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 ______________, 1991.

[Signature]
TONY TAURAGA, MAYOR

ATTEST:

[Signature]
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

Dean Leary

Saddie Lee Samuel

DEPARTMENT OF STATE

GEORGE W. PERCY
State Historic Preservation Officer

ATTEST:

Josephine Parker, City Clerk.

CITY OF KEY WEST

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

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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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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.
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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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   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.

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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, City Clerk.

DEPARTMENT OF STATE

GEORGE W. PERCY
State Historic Preservation Officer

CITY OF KEY WEST

ANTHONY PARRACINO
Mayor
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, 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 expended 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 (PL 96-518) contains the legal basis for the new federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Amendments define the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for certification of local governments to participate in this partnership. The Certified Local Government program will permit the State to delegate certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provide, from annual Historic Preservation Fund apportionments, on a competitive basis, limited grants-in-aid funding to assist certified local governments in carrying out their responsibilities as 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 such ordinances, outlined in 36 CFR Part 67.8. Those 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 67.8 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.

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 collegiate body which is established in accordance with Section 2.2 of these guidelines.

3. Florida Conference of Preservesive Boards and Committees: a coalition of Florida historic preservation boards and commissions. Formed under the auspices of the Florida Trust for Historic Preservation, its primary function is to assist network of preservation commission members to establish and maintain communications.

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 1010502 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, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 1010511(a) of the National Historic Preservation Act, as amended.

7. 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.

B. Requirements

The following requirements are contained in 36 CFR Part 67.8, the rule which establishes regulations necessitated by enactment of the National Historic Preservation Act Amendments of 1980. Public Law 96-518, on December 12, 1980. Local governments desiring to become 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 may 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 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.
   c. The law shall state that boundaries for any historic districts or individual properties listed in or by the mechanisms contained in the legislation must be clearly established.

2. 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 in-
clude 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 alter-
ations should substantially achieve the
purposes of the Secretary of the In-
terior’s Standards for Rehabilitation
and Guidelines for Rehabilitation
Historic Buildings:

The legislation shall include provisions
for enforcing decisions, including
penalties for non-compliance; a right of
appeal or review and in the legislation.

Specific time frames for reviews and for
consideration of alternatives should be
defined.

Provisions for public and owner
notices, and public hearings for
pro-
designation and project reviews should
be clearly stated, per D.A., below.

Local governments shall establish an ade-
quate and qualified historic preservation
review board composed of
professional and lay members in accord-
ance with the guidelines set forth in
paragraph B.C. below:

1. Each Certified Local Government shall
have a Commission with a minimum of
five (5) members, whose area of ge-
ographic responsibility is consistent
with the boundaries of the local jurisdic-
tion. For communities with a popula-
tion less than 10,000 the minimum
capacity of members may be reduced
but shall not be less than three (3) members.

2. Appointments shall be made by the
appropriate local official of the jurisdic-
tion concerned.

3. To the extent available in the community,
the local government shall appoint
professional members from the disci-
plines of architecture, history, architec-
tural history, planning, archaeology,
or other historic preservation related
disciplines such as urban planning,
American Studies, American Civilia-
nation, Cultural Geography or Cultural
Anthropology (see Appendix A.
Professional Qualifications Standards)

In Appendix A are no more stringent
than the standards established by the
National Register Review Board.

Lay persons who have demonstrated
special interest, expertise, or
knowledge in history, architecture, or
related disciplines shall make up the
balance of Commission membership as
provided for in Section B.B. below in
the event that there are not enough profes-
sionals in the community.

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

5. Local governments may be certified
without the minimum number of members or types of
disciplines represented on the Com-
mmission and they may determine the
number of Commission members and the
number of each discipline on the Com-
mmission and shall make up the
balance of Commission membership as
provided for in Section B.B. below in
the event that there are not enough
members or disciplines in the community.

6. The terms of office of Commission
members shall be uniform and stag-
ged and of at least two but not more
than three years. The Commission shall
be reconstituted in accordance with the
number of members and the number of
disciplines represented on the Com-
mmission, to the extent possible, every
third year.

7. Vacancies occurring expired terms,
shall be filled within 90 days by the
appointment of the Governor as pro-
vided for in Section B.B. below.

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

9. Each Commission member shall
make a reasonable effort to attend the
State Historic Preservation Office
orientation program and subsequent
training programs for Certified Local
Governments. Each Commission
member shall make every effort to be
represented at any informational or
educational seminars, conferences, or
workshops related to historic preser-
vation and the Commission’s
responsibilities.

10. The Commission shall review alter-
ations, relocations, demolitions and new
construction within the jurisdiction.

11. The Commission shall review
proposals which are not within the
Commission’s jurisdiction. When a Com-
mmission considers a proposal which
compliance may not be approved by
the Commission or which is not appro-
priate for the Commission, the Commis-
sion shall notify the person making
the proposal.

12. The legislation shall contain speci-
fication of appeals within which the Com-
misions shall act.

13. The Commission shall have staff suffi-
cient to undertake the requirements for
certification and carry out the duties and
responsibilities delegated to the
Commission.

14. The Commission shall adopt Rules of
Procedure for use in all transactions in-
volving the permitting process.

15. All Commission responsibilities must
be consistent with the requirements
of the State Historic Preservation
Office as described in 36 CFR 61.40.

16. The local government shall maintain
a system for survey and inventory of historic
properties within the jurisdiction.

17. The local government shall provide
for public input and public consulta-
ion in the preservation review pro-
cess.

18. The Commission shall be subject to
the provisions of the Open Government
Law.

a. The Certified Local Government shall
review and make recommendations to
the Commission regarding the
commission’s jurisdiction.

b. A detailed inventory of the designated
districts, sites, and/or structures shall
be submitted to the Commission.

c. All inventory material shall be
available to the public and held in
the Orange County Commission
Building.

19. The Commission shall review
proposals which are not within
the jurisdiction. When a Commission
considers a proposal which
compliance may not be approved by
the Commission or which is not appro-
priate for the Commission, the Commis-
sion shall notify the person making
the proposal.

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certification and carry out the duties and
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volving the permitting process.

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be consistent with the requirements
of the State Historic Preservation
Office as described in 36 CFR 61.40.

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a system for survey and inventory of historic
properties within the jurisdiction.

33. The local government shall provide
for public input and public consulta-
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the Commission regarding the
commission’s jurisdiction.

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the Orange County Commission
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certification and carry out the duties and
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volving the permitting process.

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a system for survey and inventory of historic
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misions shall act.

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certification and carry out the duties and
responsibilities delegated to the
Commission.

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Procedure for use in all transactions in-
volving the permitting process.

47. All Commission responsibilities must
be consistent with the requirements
of the State Historic Preservation
Office as described in 36 CFR 61.40.

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a system for survey and inventory of historic
properties within the jurisdiction.

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ion in the preservation review pro-
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50. The Commission shall be subject to
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Law.

a. The Certified Local Government shall
review and make recommendations to
the Commission regarding the
commission’s jurisdiction.

b. All inventory material shall be
available to the public and held in
the Orange County Commission
Building.
notarized.
6. Local Governments shall satisfactorily perform the responsibilities listed in Items 1 through 4 above and those specifically delegated to them by the State Historic Preservation Officer.

C. Certification.
   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 designations and protection of historic properties, per B.1., above; establishment of an adequate system for survey and inventory of historic properties, per B.2., above; provision for adequate public participation in historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4., above; and satisfactory performance in any 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 all and each of the existing designated historic districts and individual properties clearly demonstrated. Inclusion of these properties within the jurisdiction of the Commission and the Certified Local Government should be clearly demonstrated. This map should be updated annually through incorporation of additions and deletions of districts and individual properties or alterations of historic district boundaries.
   b. The State Historic Preservation Officer shall respond to the request for certification within 30 days of receipt of an adequately documented written request. The State Historic Preservation Officer will conduct periodic reviews and monitoring of Certified Local Governments to ensure that each government is meeting the requirements set forth by the State Historic Preservation Officer.
   c. If the State Historic Preservation Officer determines that sufficient improvements have not occurred, the State Historic Preservation Officer shall send a written notice of certification to the Certified Local Government and the Secretary of the Interior.
   d. The State Historic Preservation Officer shall submit the minutes of each meeting of the Commission, the Secretary of the Interior, and the Director of the National Park Service to the State Historic Preservation Officer.
   e. The State Historic Preservation Officer shall submit the minutes of each meeting of the Commission, the Secretary of the Interior, and the Director of the National Park Service to the State Historic Preservation Officer.
   f. The State Historic Preservation Officer shall submit the minutes of each meeting of the Commission, the Secretary of the Interior, and the Director of the National Park Service to the State Historic Preservation Officer.
   g. The State Historic Preservation Officer shall submit the minutes of each meeting of the Commission, the Secretary of the Interior, and the Director of the National Park Service to the State Historic Preservation Officer.

   a. The performance of Certified Local Governments shall be monitored and evaluated by the State Historic Preservation Officer. The annual report shall be submitted to the Secretary of the Interior by the State Historic Preservation Officer.
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   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 designations and protection of historic properties, per Section 1, above; establishment of an adequate system for survey and inventory of historic properties, per Section 2, above; provision for adequate public participation in historic preservation programs, including the process of recommending properties for nomination to the National Register, per Section 3, above; and satisfactory performance in any responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.
      (2) A copy of the local legislation, per Section 1, above.
      (3) A map of the area of jurisdiction of the Commission with all and each of the existing designated historic districts and individual properties clearly demonstrated. Inclusion of these properties within the jurisdiction of the Commission and the Certified Local Government should be clearly demonstrated. This map should be updated annually through incorporation of additions and deletions of districts and individual properties or alterations of historic district boundaries.
   b. The State Historic Preservation Officer shall respond to the request for certification within 30 days of receipt of an adequately documented written request. The State Historic Preservation Officer will conduct periodic reviews and monitoring of Certified Local Governments to ensure that each government is meeting the requirements set forth by the State Historic Preservation Officer. The annual report shall be submitted to the Secretary of the Interior by the State Historic Preservation Officer. The State Historic Preservation Officer shall submit the minutes of each meeting of the Commission to the State Historic Preservation Officer.
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3. **Register Programs Manual**

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

b. The portion of funds awarded will amount to at least ten percent of the state's annual grant, and the State 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 apportionment for Florida.

c. Any year in which the annual Historic Preservation Fund state grant appropriation exceeds $250,000, 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.

d. There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation grants resulting 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.

e. Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund and 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-102, Attachment G, "Standards for Grants and/or Federal Management Systems." Local financial management systems shall be auditable in accordance with OMB Circular No. A1, "Standards for Audit of Governmental Organizations, Programs, Activities and Functions." Local financial management systems will be reviewed and audited by the State Historic Preservation Officer.

(2) Adhere to all requirements of the National Register Programs Manual.

(3) Ensure that funds awarded will be sufficient to generate effects directly related to the purposes of the Historic Preservation Act.

(4) Achieve results with any funds awarded in a manner consistent with the objectives of the Historic Preservation Act.

(5) The requirements listed in 3., 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 agreements with the local government. The State may require specific uses of funds as long as such requirements are consistent with the State comprehensive historic preservation planning process and are eligible for Historic Preservation Fund assistance.

g. Certified Local Governments shall make applications for funds described in 3. above, on the time schedule and using the procedures identified in Chapter IA-ISA, Rules of the Department of State, Florida Administrative Code Historic Preservation Grants-in-Aid, procedures for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment. Certified Local Governments shall follow procedures for applying for federal funds identified in IA-35.6.07(4), Rules of the Department of State, Certified Local Governments which are awarded funds may develop additional rules and other possible special application periods allowed for under the rules will be considered subordinate to the Florida State Historic Preservation Officer.

h. 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.G.E., 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 yield a specific impact.

(2) Ensure that the funds awarded will be sufficient to generate effects directly related to the purposes of the Historic Preservation Act.

(3) Achieve results with any funds awarded in a manner consistent with the objectives of the Historic Preservation Act.

(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 28 CFR 61.705(d).

(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.

i. Submission of an application for a portion of the annual Historic Preservation Fund apportionment for Florida, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for success in other grants or federal grants available to the State under terms of 1A-35.5.05(1), Rules of the Department of State, referenced in C.G.E., above.

j. Historic Preservation grants funding can be used to pay for other Federal program grants, with the exception of Community Development Block Grant funds, as specified in Section 186(h)(3)(B) of the Housing and Community Development Act of 1974, P.L. 93-383, and Revenue Sharing funds as specified in Section 186(h)(4)(A) of the Housing and Community Development Act of 1974, P.L. 93-383, and revenue sharing funds as specified in Section 186(h)(3)(B) of the Housing and Community Development Act of 1974, P.L. 93-383.

k. Use of Historic Preservation grant funds must 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's grant only if the Certified Local Government meets the conditions of the Manual and has a cost reimbursement 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 Nominations 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 are expected to provide appropriate documentation to support the recognition of properties for possible listing in the National Register. The Commission may, at its discretion, review the documentation necessary to evaluate the significant qualities of the properties proposed for nomination, but it is not required to do so.

b. The local government may use the documentation necessary to support the nomination of properties to the National Register. The Commission may review the documentation submitted by the local government, but it is not required to do so.

c. The Commission will not review the documentation submitted by the local government if the local government has reviewed the documentation and determined that it is not sufficient to support the nomination of the property.

d. The Commission will only review the documentation submitted by the local government if the local government has determined that the documentation is sufficient to support the nomination of the property.

1. The Commission will notify the local government if the documentation is insufficient to support the nomination of the property.

2. The Commission will notify the local government if the documentation is sufficient to support the nomination of the property.

3. The Commission will notify the local government if the documentation is sufficient to support the nomination of the property.

4. The Commission will notify the local government if the documentation is sufficient to support the nomination of the property.

5. The Commission will notify the local government if the documentation is sufficient to support the nomination of the property.
a nomination meeting at which the nomination proposal will be considered.

1. Owners of record of the property. The list of owners shall be obtained from official tax records. Where there are two or more owners 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, those 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 Chairman 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.

a. 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. Neither the Commission nor appropriate local officials shall 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 its next regular meeting.

b. If both the Certified Local Government Commission and appropriate local officials recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall notify the

Commission, within 30 days of 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, in the case of any nomination from a source other than a Certified Local Government, to edit or rewrite 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 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.
APPENDIX A

Professional Qualifications 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. These Commission members in historic preservation-related disciplines should have educational backgrounds and experience comparable to the qualifications required for the discipline 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;
2. Substantial contributions 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 of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archaeology;
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;
2. Substantial contributions 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.