement shall be effective unless in writing and properly executed by the parties.

5. If the local government named herein is decertified by the Department, this Agreement shall be terminated.

The Department and the Town have read this Agreement and have affixed their signatures.

DEPARTMENT OF STATE

_____

Robert F. Bendus
State Historic Preservation Officer

TOWN OF BELLEAIR
901 Ponce de Leon Boulevard
Belleair, Florida 33756

_____

Gary H. Katica, Mayor
Town of Belleair

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

INTRODUCTION

Since its initial enactment by Congress in 1966, and through its subsequent amendment, the National Historic Preservation Act, as amended (16 U.S.C. 470, et. seq.) has established a program of identification, evaluation, and protection of historic and prehistoric properties based on the National Register of Historic Places. The act also has formalized roles for a decentralized historic preservation partnership that includes federal, state, tribal, and local governments. Part of the national program is carried out by the states, under the direction of the National Park Service of the Department of Interior. Participating states receive funding assistance in the form of annual grants from the federal Historic Preservation Fund to support their efforts. Funds are normally used to support the programs of the State Historic Preservation Office. A portion of these funds may be regranted in the form of subgrants for survey and planning and community education activities.

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), also contains the legal basis for the federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Act directs the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for the certification of local governments to participate in this partnership. This document contains Florida's procedures.

Under the Certified Local Government program the State: 1) delegates certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provides, from its annual Historic Preservation Fund apportionment, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of participation in the Certified Local Government program, and 2) the procedures for certification of local governments and for transfer of federal grant funds to participating Certified Local Governments.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

TABLE OF CONTENTS

Introduction i

A. Definitions.....1

B. Requirements.....1

1. Local Historic Preservation Legislation.....2

2. Historic Preservation Review Commission.....2

3. System for Survey and Inventory.....4

4. Public Participation.....5

5. Satisfactory Performance of Responsibilities.....5

C. Procedures.....5

1. Certification of Local Governments in Florida.....5

2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.....6

3. Transfer of Funds 8

4. Certified Local Government Participation in the Florida National Register of Historic Places Process.....10

Appendix A - Professional Qualifications Standards

Appendix B - Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid

Appendix C - Application/Internal Checklist

Appendix D – Certified Local Government Agreement

FLORIDA CERTIFIED LOCAL GOVERNMENT

A. Definitions

1. **Appropriate Chief Elected Local Official**: the mayor, county executive, or otherwise titled administrative official who is the head of the local political jurisdiction, which is the Certified Local Government.
2. **Commission**: a board, council, commission, or other similar collegial body which is established in accordance with Section B.2. of these guidelines.
3. **Designation**: the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation includes the identification and registration of resources according to the State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.
4. **Florida Master Site File**: the state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of several paper and computer files maintained by the Division of Historical Resources, Florida Department of State.
5. **Historic Preservation Fund**: the source from which monies are appropriated to fund the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.
6. **Local Government**: the city, county, township, municipality, or any other general purpose political subdivision in the state.
7. **National Register of Historic Places**: the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
8. **Protection:** the local review process under State or local law for proposed demolition or, changes to, or other action that may affect historic properties designated pursuant to a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.
9. **State Historic Preservation Officer**: the official designated pursuant to s.267.031(7), Florida Statutes, to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

B. Requirements

The following requirements are contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470). Local governments desiring to become and remain Certified Local Governments

must meet all of the following requirements:

1. **Enforce appropriate state or local legislation for designation and protection of historic properties.** In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions:

   a. The purpose of the legislation shall be clearly stated and shall include authority for appointment of a Commission to be responsible for the designation and protection of historic properties.
   b. The legislation must clearly define criteria and a process the same as or substantially the same as that identified in the National Historic Preservation Act of 1966, (U.S.C. 470 et. seq.), as amended, for the designation of historic properties.
   The legislation shall state that boundaries for any historic districts or individual properties identified in or by the mechanisms contained in the legislation must be clearly established.
   c. The legislation shall provide for the authority for and the establishment of a process for the review and rendering of a decision upon all proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts established under the legislation or which may directly affect historic properties designated under the legislation. This authority shall include provisions for delay of demolition but not for the indefinite stay of a demolition.
   d. The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the legislation and, in the case of alterations, shall achieve the purposes of the *Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*
   e. The legislation shall include provisions for enforcing decisions, including penalties for non-compliance. A right of and mechanism for appeal must exist in the legislation.
   f. Specific time frames for reviews and for consideration of alternatives should be identified.
   g. Provisions for public and owner notification and public hearings for designation and project reviews shall be established, per B.4., below.

2. **The local government shall establish a historic preservation review commission (Commission) composed of professional and lay members** in accordance with paragraph B.2.c., below.

   a. Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.

b. Appointments shall be made by the appropriate local official of the jurisdiction concerned.
c. To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.
d. Commission members should be residents of the jurisdiction for which they serve.
e. Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.
f. The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.
g. Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.
h. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.
i. Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.
j. The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties.
The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions)

or by other means that the State Historic Preservation Officer determines appropriate.

1. The legislation shall contain specific time limits within which the Commission shall act.

m. The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.

n. The Commission shall adopt Rules of Procedure for use in all transactions involving the public.

o. All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.

3. **The local government shall maintain a system for survey and inventory of historic properties.** The term "historic property" or "historic resource" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

   a. The Certified Local Government shall initiate and continue an approved process to identify historic properties within the jurisdiction.

   b. A detailed inventory of the designated districts, sites, and structures within the jurisdiction of local government must be maintained. The local inventory system shall be developed in consultation with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master Site File number. This documentation also applies to the CLG Inventory. The address for the Florida Master Site File is: Florida Master Site File, , R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

   c. All inventory material shall be kept: 1) safe, secure, and in an accessible location, 2) current, and 3) regularly provided to the State Historic Preservation Officer for incorporation into the Florida Master Site File.

   d. All inventory material shall be considered as public records and shall be available for public inspection per s.119.07, Florida Statutes, except as provided for in Section 304 of the National Historic Preservation Act of 1966, as amended (16 USC 470).

   e. Commission members shall be encouraged to participate in the survey process and in preservation planning carried out by the Certified Local Government.

4. **Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.**

   a. All Commission meetings shall be publicly announced, open to the public and have a previously advertised agenda. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but not less than four meetings shall be held each year.
   b. Minutes of all actions of the Commission including reasons for making decisions, must be kept on file and available for public inspection, per s.286.011 Florida Statutes.
   c. All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.
   d. Rules of Procedure adopted by the Commission shall be available for public inspection, per s.119.07, Florida Statutes.
   e. Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register of Historic Places according to requirements found in 36 CFR Part 60, incorporated by reference. Objections by owners of properties proposed for nomination must be notarized.

5. **Local governments shall satisfactorily perform the responsibilities listed in B.1. through B.4., above, and those specifically delegated to them by the State Historic Preservation Officer.**

C. Procedures

1. Certification of Local Governments in Florida

   a. The appropriate local official shall request certification from the State Historic Preservation Officer. The request for certification shall include:
      (1) A written assurance by the appropriate official that the local government will fulfill all the requirements for certification. Requirements for certification include: enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of a historic preservation review commission (Commission) composed of professional and lay members, per B.2., above; maintenance of a system for survey and inventory of historic properties, per B.3., above; provision for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4. above; and satisfactory performance of any additional responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.
      (2) A copy of the local legislation, per B.1., above.

(3) A map of the local government jurisdiction with any and all existing designated historic districts and individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government shall be clearly demonstrated. This map shall be updated regularly through the incorporation of additions and deletions of districts and individual properties, and alterations of historic district boundaries.

(4) A copy of the Commission's Rules of Procedure.

(5) Resumes for each member of the Commission including, where appropriate, credentials or member expertise in fields related to historic preservation, per B.2.c., above, and Appendix A, below.

(6) Resumes for staff members, if there is professional staff.

b. The State Historic Preservation Officer shall respond to the appropriate local official within 45 calendar days after receipt of an adequately documented written request for certification. The State Historic Preservation Officer will review the request and certify by letter of certification if the government fulfills the requirements. The State Historic Preservation Officer will prepare a written certification agreement which lists the specific responsibilities of the local government when certified. The written request, letter of certification and signed certification agreement by the State Historic Preservation Officer and the chief elected local official as well as a signed review checklist by the state shall be forwarded to the Secretary of the Interior by the State Historic Preservation Officer. If the Secretary of the Interior does not object within 15 working days after receipt, the State Historic Preservation Officer's certification of the local government to participate in the national Historic preservation program shall be effective the date signed by the National Park Service.

c. The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days after receipt of a documented written request which is inadequate. The State Historic Preservation Officer shall indicate how inadequacies can be corrected in this notification.

d. Amendments to the delegation of responsibilities provided in the certification agreement shall be initiated by mutual agreement of the State Historic Preservation Officer and the local government. The amendment shall be prepared by the State Historic Preservation Officer and submitted to the Secretary of the Interior. If the Secretary of the Interior does not object within 15 working days after receipt, the amendment to the certification agreement shall be effective.

e. The local government may appeal a denial of certification by the State Historic Preservation Officer to the Secretary of Interior.

2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.

a. Once a local government is certified, it remains certified without further action unless officially decertified.

b. The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to assure that each government is meeting the requirements for certification. Reviews shall be conducted at least once every four years, but may be conducted more frequently at the discretion of the State Historic Preservation Officer if deemed appropriate. Reviews shall be preceded by notice of at least 30 days.

c. The Certified Local Government will supply at least 30 calendar days advance notice of Commission meetings to the State Historic Preservation, Officer.

d. A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notice of meetings, Certified Local Governments shall submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days after such actions. The Certified Local Government shall also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately. Proposed amendments of the local historic preservation ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to the date scheduled for adoption.

e. The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Officer. The annual report shall include any amendments to the local historic preservation ordinance, changes in Rules of Procedure, a summary of Commission activities including but not limited to the number of proposals reviewed, new designations, revised resumes, appointments to the Commission, a review of survey and inventory activity with a description of the system used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and shall cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Officer within 30 calendar days after receipt.

f. The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid pursuant to C.3., Transfer of Funds, below.

g. Review of the historic preservation grants-in-aid expenditures, as well as review of the annual report, shall form the basis of the State Historic Preservation Officer's evaluation of the Certified Local Government.

h. If the State Historic Preservation Officer's evaluation of a Certified Local Government indicates inadequate performance, that assessment will be documented, and ways to improve performance to acceptable levels shall be delineated by the State Historic Preservation Officer. The Certified Local Government shall have a sufficient period of usually not less than 30 nor more than 180 days to implement the improvements. If, at the end of this period, the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer will recommend decertification of the local government to the Secretary of the

Interior, citing specific reasons for the recommendation.

i. Local governments may petition the State Historic Preservation Officer to be decertified voluntarily and without prejudice.

j. Grounds for investigations of decertification shall include revocation of the local ordinance, failure to comply with provisions incorporated into the local ordinance, failure to maintain a Commission, failure to maintain a survey and identification program, failure to provide for adequate public participation in the local historic preservation program, and failure to keep the State Historic Preservation Officer informed about Certified Local Government activities and actions.

k. The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closeout procedures as specified in The Historic Preservation Fund Grants Manual.

3. Transfer of Funds.

a. Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant apportionment on a competitive basis. Selection criteria for such competition will be announced at least two months prior to the grant selection meeting.

(1) At least ten percent of Florida's annual Historic Preservation Fund Grant will be reserved for certified local governments.

(2) Any year in which the annual Historic Preservation Fund state grant appropriation for all states exceeds $65,000,000, one half of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.

(3) There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation regrant funding from the Florida State Historic Preservation Office is not assurance that funds will be available the following year or that a Certified Local Government will receive grant funding the following year.

b. Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund apportionment is required by the Secretary of the Interior to:

(1) Maintain adequate financial management systems. Local , financial management systems shall be in accordance with the standards specified in OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." Local financial management systems shall be auditable in accordance with OMB Circular A-133. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.

(2) Adhere to all requirements of the Historic Preservation Fund Grants Manual.

(3) Adhere to any requirements mandated by Congress regarding the use of

such funds. The State Historic Preservation Officer will advise Certified Local Governments of such requirements and will include a summary of such information in the materials made available to Certified Local Governments making application for funds, per C.3.c., below.

c. The requirements listed in C.3.b., above, shall be used by the State as minimum requirements for local governments receiving Historic Preservation Funds; they also shall be included in the State's required written grant agreement with the local government.

d. Certified Local Governments shall make applications for funds described in Federal Requirements and in C.3.a., above, on the time schedule and using the procedures identified in Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid (See Appendix B). As applicants for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment, Certified Local Governments will follow procedures for applying for federal funds identified in Federal Requirements and in Subsection 1A-35.007, Florida Administrative Code. Certified Local Governments which are awarded funds under these rules and during other special application periods allowed for under the rules will be considered subgrantees of the Florida State Historic Preservation Office.

e. Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund apportionment shall be awarded on a competitive basis, per C.3.d., above, for historic preservation survey and planning, and community education activities. When evaluating Certified Local Government grant applications, the State shall:

(1) Provide that the amount awarded any applicant must be sufficient to produce a specific impact.

(2) Ensure that the funds awarded will be sufficient to generate effects directly as a result of the funds transfer.

(3) Note that requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the amount set aside for the Certified Local Governments share.

(4) Ensure that no Certified Local Government will receive a disproportionate share of the allocation.

f. Submission of an application for a portion of Florida's annual Historic Preservation Fund apportionment, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for other state grant or federal regrant funds available under the terms of Chapter 1A-35, Florida Administrative Code, referenced in C.3.d., above.

g. Historic Preservation regrant funding cannot be matched by other Federal Program grants, with the exception of Community Development Block Grant funds, as specified in Section 105(a)(9) of the Housing and Community Development Act of 1974, P.L. 93-388. Historic Preservation Fund regrants to Certified Local Governments must be used for activities which further the

goals of identification, evaluation, protection, and preservation of cultural resources.

h. Use of Historic Preservation regrant funding will be subject to all existing restrictions imposed by the Historic Preservation Fund Grants Manual. In accordance with the requirements of the manual, indirect costs may be charged as part of the Certified Local Government grant only if the Certified Local Government subgrantee meets the requirements of the Manual and has a current indirect cost rate approved by the cognizant Federal agency. Otherwise, only direct costs may be charged.

4. Certified Local Government Participation in the Florida National Register of Historic Places Nomination Process.

a. The Commission complements the Florida National Register Review Board in the review of proposed nominations to the National Register. Sponsors of National Register nomination proposals located in areas served by a Certified Local Government shall have their proposals reviewed at the local level. Proposals for properties in areas not served by a Certified Local Government shall be reviewed by the Florida National Register Review Board. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida National Register Review Board will be reviewed to ascertain if they are located in an area served by a Certified Local Government. If a Certified Local Government serves the area, the State Historic Preservation Officer shall forward the nomination proposal to the local Commission.

b. The local Commission will develop or receive the documentation necessary to nominate properties to the National Register. The Commission shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the Commission shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the Commission shall place the item on its agenda for the next meeting or, should notification provisions outlined in C.4.c., below, make this impossible, for the earliest possible regular meeting.

c. The Commission shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the Commission meeting at which the nomination proposal will be considered.

(1) Owner(s) of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.

(2) Appropriate local official(s). In the case of a Commission whose area of jurisdiction is a county, these will be the Chairman of the Board of County Commissioners and such other contact persons as may be designated, and the appropriate local official of a municipality if the property to be

considered is located within municipal boundaries. In the case of a Commission whose area of jurisdiction is a municipality, this will include the appropriate municipal official(s) and the Chairman of the Board of County Commissioners. Within 30 days after receipt of the nomination proposal, the appropriate local official(s) shall submit in writing to the Commission a recommendation as to whether or not the property shall be nominated to the National Register.

(3) State Historic Preservation Officer.

d. Nomination proposals shall be considered by the Commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the Commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Commission and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within 30 days after the Commission meeting at which they were considered. If either the Commission or appropriate local official(s) or both support the nomination, the State Historic Preservation Officer shall schedule the nomination proposal for consideration by the Florida National Register Review Board as part of the normal course of business at the next regular meeting. The consideration of the nomination will be handled pursuant to Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).

e. If both the Certified Local Government Commission and appropriate local official(s) recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no farther action on the nomination proposal unless an appeal is filed within 30 calendar days with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination proposal submitted by the State Historic Preservation Officer to the Secretary of the Interior.

f. Any person or organization which supports or opposes the nomination of a property to the National Register shall be afforded the opportunity to make its views known in writing. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the State Historic Preservation Officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the State Historic Preservation Officer, per C.4. above

g. Nomination proposals to be considered by the Commission shall be on file at Commission headquarters for at least 30 days but not more than 75 days prior to the Commission meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as a local library, courthouse, or other public place so that written comments regarding a nomination proposal can be prepared.

h. Appeals. Any person may appeal the decisions of a local Commission. Appeals shall be directed to the State Historic Preservation Officer in writing within 30

calendar days of the State Historic Preservation Officer's receipt of the written decision of the Commission. Nominations or proposals which have been appealed shall be considered by the Florida National Register Review Board as part of the normal course of business at its next regular meeting. If the opinion of the Florida National Register Review Board is that the property or properties is or are significant and merit nomination to the National Register, the State Historic Preservation Officer shall notify the Commission, within 30 days after the National Register Review Board meeting, of its intent to forward the nomination to the National Register with a recommendation that the property or properties be listed. The State Historic Preservation Officer reserves the right, as in the case of any nomination proposal from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revision prior to forwarding the proposal to the National Register. Other appeal procedures promulgated by the National Park Service, Department of the Interior, pertaining to local or state actions shall be followed by Certified Local Governments and by the State Historic Preservation Officer. Decisions of the State Historic Preservation Officer may be appealed to the National Park Service in accordance with the procedures in 36 CFR 60.12.

i. Certified Local Government review and notification procedures do not apply when a Federal agency nominates a property under its ownership or control. Certified Local Governments are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations. [36 CFR (c) (d) provide regulatory guidance regarding Federal reviews and comment periods.]