


RESOLUTION NO. 91-250

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ATTACHED CERTIFIED LOCAL GOVERNMENT AGREEMENT BETWEEN CITY OF KEY WEST, AND STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Commission of the City of Key West, Florida that the attached Certified Local Government Agreement between the City of Key West, and the State of Florida, Department of State, Division of Historic Resources is hereby approved. The Mayor is hereby authorized to execute said Agreement on behalf of the City of Key West, and the City Clerk is hereby authorized to attest to his signature and affix the Seal of the City thereto.

This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4th day of June, 1991.



TONY TARRACINO, MAYOR

ATTEST:



JOSEPHINE PARKER, CITY CLERK

CERTIFIED LOCAL GOVERNMENT AGREEMENT

This Agreement drawn at Tallahassee, Florida by and between the State of Florida, Department of State, Division of Historical Resources, hereinafter referred to as the Department, and the City of Key West, hereinafter referred to as the City, relative to the City of Key West's Certified Local Government Program, hereinafter referred to as the Program, is entered into this 12 day of June, 1991.

WHEREAS, the protection and preservation of resources of historical, architectural, and archaeological value is a public purpose and is essential to the health, safety, morals and economic, educational, cultural and general welfare of the public, and

WHEREAS, this Agreement is for the purpose of implementing the Florida Certified Local Government Program in the City of Key West, County of Monroe, State of Florida, so as to assist the local government to participate more fully in the federal preservation program, and

WHEREAS, under the provisions of 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 Florida Certified Local Government Program in the State of Florida and to enter into this Agreement, and

WHEREAS, the provisions of the Florida Certified Local Government Guidelines prescribe the minimum requirements established for the Program, and

WHEREAS, the City has made application to the Department for participation in the Certified Local Government Program, and

WHEREAS, the said application has been evaluated by the Department and, on the basis of that evaluation, has been recommended for certification by the Department to the National Park Service, and

WHEREAS, the National Park Service has evaluated such application and has verified that the City meets all federal requirements for certification as a Certified Local Government,

THEREFORE, in accordance with all applicable regulations, under the terms of this Agreement, the City is hereby certified for participation in the Florida Certified Local Government Program.

WITNESSETH, that in consideration of the mutual covenants herein contained, the Department and the City hereby agree as follows:

1. The Department shall provide the following general services:
 - a. Provide access to Florida Master Site File survey inventory information to assist the City in maintaining a local inventory of historic resources.
 - b. Designate a staff member to handle communication between the City, the Department and the National Park Service.

- c. Offer a training session at the initiation of the Program for the Historic Preservation Review Commission and staff supporting the Certified Local Government program.

2. The Department shall perform the following services in accordance with, and as specified in the Florida Certified Local Government Guidelines, which are attached hereto and are hereby made a part of this Agreement.

- a. Provide technical assistance with regard to 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. Reserve at least 10% of the state's annual apportionment for transfer to Certified Local Governments on a competitive basis and notify Florida Certified Local Governments of the availability of these funds as per Florida Certified Local Government Guidelines C.3.a.
- d. Receive and process applications from Florida Certified Local Governments for matching grants-in-aid, from the 10% set-aside funds as specified in C.3.b.-h. Solicitation, selection, award and administration of such grants shall be

in accordance with Chapter 267, Florida Statutes, and Chapter 1A-35, Florida Administrative Code and all applicable Federal laws and regulations.

- e. Notify the City of and adhere to specified time frames for all National Register activity affecting properties within the Certified Local Government's jurisdiction as specified in Florida Certified Local Government Guidelines C.4.
- f. Monitor the performance of the City and make every effort to assist the City to comply with the Certified Local Government Guidelines as per C.2. Monitoring includes review of grant fund allocations, review of annual reports, and periodic reviews as necessary and appropriate.
- g. Provide an evaluation of the Certified Local Government program upon completion of review of annual report. Methods to enhance performance shall be identified.
- h. Initiate and pursue the decertification process when appropriate as per Florida Certified Local Government Guidelines C.2.i.-m.

3. The City 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 provisions

of the Florida Certified Local Government Guidelines:

- a. Enforce appropriate state or local legislation for the designation and protection of historic properties as per Florida Certified Local Government Guidelines B.1.
- b. Establish, by local law, an adequate and qualified historic preservation review commission composed of professional members, as per Florida Certified Local Government Guidelines B.2.
- c. Develop and maintain a system for the survey and inventory of historic properties as per Florida Certified Local Government Guidelines B.3.
- d. Provide for adequate public participation in the historic preservation program, as per Florida Certified Local Government Guidelines B.4.
- e. Satisfactorily perform the National Register responsibilities and other such responsibilities delegated to it under the guidelines in Florida Certified Local Government Guidelines B.5.
- f. Establish a formal procedure by ordinance, or by appropriate administrative action, whereby all proposed National Register nominations are reviewed by a qualified historic preservation review commission in accordance with procedures set forth in C.4. of the Florida Certified Local Government Guidelines.
- g. Submit an annual report of Certified Local

Government activities and other such information deemed necessary as required by Florida Certified Local Government Guidelines C.2.e. and f.

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

IN WITNESS WHEREOF, the Department and the City have read this Agreement and have affixed their signature.

WITNESSES

Oran Rappaport
Caroline McCann

DEPARTMENT OF STATE

George W. Percy
GEORGE W. PERCY
State Historic
Preservation Officer

ATTEST:

Josephine Parker
Josephine Parker City Clerk.
Frances Sautera

CITY OF KEY WEST

Anthony Tarracino
ANTHONY TARRACINO
Mayor

CERTIFIED LOCAL GOVERNMENT AGREEMENT

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WHEREAS, this Agreement is for the purpose of implementing the Florida Certified Local Government Program in the City of Key West, County of Monroe, State of Florida, so as to assist the local government to participate more fully in the federal preservation program, and

WHEREAS, under the provisions of 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 Florida Certified Local Government Program in the State of Florida and to enter into this Agreement, and

WHEREAS, the provisions of the Florida Certified Local Government Guidelines prescribe the minimum requirements established for the Program, and

WHEREAS, the City has made application to the Department for participation in the Certified Local Government Program, and

WHEREAS, the said application has been evaluated by the Department and, on the basis of that evaluation, has been recommended for certification by the Department to the National Park Service, and

WHEREAS, the National Park Service has evaluated such application and has verified that the City meets all federal requirements for certification as a Certified Local Government,

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 - a. Provide access to Florida Master Site File survey inventory information to assist the City in maintaining a local inventory of historic resources.
 - b. Designate a staff member to handle communication between the City, the Department and the National Park Service.

- c. Offer a training session at the initiation of the Program for the Historic Preservation Review Commission and staff supporting the Certified Local Government program.
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- a. Provide technical assistance with regard to 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. Reserve at least 10% of the state's annual apportionment for transfer to Certified Local Governments on a competitive basis and notify Florida Certified Local Governments of the availability of these funds as per Florida Certified Local Government Guidelines C.3.a.
 - d. Receive and process applications from Florida Certified Local Governments for matching grants-in-aid, from the 10% set-aside funds as specified in C.3.b.-h. Solicitation, selection, award and administration of such grants shall be

- in accordance with Chapter 267, Florida Statutes, and Chapter 1A-35, Florida Administrative Code and all applicable Federal laws and regulations.
- e. Notify the City of and adhere to specified time frames for all National Register activity affecting properties within the Certified Local Government's jurisdiction as specified in Florida Certified Local Government Guidelines C.4.
 - f. Monitor the performance of the City and make every effort to assist the City to comply with the Certified Local Government Guidelines as per C.2. Monitoring includes review of grant fund allocations, review of annual reports, and periodic reviews as necessary and appropriate.
 - g. Provide an evaluation of the Certified Local Government program upon completion of review of annual report. Methods to enhance performance shall be identified.
 - h. Initiate and pursue the decertification process when appropriate as per Florida Certified Local Government Guidelines C.2.i.-m.
3. The City 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 provisions

of the Florida Certified Local Government Guidelines:

- a. Enforce appropriate state or local legislation for the designation and protection of historic properties as per Florida Certified Local Government Guidelines B.1.
- b. Establish, by local law, an adequate and qualified historic preservation review commission composed of professional members, as per Florida Certified Local Government Guidelines B.2.
- c. Develop and maintain a system for the survey and inventory of historic properties as per Florida Certified Local Government Guidelines B.3.
- d. Provide for adequate public participation in the historic preservation program, as per Florida Certified Local Government Guidelines B.4.
- e. Satisfactorily perform the National Register responsibilities and other such responsibilities delegated to it under the guidelines in Florida Certified Local Government Guidelines B.5.
- f. Establish a formal procedure by ordinance, or by appropriate administrative action, whereby all proposed National Register nominations are reviewed by a qualified historic preservation review commission in accordance with procedures set forth in C.4. of the Florida Certified Local Government Guidelines.
- g. Submit an annual report of Certified Local

Government activities and other such information deemed necessary as required by Florida Certified Local Government Guidelines C.2.e. and f.

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

IN WITNESS WHEREOF, the Department and the City have read
this Agreement and have affixed their signature.

WITNESSES

ATTEST:

Josephine Parker

Josephine Parker, City Clerk.
Frances Santana

DEPARTMENT OF STATE

GEORGE W. PERCY
State Historic
Preservation Officer

CITY OF KEY WEST

Anthony Tarracino

ANTHONY TARRACINO
Mayor



**FLORIDA
CERTIFIED LOCAL GOVERNMENT
GUIDELINES**

FLORIDA DEPARTMENT OF STATE

JIM SMITH

SECRETARY OF STATE

DIVISION OF HISTORICAL RESOURCES

BUREAU OF HISTORIC PRESERVATION

INTRODUCTION

Since its establishment by Congress in 1966, the national historic preservation program of the United States has operated as a decentralized partnership between the federal government and the states. Briefly, the federal government established a program of identification, evaluation, and protection of historic properties based on the National Register of Historic Places. The program is carried out by the states under the direction of the National Park Service of the Department of the 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 staff of the State Historic Preservation Office. A portion of these funds may be re-granted in the form of subgrants for survey, acquisition, and development activities.

The success of this working relationship has prompted Congress to extend the partnership to provide for direct participation by qualified local governments. The National Historic Preservation Act Amendments of 1980 (P.L. 96-516) contain the legal basis for the new federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Amendments direct 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. The Certified Local Government program will permit the State to: 1) delegate certain

limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provide, from its annual Historic Preservation Fund appropriation, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated. It should be emphasized that a Certified Local Government may participate in this program, whether or not it elects to apply for Historic Preservation Fund transfer funds.

The Certified Local Government program has no connection with the program of certification of local historic preservation ordinances or of the historic districts designated under each ordinance, outlined in 36 CFR Part 87.9. These are related to certain historic preservation incentives available under current federal tax laws. While the word "certified" in the two programs may be confusing, the difference between them is basic and distinct. Properties listed in the National Register through the Certified Local Government program are eligible for all additional protections and benefits associated with such listing; properties in a district certified under 36 CFR Part 87.9 are not.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of 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.

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A. Definitions

1. **Appropriate 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 C.2. of these guidelines.
3. **Florida Conference of Preservation Boards and Commissions:** a coalition of Florida historic preservation boards and commissions. Formed under the auspices of the Florida Trust for Historic Preservation, its primary functions are to educate preservation commission members and to enable commissions to share ideas.
4. **Florida Master Site File:** the list or catalog of all recorded historical and archaeological sites and properties in Florida. It is maintained by the Division of Archives, History and Records Management.
5. **Historic Preservation Fund:** the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(b)(1) of the National Historic Preservation Act, as amended.
6. **National Register of Historic Places:** the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(b)(3)(A) of the National Historic Preservation Act, as amended.

B. Requirements

1. **State Historic Preservation Officer:** the official within each state who has been designated and appointed by the Governor to administer the historic preservation program in the state.
2. **Requirements**
The following requirements are contained in 36 CFR Part 61, the rule which establishes regulations necessitated by enactment of the National Historic Preservation Act Amendments of 1980 (Public Law 96-516, on December 12, 1980). Local governments desiring to become Certified Local Governments must meet all of the following requirements:
 - a. Enforce appropriate state or local legislation for designation and protection of historic properties. In the absence of state legislation, this requirement may be met by the enactment of local legislation containing the following provisions:
 1. 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.
 2. 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.
 3. The law 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.
 - b. 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.
 - 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 ordinance or which 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.

The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the law and in case of alterations should substantially achieve the purposes of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The legislation shall include provisions for enforcing decisions, including penalties for non-compliance, a right of appeal and mechanism for appeal must exist in the legislation.

Specific time frames for reviews and for considerations of alternatives should be identified.

Provisions for public and owner notification and public hearings for designation and project reviews should be identified, per B.A., below.

Local governments shall establish an adequate and qualified historic preservation review commission (Commission) composed of professional and lay members in accordance with paragraph C, below.

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. Appointments shall be made by the appropriate local official of the jurisdiction concerned.

To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, archeology, other historic preservation related disciplines such as urban planning, American Studies, American Civilization,

tion, Cultural Geography or Cultural Anthropology (see Appendix A, Professional Qualifications Standards). 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.

Members shall be residents of the jurisdiction for which they serve.

Local governments may 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. The State Historic Preservation Officer will decide these matters on a case-by-case basis.

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 in the institution of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.

Vacancies, including expired terms, shall be filled within 90 days by the appropriate local official. Extensions up to an additional 60 days may be granted by the State Historic Preservation Officer on a case-by-case basis.

At least four meetings shall be held each year and minutes of each meeting shall be kept.

Each Commission member should make a reasonable effort to attend the State Historic Preservation Officer orientation program and subsequent training programs for Certified Local Governments. Each Commission should make every effort to be represented at any informational or educational meetings, conferences, or workshops pertaining to work and functions of the Commission scheduled by the State Historic Preservation Officer or the Florida Conference of Preservation Boards and Commissions.

The Commission shall review alterations, relocations, demolitions and new construction of properties within its jurisdiction.

The Commission shall review proposed National Register nominations within its jurisdiction. When a Commission considers a National Register nomination proposal and other actions that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission shall seek professional expertise in this area before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or other means) that the State Historic Preservation Officer determines appropriate.

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

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.

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

All Commission responsibilities must be complementary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.49b).

The local government shall maintain a system for survey and inventory of historic properties. In Florida, the term "historic property" refers to any prehistoric or historic district, site, building, structure, object or other real or personal property of historical or archeological value, including but not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, cemeteries or abandoned ships, ballings, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archeological value, or any part thereof, relating to the history, government, and culture of the state.

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

A detailed inventory of the designated districts, sites, and/or structures within the jurisdiction of local government must be maintained.

All inventory material shall be:

(1) Compatible with the Florida Master Site File, which exemplifies the format used for statewide comprehensive historic preservation planning.

(2) Kept current and regularly provided to the State Historic Preservation Officer for incorporation in the Florida Master Site File.

All inventory material shall be considered as public records, per s.119.011 Florida Statute and s.261.021 Florida Statute. Therefore, inventory material shall be available for public inspection, per s.268.011 Florida Statute.

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

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

All Commission meetings shall be publicly announced, open to the public, and have a previously advertised agenda, per s.268.0105 Florida Statute. Commission meetings must occur at regular intervals at least four times a year.

Minutes of all actions of the Commission, including reasons for making the decisions, must be kept on file and available for public inspection, per s.268.011 Florida Statute.

All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.

Rules or procedures adopted by the Commission shall be available for public inspection, per ss. 268.011, 119.011, and 267.021 Florida Statute.

Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register according to requirements by owners of properties proposed for nomination must be

notarized.

5. Local governments shall satisfactorily perform the responsibilities listed in items one through four above and those specifically delegated to them by the State Historic Preservation Office.

C. Procedure

1. Certification of Local Governments in Florida

a. The appropriate official of the local government 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 standards for certification. Standards for certification include enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of an adequate and qualified 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 adequate 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 area of jurisdiction of the Commission with any and all existing designated historic districts and/or individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government should be clearly demonstrated. This map should be updated regularly through the incorporation of additions and deletions of districts and individual properties and/or alterations of historic district boundaries.
- (4) A copy of the Commission's Rules

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

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

b. The State Historic Preservation Officer shall respond to the appropriate local official within 45 days of receipt of an adequately documented written request. 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, certification and written certification agreement 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.

c. The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days of 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. The State Historic Preservation Officer may agree with the local government to change the delegation of responsibilities by amending the certification agreement. If the Secretary of the Interior does not object within 15 working days after receipt of the State Historic Preservation Officer amendment, the amended 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 the Interior.

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

a. The performance of Certified Local Governments must be consistent and coordinated with identification, evaluation and preservation priorities of the comprehensive state historic preservation planning process.

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

c. The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to ensure that each government is meeting the requirements for certification. Reviews shall be conducted at least annually 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. The Certified Local Government will supply at least 30 days' advance notice of Commission meetings to the State Historic Preservation Office.

d. A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notices should submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days of such actions. The Certified Local Government should also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately.

f. The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Office. The annual report shall include any 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 used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and should cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Office.

2. The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid.

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

4. 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 period of not less than 30 nor more than 180 days to implement the improvements. If 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. If the Secretary of the Interior does not object within 30 working days of receipt, decertification shall be effective.

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

6. Grounds for 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.

7. The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior.

8. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closure procedures as specified in the National

Register Programs Manual.

Transfer of Funds.

Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant appropriation on a competitive basis.

(1) The reserved portion will amount to at least ten percent of the state's annual grant, and the State's Historic Preservation Officer will inform all Certified Local Governments of the available total within fifteen days of receiving official notification of the total amount of the annual appropriation for Florida.

(2) Any year in which the annual Historic Preservation Fund state grant appropriation 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 grant 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.

Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund appropriation 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-102, Attachment G, "Standards for Grantee Financial Management Systems." Local financial management systems shall be auditable in accordance with GOA's Standards for Audit of Governmental Organizations, Programs, Activities and Functions. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.

(2) Adhere to all requirements of the National Register Programs 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, as in C.S.C. below.

The requirements listed in 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. The State may require specific uses of funds as long as such requirements are consistent with the State's comprehensive historic preservation planning process and are eligible for Historic Preservation Fund assistance.

Certified Local Governments shall make applications for funds described in C.S.C., above, on the time schedule and using the procedures identified in Chapter 1A-35, Rules of the Department of State, Florida Administrative Code Historic Preservation Grants-in-Aid (See Appendix B). As applicants for a share of the reserved portion of Florida's Historic Preservation Fund annual appropriation, Certified Local Governments will follow procedures for applying for federal funds identified in 1A-35.07(6), Rules of the Department of State. Certified Local Governments which are awarded funds under these rules and during other possible special application periods allowed for under the rules will be considered subgrantees of the Florida State Historic Preservation Office.

Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund appropriation shall be awarded on a competitive basis, per C.S.C., above, for historic preservation survey and planning 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) Make reasonable efforts to distribute these monies among the maximum number of eligible local jurisdictions to the extent that such distribution is consistent with 36 CFR 61.7(f)(6).

(5) Seek to ensure a reasonable distribution between urban and rural areas in the State.

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

f. Submission of an application for a portion of the annual Historic Preservation Fund appropriation for Florida, 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 grant funds available under terms of 1A-35, Rules of the Department of State, referenced in C.S.C., above.

g. Historic Preservation grant funding cannot be used to match other Federal program grants, with the exception of Community Development Block Grant funds, as specified in Section 106(e)(9) of the Housing and Community Development Act of 1974, P.L. 93-386, and Revenue Sharing funds as specified in State and Local Fiscal Assistance Amendments of 1978, P.L. 94-488. Historic Preservation Fund grants 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 grant funding will be subject to all existing restrictions imposed by the Historic Preservation Fund Grants Management Manual. In accordance with the requirements of this 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 Review Board for the National Register in the review of proposed nominations to the National Register. Sponsors of National Register nominations 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 Review Board for the National Register. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida Review Board for the National Register 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 of Historic Places. 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 proposer's sponsor, identifying the technical deficiencies, in writing, within 30 days of 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.F.C., below, make that 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 Commis-

sion meeting at which the nomination proposal will be considered.

(1) Ownership 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 officials. 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 officials and the Chairmen of the Board of County Commissioners. Within 30 days of 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. 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 of 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 for consideration by the Florida Review Board for the National Register as part of the normal course of business at the next regular meeting. 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 further action on the nomination unless an appeal is filed with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination submitted by the State Historic Preservation Officer to the Secretary of the Interior.

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.F.R., above.

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.

Appeals. Any person may appeal the decisions of a local Commission. Appeals should be directed to the State Historic Preservation Officer in writing within 30 days of the decision by the Commission. Nominations or proposals which have been appealed shall be considered by the Florida Review Board for the National Register as part of the normal course of business at its next regular meeting. If the opinion 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 of the National Register Review Board meeting, of his 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 from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revisions 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 historic sites 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 38 CFR 60.12.

APPENDIX A

Professional Qualification Standards

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience. Those Commission members in historic preservation-related disciplines should have educational backgrounds and experience comparable to the qualifications required for the disciplines below.

A. History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. at least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum or other professional institution; or
2. substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

B. Archaeology. The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

1. at least one year full-time professional experience or equivalent specialized training in archaeological research, administration or management; and
2. at least four months of supervised field and analytic experience in general North American archaeology; and
3. demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the

study of archaeological resources of the historic period.

C. Architectural history. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

1. at least two years of full-time experience in research, writing or teaching in American architectural history or restoration architecture with an academic institution, historical organization, or agency, museum, or other professional institution; or
2. substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

D. Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.

E. Historic Architecture. The minimum professional qualifications in historic architecture are a professional degree in architecture or State license to practice architecture, plus one of the following:

1. at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. at least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures, research reports, and preparation of plans and specifications for preservation projects.